# APPLICATIONS FOR DETERMINATION

## PLANNING MANAGEMENT COMMITTEE - 12th June 2019

## INDEX OF APPLICATIONS FOR CONSIDERATION

<table>
<thead>
<tr>
<th>Application</th>
<th>Location</th>
<th>Recom.</th>
<th>Page No.</th>
</tr>
</thead>
</table>
| 18/02395/FUL| Rear Of Green Close, Wellingborough Road, Irthlingborough, Northamptonshire  
*Erection of 84 dwellings with associated vehicular access, parking, landscaping and open space* | Refuse | 3        |
| 19/00336/FUL| Priors Hall Development Site, Stamford Road, Weldon, Northamptonshire  
*Application for cut and fill earthworks within Zone 2 and 3 (south) of Priors Hall Park, including the excavation, reengineering, compaction, surcharging and repprofiling of existing quarry backfill material, to provide development platforms and facilitate future development and the removal / treatment of any contamination encountered during the works, construction of a temporary works compound, haul routes and boundary treatments to secure the site perimeter* | Grant  | 39       |
| 18/02309/VAR| Asda, 161 High Street, Rushden, Northamptonshire  
*Variation of Condition 28 (store trading times) of planning permission 12/00839/VAR to read: 'The store trading hours will be limited to 6.00am to 11.30pm Monday to Saturday and 10.00am to 4.00pm on Sundays, except for the period from 17th December to 24th December annually where 24 hour trading is permitted'* | Grant  | 73       |
<table>
<thead>
<tr>
<th>Reference</th>
<th>Address</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/00090/FUL</td>
<td>Former Factory Site, Church Street, Irthlingborough, Northamptonshire</td>
<td>Change of use for the central retail unit no 3A Church Street from A1 (approved on application 16/02336/FUL) to A3/A5</td>
<td>Grant</td>
</tr>
<tr>
<td>19/00421/FUL</td>
<td>The Carriage House, 13 Chelveston Road, Raunds, Wellingborough, Northamptonshire</td>
<td>Installation of pitched roof dormer window in position of former 'Hayloft' doors (Retrospective)</td>
<td>Grant</td>
</tr>
<tr>
<td>19/00718/FUL</td>
<td>2 Lancaster Drive, Thrapston, Kettering, Northamptonshire</td>
<td>Erect sage green PVCU conservatory to rear of property</td>
<td>Grant</td>
</tr>
</tbody>
</table>
This application is reported to the Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council's Constitution (2018).

1 Summary of Recommendation

1.1 That planning permission is REFUSED.

2 The Proposal

2.1 This is a full application for the erection of 84 dwellings and associated works. The density would be relatively low at 24 dwellings per hectare and the schedule of accommodation would be as follows:

- 3 x 2-bed bungalows
- 4 x 1-bed houses
- 36 x 2-bed houses
- 37 x 3-bed houses
- 4 x 4-bed houses

2.2 The properties would all meet national space standards referred to in Policy 30 of the Joint Core Strategy.

2.3 The tenure split proposed would be:

- 10 (12%) properties for market sale
- 37 (44%) properties for shared ownership (affordable)
- 37 (44%) properties for rental (affordable)

2.4 Vehicular and pedestrian access to the site would be from Wellingborough Road. There have been revisions to the layout during the course of the application and it has also been tested for viability, which is discussed later in the report.

3 The Site and Surroundings

3.1 The site comprises a field of approximately 3.5 hectares on the south-western edge of Irthingborough. The field wraps around a residential development of approximately 100 dwellings at Green Close and Presland Way to the east. The site is not in or adjacent to
the conservation area and there are no listed buildings nearby. The site previously benefitted from a previous planning permission for 60 dwellings, but this lapsed on 17\textsuperscript{th} February 2019, when the timeframe for implementing reserved matters consent 16/01944/REM ran out.

3.2 A public footpath runs alongside the western edge of the site, northwards from Wellingborough Road. At the north-western corner of the site the footpath turns east to run alongside the northern hedgerow boundary of the site and continues to the north-west of the town centre.

