

Application for Planning Permission

17/00305/DPA	Residential Development 15no Flats Including Amenity Areas And Associated Parking – ABC Nursery, Stuart Road, Corby
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Background Details:

1. The site is located on Stuart Road in Corby – on the eastern edge of the town centre. It is currently occupied by a former chapel building, most recently in use as a children’s’ nursery. The existing structure has a two storey central section that runs north-south, surrounded by a larger single storey section on either side. There is a central main access to the front (on to Stuart Road) and secondary accesses on both sides.
2. Vehicular access is gained via a shared drive to the west, which runs around the Mosque and from another shared access to the east (linked to the NHS property further to the east).
3. Stuart Road has a very mixed character related to the different uses – there are two storey residential terraces, three storey flats, a three storey mosque, two storey offices, a two storey ex-working men’s club and a two storey dance studio and gym.
4. The site is within Flood Zone 1a and is not within a Conservation Area.

Description:

5. This application seeks permission for 15 No. Flats contained within a three storey structure, with amenity space, associated parking and access arrangements at the above address.

History:

6. Application 16/00522/OUT was submitted for a residential development incorporating 25 flats, but withdrawn following discussions with CBC. The current proposal, which is smaller in scale, is a result of the comments received.

Policies:

7. The National Planning Policy Framework (2012)
8. Policies 5, 6, 7, 8, 9, 11, 12, 15, 29, and 30 of the North Northamptonshire Joint Core Strategy (2016)

Consultation:

9. Local Lead Flood Authority – No objection. Recommend imposition of condition relating to surface water drainage.
10. Environment Agency – No objection.
11. Anglian Water – No objection. Recommend imposition of condition relating to surface water drainage.
12. CBC Environmental Health – No objection. Recommend imposition of condition relating to land contamination and a Construction Environment Management Plan (CEMP).
13. CBC Housing – No objection. Require 30% affordable housing provision (5 units) and a rough 50/50 split between social rent and shared ownership.
14. NCC – No objection. Require s106 contribution towards library service (£2506), and a fire hydrant (£892).
15. NCC Highways – Objection. The proposals in their current format are contrary to the Highways Standards adopted by NCC for a number of specific reasons as set out below.

Advertisement/Representation:

- 16. Site Notice – Attached to lamp post outside of the site on 08.08.2017.
- 17. Public Notice (ET) – Published in the Evening Telegraph on 17.08.2017.
- 18. Neighbour Notifications were sent to the following –
 - 34, 35, 36, 37, 44 Stuart Road, Corby
 - St Paul’s Lutheran Church, Stuart Road, Corby
 - 9 Lorne Court, Corby
 - 22 Mantlefield Road, Corby
 - 37, 39, 54 Argyll Street, Corby
 - 8, 50, 95 Wheatley Avenue, Corby
 - Central Health Clinic, Stuart Road, Corby
 - DW Solicitors, 262A Wellingborough Road, Northampton
 - CENTRA Neighbourhood Association, 68 Argyll Street, Corby
- 19. A petition (organised by Corby Muslim Association) with 155 signatures, an objection from CENTRA and 3 individual neighbour objections have been received. They are concerned at some or all of the issues which are summarised below –

Impact on Highways	Insufficient parking
Impact on Character	Incongruous Design
Loss of Community Use	Loss of Privacy
Access for emergency vehicles	Loss of light
Fire safety	Lack of consultation
Odour	Noise
Anti Social Behaviour	

- 20. These subjects are considered in full below.

Report:

Principle of Development

- 21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material planning considerations are considered to outweigh it.
- 22. Policy 1 of the North Northamptonshire Joint Core Strategy (JCS) outlines the presumption in favour of sustainable development that is contained within the National Planning Policy Framework (NPPF), and that local planning authorities should be taking a positive and proactive approach to applications as a result.
- 23. Policy 11 of the JCS requires that Corby, as a Growth Town, provides the focus for housing development within the Borough. The application site is a brownfield, previously developed site on the edge of Corby Town Centre – and as such is considered to be a sustainable location. The consultation responses from key stakeholders, as noted above, suggests that the infrastructure and services within Corby are sufficient to cater for the number of dwellings proposed (with the imposition of suitable conditions and/or obligations) in general terms. Matters relating to the Highways network are covered below.
- 24. The NPPF is clear that local planning authorities should look favourably upon sustainable housing development on brownfield land within existing settlements. As such, it is considered that there is no in-principle argument against the proposals.

Loss of Community Facility

- 25. Policy 7 of the JCS relates to development that impacts on community services and facilities. It requires that existing facilities (the site currently benefits from a D2 use) should be safeguarded unless it can be demonstrated that they are no longer viable; no longer needed; and are not needed for any other community use. The applicant has submitted a ‘Community

Use Statement' which sets out a number of existing buildings elsewhere within the surrounding area that community groups could utilise. These alternative sites are either in use and rentable or current vacant and advertising for lease/sale. The report also sets out the marketing of the site that has taken place since 2005. It is considered that the requirements of Policy 7 are met – in that a robust evidence base has been provided to demonstrate how the site is no longer viable or required for community use.