3.3 The site falls significantly in a general south-easterly direction and is higher than the adjacent housing on Green Close. The site lies above any floodplain and is within Flood Zone 1. It lies within the regionally designated 'nature improvement area' and within 3km of the Nene Valley Gravel Pits Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 4 - Biodiversity & Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 7 - Community Services and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban & Rural Areas
Policy 15 - Well Connected Towns, Villages and Neighbourhoods
Policy 20 - Nene and Ise Valleys
Policy 28 - Housing Requirements
Policy 29 - Distribution of new homes
Policy 30 - Housing Mix and Tenure

4.3 East Northamptonshire District Local Plan 1996 Saved Policies
IR1- Provision for Housing in Irthlingborough

4.4 Supplementary Planning Guidance / Documents (SPG/SPD):
North Northamptonshire Sustainable Design SPD, 2009
Northamptonshire Place and Movement Guide (SPD), 2008
Trees and Landscape SPD, 2013
Biodiversity SPD for Northamptonshire, 2016
Developer Contributions SPD, 2006
Domestic Waste Storage and Collection SPD, 2012
Open Space SPD, 2011
Upper Nene Valley Gravel Pits Special Protection Area SPD, 2016
Planning Out Crime in Northamptonshire (SPG), 2003
4.5 Other Policies / Guidance
Northamptonshire County Council Planning Obligations Framework and Guidance
Highways Parking Standards, 2016
Tree Management Guidance and Principles, 2018
Open Space and Playing Pitch Strategy, 2017
Emerging East Northamptonshire Local Plan Part 2

5 Relevant Planning History

5.1 13/00077/OUT - Outline: Up to sixty houses, public open space and associated access and other necessary infrastructure (all matters reserved) – PERMITTED (15.10.13).

5.2 16/01944/REM - Reserved matters: Appearance, landscaping layout and scale pursuant to planning permission 13/00077/OUT dated 15.10.13 - Outline: Up to sixty houses, public open space and associated access and other necessary infrastructure (all matters reserved) – PERMITTED (16.02.17)

6 Consultations and Representations

6.1 Neighbours

Sixteen objections were received in response to the application. Material planning considerations raised are summarised as follows:

- Highway safety concerns. Wellingborough Road is fast flowing and existing signs and traffic calming measures are largely ignored;
- Impact on local facilities, which will not be able to cope with the increase in population associated with the development;
- Overdevelopment of the site, particularly given that there has been a significant increase in the number of dwellings and the loss of a ‘community orchard’ and open space when compared to the last application;
- Loss of privacy and amenity to neighbours on Green Close and Presland Way;
- No demand for this amount of housing, particularly given the Stanton Cross development at Wellingborough nearby;
- Concern over impacts upon ecology, with potential impacts upon newts and bats;
- Drainage / flooding concerns;
- Impact on heritage assets;
- Noise and odours;
- Lack of engagement with the local community;
- Lack of public transport is of concern. Bus services have been reduced recently and the same may also happen with the rail service from Wellingborough.

6.2 Comments relating to developer’s motives and profits were also raised. Motives are not a material consideration for the purposes of planning, but profit levels are a material consideration in the context of viability, which is discussed later in the report.
6.3 **Irthlingborough Town Council**

*Comments received 28.03.19:* Irthlingborough Town Council discussed the amendment to this Planning Application 18/02395/FUL at their Planning meeting and wish to return the following response:

NO OBJECTION – our previous condition - provided all the statutory consultees concerns are addressed still applies and in addition, Irthlingborough Town Council support the comments made by the Borough of Wellingborough’s Landscape Officer that as the development is to be known as The Gateway this should be reflected in the design as an entrance to the town.

The development boundary to the west is currently a close cut hedgerow which if retained by the farmer will screen to some extent the close boarded fences, but a few small trees would be a welcome addition to help reduce the visual impact of the development. These measures were introduced with the existing development in Green Close.

*Comments received 24.01.19:* No objection - provided all the statutory consultees concerns are addressed.

6.4 **Borough Council of Wellingborough**

*Comments received 07.02.19:* No Objection

However, East Northamptonshire Council should be satisfied that the proposed development is in accordance with their development plan and that sufficient obligations have been sought to mitigate the impact of the development. Your attention is also drawn to the comments of our landscape officer who has commented as follows:

"The name of the development is The Gateway and this should be reflected in the design as an entrance to the village. From the street view the highway boundary vegetation appears at that point to provide a pleasant transition from the open countryside. The west boundary of the proposed development is a close cut hedge. If this hedgerow is to be retained in the farmer’s ownership any close boarded fences will be screened to some extent and a few small trees would be a welcome addition to reduce the visual impact of the development, as appears to be the case with the existing development in Green Close."

6.5 **Environment Agency**

*Comments received 24.12.18:* The Environment Agency does not wish to make any comments on this application.

6.6 **Northamptonshire Police – Crime Prevention Design Advisor**

*Comments received 14.03.19:* Northamptonshire Police’s concerns of the initial response dated 7th Jan 2019 remain. With the exception re the surveillance of the footpath to the south west all our concerns/recommendations remain and object to this application if it continues in the present form.

*Comments received 07.01.19:* Northamptonshire Police has no formal objection to the planning application in principle. However, we did have some serious concerns and advise that refusal is considered if the application continues in its present form.

Although the house types and overall block form layout does not cause major issues the
density of the proposed form makes the development unacceptable. The following observations should be discussed and taken into consideration prior to a decision being given.

- Although the parking spaces may be acceptable in terms of numbers per house type etc, the tandem space arrangement will make emergency vehicle movement difficult as well as general traffic circulation. These issues can make the estate unsafe for pedestrian and vehicular movement and be a major factor in neighbour disputes.

- There is no information with regards lighting. Although NCC approval for Sec38 lighting is required for adopted roads, details of this scheme is required to ascertain what private lighting is required. Due to the amount and length of private drives proposed, it is a must that additional illumination for non adopted communal areas is installed for safety and security reasons. This must be agreed in writing by the LPA in consultation with the police.

- The northern part of the footpath to south west of the development would benefit from improved surveillance from overlooking dwellings.

- Boundary treatment is required to some communal areas to prevent unauthorised traffic movement i.e. hammerheads to south west footpath.

- As none of the properties have garages we look at some secure cycle storage provision.

- Will the private drives be suitable and will refuge collection be made from these? The collection / drag distance to the front of plots 33-42 seems excessive.

We ask to be re-consulted after any revisions to the scheme or further discussions with the applicant.

6.7 Natural England

Comments received 13.03.19 (Summary): The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Comments received 08.01.19 (Summary): DESIGNATED SITES [EUROPEAN] – FURTHER INFORMATION REQUIRED

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

Notwithstanding this, Natural England’s advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it,
may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site’s conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

6.8 **The Ramblers Association**

*Comments received 08.01.19:* We welcome the provision of the pavement between the entrance to Green Close and Public Footpath UE16. We also welcome the links to Public Footpath UE 16 from the development.

6.9 **Anglian Water**

*Comments received 28.01.19 (Summary):* Provides advice and informatives relating to their assets, wastewater treatment and the used water network. With regard to surface water disposal they comment as follows:

"The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented."

6.10 **Northamptonshire County Council – Development Management**

*Comments received 14.05.19 (Summary):* For reference, provides an updated breakdown of Section 106 contributions toward primary / secondary education and libraries, a condition relating to fire hydrants and informatives relating to broadband.

*Comments received 01.04.19:* I am writing on behalf of Northamptonshire County Council (the County Council) key services (Education, Libraries) on which this development would have an impact. Other County Council service areas may respond separately.

This response follows on from the previous submission made by the County Council in response to this application (dated 4th January 2019) in relation to these service areas, and takes into account the additional and amended information submitted by the applicant during the intervening period.

**Viability**

It is understood that the applicant has submitted a Viability Assessment for consideration which suggests that the proposed development is unviable when taking into account the Section 106 planning obligation requirements submitted by the County Council in its previous response, in respect of Education and Library infrastructure. The applicant has therefore advised through the Viability Assessment that it will not agree to the Section
106 requirements in relation to these items.

The County Council has a statutory duty to ensure that there are sufficient school places available across Early Years, Primary and Secondary school age ranges and that there is sufficient access to Library services to meet the needs of the communities that they serve.

As stated in our previous response to this application, local schools in the Irthlingborough area are already operating at or above full capacity, with Irthlingborough Infants and Juniors at 89% and the Huxlow School at 104% as of January 2019. Furthermore, current forecasts indicate continued high levels of demand for places when considering birth rate and three year trend data alone.

Therefore, when taking into account the likely pupil yield of this development in conjunction with the substantial level of planned for and committed housing development in the vicinity of the proposed development site, it is expected that there will be no capacity at local Primary or Secondary Schools to be able to accommodate the children that this development would generate.

The delivery of 84 homes in this location would therefore have an unacceptable impact on local infrastructure and as such the County Council is minded to object to the application on this basis, unless suitable mitigations can be put in place by means of a Section 106 planning obligation to support the creation of additional capacity at Primary and Secondary Schools to serve the development, to ensure that the children generated by this development can be accommodated in a local school.