Design and Character

26. The proposed layout would entail a 'H' shaped structure of three storeys with a shallow pitched roof. Each floor would have 5 flats – two no. 2 bed flats in either end and one no. 1 bed flat in the central, narrower, section. There would be a main access from the front off Stuart Road, which would serve all but the two 2 bed flats to the rear on the ground floor. These two units would be served via their own access from either side.
27. A relatively traditional design approach has been taken to the elevations – with facing bricks and roof tiles referenced within the submitted application form. The final details on materials is something that would need to be conditioned, as Stuart Road currently suffers from a wide range of materials. This development should contribute positively by ensuring it matches existing structures where possible; thus promoting a more homogenised approach to materials.
28. The overall mass and scale of the proposed building would be roughly equivalent to existing structures to the west on Stuart Road, and Argyll Street. Though larger than the existing building, and neighbouring properties to the east, this is not considered to be an issue given the edge of town centre location. It is normal for there to be a stepped approach taken in such locations – and this is what the proposal would result in. The proposed street scene set out on Drawing No. 16-098-06 clearly demonstrates this fact.
29. The proposal has been designed to accord with the National Space Standards, and each flat does so. The scheme is thus in accordance with the requirements of Policy 30 of the JCS in that regard.
30. There is a good degree of active street frontage throughout the scheme, and though parking is provided to the rear of the building, the majority of flats are accessed from the front – meaning that there will be plenty of active surveillance along Stuart Road. The relatively small amount of shared amenity space provided around the south and east of the building will soften its impact to a reasonable degree – relative to the sites position within the built up urbanised centre of Corby.
31. As a result of the above it is considered that the proposals would accord with the requirements of Policy 8 of the JCS in so far as it has regard to matters of design and character.
32. The Design and Access Statement submitted with the application includes a chapter on 'Adaptability, Resilience and Environmental Sustainability. It provides some basic information about the methods intended to be incorporated within the structure. It is not considered that this document is sufficient in its current state. As such a condition is proposed that would secure additional information. This will enable the scheme to meet the requirements of Policy 9 of the JCS.

Residential Amenity

33. The proposed layout and design of the properties will ensure that no loss of privacy or light will occur to existing properties adjacent to the site. Furthermore, the relationship between the proposed units is considered to be reasonable, with no overlooking taking place.
34. The design accommodates obscure glazed windows on windows to either side where this would ensure against overlooking of neighbouring properties. Those windows would be onto bathrooms at ground, first and second floor – and as such it is considered appropriate for them to be glazed. Those remaining windows to the sides are positioned so as to avoid any loss of privacy in adjoining properties. The windows to the rear and front would look out over parking areas and Stuart Road respectively.

35. The nearest adjoining residential property, which is No. 35 Stuart Road, would be almost 9m away from the eastern elevation. Taking the 45 degree rule as a basis, it is clear that the new building would not result in any loss of light in that property. No. 6 Lorne Court, the next nearest adjoining residential property, sits almost 14.5m away to the northeast. As such it is considered that no loss of light will occur in that property either.
36. As a result of the above, it is considered that the proposals are in accordance with the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy in so far as they have regard to matters of residential amenity.

Highways and Right of Way

37. The proposal would entail 9 parking spaces accessed from the existing driveway to the side of the Mosque and involving exit to the side of the proposed building as per Drawing No. 16-098-06. Cycle storage would be provided in the space between the new building and the mosque, as would secure communal bin storage. A Right of Way exists to the rear of the site, and this would be maintained in the new layout.
38. Northamptonshire County Council are the Highways Authority for the Borough, and as such were consulted on this application. Following discussions between CBC, NCC and the applicant, the outstanding concerns raised by the Highways Authority are set out below:
- Insufficient parking levels
 - Insufficient cycle parking
 - No information about reservation of parking spaces for residents
 - No vehicular/pedestrian visibility splays are shown
 - Construction Transport Management Plan required
 - Bin collection point required
39. With respect to parking levels; the existing lawful use on site is for an open ended non-residential institution (D1). If fully occupied and used for the purpose, the number of vehicles movements associated with the site could far exceed that which has previously been the case in relation to the use of part of the site as a children's nursery, or that of its prior use as a church. The site current benefits from 8 spaces to the rear – which is roughly half of that which would be required by the Highways Authority in applying their parking guidance. The NCC Parking Standards have not been adopted by Corby Borough Council, and so provide a guidance only. Concerns about how the parking spaces would be reserved for residents can be overcome through the imposition of a condition on any approval. Likewise, a requirement for the submission of a Travel Plan will ensure measures are taken to promote sustainable modes of transport to future residents.
40. The proposal would involve 15 flats and 9 parking spaces – and it is considered that this provision is suitable in this location given the availability of public transport services within the immediate vicinity, the proximity of the town centre (and associated amenities) the proximity of schools and colleges, and the size of the flats proposed (which would seem ideal for small families and childless adults). This approach is in line with that set out within Paragraph 39 of the NPPF and Policy 8 of the JCS.
41. With respect to cycle storage – though some is proposed, it is considered that more can be provided. This information can be, however, secured through a condition. This approach is also reasonable in relation to bin storage details and the required Construction Transport Management Plan.
42. The driveway to be utilised is an existing driveway that benefits from dropped kerbs at entrance and exit onto Stuart Road. It is reasonable, therefore, for the applicant to make use of this arrangement. Though the driveway does not conform to the standards NCC have adopted – these have not been adopted by CBC, and in any case certain circumstances warrant a more site-specific approach to be taken. As discussed above, the vehicles movements associated with the existing use are not restrained in any way, and as such could go beyond that which would be associated with this development. In these circumstances it is considered reasonable to allow an arrangement that might otherwise be

considered unacceptable. Conditions will be attached to any approval requiring the provision of parking as per proposed drawings, and for these to be retained thereafter.