With regards to Library provision, the County Council has a statutory duty to ensure that there is a comprehensive and efficient library service in operation across the county for the benefit of all communities.

The considerable amount of planned development in the Irthlingborough area is expected to impact the current level of library provision as the new families moving in to the developments utilise the facilities. This proposed development, when considered cumulatively with the housing requirement for Irthlingborough up to 2031, will place significant pressure on Irthlingborough Library, limiting its ability to adequately and effectively serve the growing population.

The County Council is therefore minded to object to this application on this basis unless suitable mitigations can be put in place through a Section 106 planning obligation to support improvements to Irthlingborough Library, creating capacity, extending and improving the range of facilities and services on offer to meet the needs of the development.

I trust that the above response provides sufficient detail at this stage; please note however that the guidance contained herein may be subject to change as a result of changes to planning policy and guidance at national and / or local level as appropriate, and therefore continued consultation with the County Council is recommended to ensure that the latest available information is taken into consideration.

Comments received 07.01.19 (Summary): Provides a breakdown of Section 106 contributions toward primary / secondary education and libraries, a condition relating to fire hydrants and informatives relating to broadband.
6.11 Northamptonshire County Council – Lead Local Flood Authority

Comments received 30.04.19: Having reviewed the submitted surface water drainage information located within:


We would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

Our information requirements in support of full application are outlined in our document Local Standards and Guidance for Surface Water Drainage in Northamptonshire document: https://www.floodtoolkit.com/wp-content/uploads/2017/09/Local- Standards-for-publication-v1.3-September-2017.pdf. With reference to this document, we note that the submitted surface water drainage information fails on the following grounds:

1) For a full planning application we expect to see the results of critical storm duration for each element of the drainage network which should be determined by considering a full range of summer and winter storm durations from 15 minutes up to the 10080 minutes (7 day) duration.

2) Section 4.3.2. of the SUDS Manual (CIRIA C697) refers to Development Runoff. Within this Section, it is acknowledged that additional datasets have been added to Flood Estimation Handbook (FEH) and rainfall depths obtained using FEH show significant differences from those obtained from Flood Studies Report (FSR) in some parts of the country. Within Northamptonshire, rainfall depths are often greater using more up to date FEH datasets than those using FSR, therefore for various storm events, greater run-off is produced and additional attenuation is likely to be required.

FEH rainfall data is more up to date than FSR (England and Wales) therefore calculations should use this FEH data to determine the volume of surface water attenuation required on site. We recognise there are uncertainties associated with the use of any datasets. In particular, FSR rainfall data should be used where the critical storm duration is less than 60 minutes, as FEH data is less robust for short duration storms. FEH rainfall data can be used to determine the volume of storage required if the critical storm duration is greater than 30 minutes.

If FEH rainfall data is not used as described above, then sensitivity testing to assess the implications of FEH rainfall must be provided. This should demonstrate that the development proposals remain safe and do not increase flood risk to third parties.

Comments received 18.03.19: Reiterates the same comments shown below.

Comments received 07.01.19: Having reviewed the submitted surface water drainage information located within:


2) BGS Boreholes Datasheet, report ref. no. 36779155_1_1, dated 21st November 2011, prepared by WSP.

We would advise that there is insufficient information available to comment on the
acceptability of the proposed surface water drainage scheme for the proposed development.

Our information requirements in support of full application are outlined in our document Local Standards and Guidance for Surface Water Drainage in Northamptonshire document: https://www.floodtoolkit.com/wp-content/uploads/2017/09/Local-Standards-for-publication-v1.3-September-2017.pdf. With reference to this document, we note that the submitted surface water drainage information fails on the following grounds:

1) For a full planning application we would expect to see full WinDES modelling simulating storms through the whole drainage system, with results of critical storms.

Please note that the critical storm duration for each element of the drainage network should be determined by considering a full range of summer and winter storm durations from 15 minutes up to the 10080 minutes (7 day) duration. FSR (Flood Studies Report) rainfall data should only be used for critical storm durations less than 1 hour and FEH (Flood Estimation Handbook) rainfall data should be used for storm durations greater than 1 hour.

2) The FRA (section 3.7.2) assumes that infiltration techniques are not viable. However in accordance with the drainage discharge hierarchy and the Local Standards and Guidance Document with reference to a full application, we would request that the applicant supplies details of BRE 365 compliant infiltration testing to confirm that such a method of surface water disposal is not viable.

3) Drainage Strategy, drawing no. WBR1-BSP-ZZ-ZZ-DR-C-190, Rev. P2, dated 04th December 2018 refers to final discharge of surface water drainage from the development into an ordinary watercourse. From the drainage strategy drawing, it is believed the land between the development site and proposed watercourse falls outside the development ownership, in this case details or permission to discharge / cross third-party land will be required.

4) Greenfield sites should discharge at a maximum of the equivalent rate so that the site behaves like the original greenfield across the range of events. Within the submitted WinDES calculation, it is proposed to discharge at run-off rate for 100 year at 36.6 l/s. Developers have the option to install a complex discharge control which reflects the original discharge or run-off rates from the site across the range of storm events. E.g. QBAR, 3.3% (1in30), 1% (1in100) plus climate change; OR they should only limit discharge for all events to the flow predicted by the QBAR event. Using complex controls is more expensive but reduces the amount of attenuation storage required on the site and is probably worth doing on larger sites.

5) Urban Creep is “The conversion of permeable surfaces to impermeable over time, e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.” The effect of Urban Creep over the lifetime of a development can increase impermeable areas by as much as 10% Paragraph 24.7.2 of CIRIA C753 (version 6) laid down the criteria for urban creep factors and therefore 10% allowance for Urban Creep should be considered in calculations of proposed values of impermeable areas.

6) Section 4.3.2. of the SUDS Manual (CIRIA C697) refers to Development Runoff. Within this Section, it is acknowledged that additional datasets have been added to Flood Estimation Handbook (FEH) and rainfall depths obtained using FEH show significant differences from those obtained from Flood Studies Report (FSR) in some parts of the country. Within Northamptonshire, rainfall depths are often greater using more up to date
FEH datasets than those using FSR, therefore for various storm events, greater run-off is produced and additional attenuation is likely to be required.

FEH rainfall data is more up to date than FSR (England and Wales) therefore calculations should use this FEH data to determine the volume of surface water attenuation required on site. We recognise there are uncertainties associated with the use of any datasets. In particular, FSR rainfall data should be used where the critical storm duration is less than 60 minutes, as FEH data is less robust for short duration storms. FEH rainfall data can be used to determine the volume of storage required if the critical storm duration is greater than 30 minutes.

If FEH rainfall data is not used as described above, then sensitivity testing to assess the implications of FEH rainfall must be provided. This should demonstrate that the development proposals remain safe and do not increase flood risk to third parties.

7) As well as the consideration of the modelled events above, there should be a qualitative examination of what would happen if any part of the system fails, demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes.

**Overcoming our concerns:**

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above.

We ask to be re-consulted on this requested surface water drainage information. We will provide you with bespoke comments within 21 days of receiving a formal re-consultation. We cannot support the application until adequate surface water drainage information has been submitted.

Upon submission of revised surface water drainage information we may deem that the impacts of surface water drainage have been adequately addressed, pending the imposition of any relevant planning conditions or we may consider that the nature of the proposal, drainage solution or information submitted remains insufficient to overcome our concerns.

Please note that our comments only cover the surface water drainage implications of the proposed development. If you are minded to approve the application contrary to any outstanding concerns, I would be grateful if you could notify us, to give us the opportunity to make further representations.

In the event that the applicant appeals a refusal of their planning application or non-determination, we would be prepared to fully support the Local Planning Authority and provide evidence at any public inquiry or informal hearing in relation to surface water drainage matters.

6.12 **Northamptonshire County Council – Archaeology**

*Comments received 10.01.19*: The site has been subject to geophysical survey (at the time of application 13/00077/OUT) which indicated very low potential for archaeological remains, as a result of which the County Archaeological Advisor commented that no further archaeological work would be required. I was therefore a little surprised to see the archaeological DBA recommending geophysical survey and trial trenching.

On the basis of the information provided in 2013, however, I have no comments to make on the proposals.
6.13 Northamptonshire County Council – Ecology

Comments received 14.01.19: I'm writing in response to your consultation on the above application for 84 dwellings on land off Green Close Irthlingborough. Overall I don't see any major ecological constraints to the proposal, however there are a couple of items to highlight:

- According to the ecology report the site is covered by an extant great crested newt licence: 2017-31872-EPS-MIT-1. As such no further measures are required. However this licence doesn't appear on Defra's MAGIC website so I cannot tell when the licence expires. Any works will need to be completed within the terms of the licence, which could have implications for construction dates.