43. As a result of the above, and notwithstanding the concerns expressed by Northamptonshire Highways, it is considered that the proposals are in broad accordance with the requirements of the NPPF and Policies 8 and 15 of the North Northamptonshire Joint Core Strategy with respect to its relationship with the highway network.

Flood Risk

44. The applicant has submitted a Flood Risk Assessment with the application. Having consulted with the Local Lead Flood Authority, the Environment Agency and Anglian Water it is considered necessary to apply conditions requiring further information in relation to the drainage strategy and ongoing maintenance thereof. As such, it is considered that the proposals meet the requirements of Paragraph 103 of the NPPF and those parts of Policies 5 and 8 of the North Northamptonshire Joint Core Strategy that have regard to matters of flood management.

Contamination

45. CBC's Environmental Protection team have no objection to the scheme but have asked for additional information relating to land contamination to be sought via condition This is standard practice for such developments and will ensure the site complies with Policy 6 of the North Northamptonshire Joint Core Strategy in terms of land contamination.

S106 Obligations

46. CBC's Housing Team have responded to the application with a request for 5 affordable units to be provided within the scheme. These should provide both affordable rent and shared ownership.
47. Northamptonshire County Council has responded to the application with a request for s.106 contributions towards library services (£2506) and provision of a fire hydrant (£892)

48. **Recommendation:**

Approve subject to completion of a s106 Agreement and to the following conditions

1 Full planning permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. List of Approved Plans and Drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

- 'Proposed Elevations' – Drawing Number 16-098-05 Rev A
- 'Existing Site Plan, Proposed Site Plan, Proposed Street Scene' – Drawing Number 16-098-06 Rev A
- 'Site Plan Showing Heights, Site Section X-X' – Drawing Number 16-098-08
- 'Existing Plan & Elevations, Location Plan, Demarcation Plan' – Drawing number 16-098-07 Rev A

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Surface Water Drainage

A) No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the

Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied and retained thereafter. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other control devices.
- iv) Full specification for any permeable paving.
- v) Details of the ownership and maintenance for every element of the surface water drainage system proposed (for the lifetime of the development and to include a maintenance schedule that sets out which assets need to be maintained, at what intervals and using what methods. The maintenance schedule to be accompanied by a site plan to include access points, easements and outfalls and operational areas.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the North Northamptonshire Joint Core Strategy.

4. Site Specific Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- i. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- ii. Arrangements for liaison with the Council's Pollution Control Team;
- iii. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - a) 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- iv. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- v. Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- vi. Procedures for emergency deviation of the agreed working hours.
- vii. CBC encourages all contractors to be 'Considerate Contractors' when working in the borough by being aware of the needs of neighbours and the environment.
- viii. Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- ix. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

5. Land affected by contamination

a) Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

b) Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (SPECIFY) and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (SPECIFY), which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (SPECIFY).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This will ensure the development is in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

6. Travel Plan

Notwithstanding the submitted details, no building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

7. Parking arrangements

Prior to first use or occupation of the development hereby permitted, arrangements for the reservation of parking bays for residents shall first have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full and retained thereafter prior to the first use or occupation of the development hereby approved.

Reason: To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

8. Parking and Turning

Prior to first use or occupation, the proposed vehicular access, parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

Reason: To ensure the development has a suitable relationship with the highway network in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

9. Submission and Approval of Landscaping Scheme

No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

10. Submission of samples before specified elements started

Samples of the materials to be used in the construction of the dwellings, boundary walls/fences and hard surfaced areas shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved samples before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory and its relationship with the Conservation Areas appropriate, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Cycle and Bin Storage

Prior to the first occupation of the development hereby permitted details of the proposed enclosed secure bicycle parking and bin storage for each dwelling shall be submitted to and approved in writing by the local Planning Authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

12. Construction Transport Management Plan

No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

13. Sustainability Measures

Notwithstanding the submitted Design and Access Statement, the construction of the dwellings hereby permitted shall not commence until details of what measures are to be incorporated into their design to ensure high standards of resource and energy efficiency and a reduction in carbon emissions has been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be incorporated within the construction of the dwellings hereby approved.

Reason: To ensure the scheme delivers sustainable buildings in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

49. Statement of Applicant Involvement:

Discussions with the agent have lead to the submission of amended plans to address concerns relating to design and appearance of the scheme and to mitigate impacts on neighbouring dwellings.

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