- The landscaping plan doesn't indicate what grassland mix will be used in the open space in the north of the site. This will need to be clarified to ensure that the mix is ecologically appropriate for this part of the county.

- As recommended in section 8.1 of the ecology report a CEMP should be conditioned to address any construction impacts to biodiversity. The condition wording suggested in BS42020 is:

  No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

  a) Risk assessment of potentially damaging construction activities.
  b) Identification of "biodiversity protection zones".
  c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  d) The location and timing of sensitive works to avoid harm to biodiversity features.
  e) The times during construction when specialist ecologists need to be present on site to oversee works.
  f) Responsible persons and lines of communication.
  g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

6.14 Northamptonshire County Council – Local Highway Authority

Comments received 01.04.19: Reiterate their previous comments as shown below.

Comments received 14.01.19: Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to make the following observations:

Transport Assessment:
- The proposed location is not sustainable in terms of pedestrian links and public
transport, particularly given the walking distance to the town centre of
Ithlingborough and the nearest bus stops are in excess of 400 metres from any of
the proposed dwellings which contravenes adopted policies. There is mention
within the TA of a previous Section 106 commitment to a previous scheme on this
site however this will need to be revisited. There is also reference to proposing a
change to the speed limit of Wellingborough Road fronting the site however this
would need to be agreed with NCC’s Speed Limit Review Panel.

- The previous consent for 60 units appears to be back in 2013, can the LPA please
  confirm whether they consider this consent to have been implemented or has it
  expired? The LHA will comment further once planning status has been confirmed.

- The current speed of the road does not encourage walking or cycling.

General Layout:
- The LHA requires that the applicant shows the junction visibility splays at the site
  access in the Vertical plane as well as the horizontal as we are concerned with
  regards to the hidden dip heading towards Ditchford Lane.

- If the Speed limit is not reduced then the proposed footway on Wellingborough
  Road will require separating from the carriageway with a grass verge. We have
  safety concerns for pedestrians and cyclists accessing a 60mph road.

- I request that the applicant contacts Northamptonshire Highways Definitive
  Mapping Team to obtain the definitive alignment and widths of the PROW running
  along the side of the site.

- The layout shows more than 5 dwellings accessed from a private drive which
  contravenes adopted policies.

- There needs to be a physical separation between any PROW and a turning head,
  footway or private drive therefore please revise.

- The private drives shown as you come into the site are too close to the main
  access particularly given that Wellingborough Road may not reduce from the
  60mph limit.

- The double s-bend is a concern in terms of forward visibility and refuse vehicle
  tracking and will require revision.

- There is a total reliance on tandem drives which will result in more on – street
  parking than is desired.

- I request that the applicant identifies an additional 25% of the total number of off
  street parking spaces provided for visitors.

6.15 East Northamptonshire Council - Environmental Protection Officer (Contamination)

Comments received 26.04.19: Further to my comments of 07.01.19 a Phase 2 geo-
environmental investigation report has been submitted in support of this planning
application. The report was written in 2013 and concluded at the time that contamination
did not pose a significant risk to development of the site for residential use. This work was
obviously done some time ago and in the interim generic assessment criteria and
guidance has changed adding uncertainty to some of the conclusions reached and
recommendations made. It is suggested the report is reviewed in light of current best practise to ensure the conclusions are still valid and that no further investigation or remediation is considered necessary.

This matter can be dealt with by of planning conditions (already listed below) and would suggest the following given that we already have some information about contamination. Again the first condition is a prior to commencement condition.

Comments received 07.01.19: This application is for 84 dwellings on land to the rear of Green Close, which is off Wellingborough Road. The site, I believe, has extant permission for residential use granted under 13/00077/OUT. The applicant has submitted the same Phase I Geo-environmental Assessment in support of this new application. The environmental consultant recommends that further investigation is necessary to fully understand any potential risk to the development from contamination.

The investigation, risk assessment, agreement of remedial scheme, etc., are generally covered under pre-commencement planning conditions. Under planning legislation the applicant now requires notification of the intention to use pre-commencement conditions. It is a costly undertaking to carry out a contamination assessment, usually done in conjunction with a geo-technical assessment. It may be considered unreasonable to request this information in support of a planning application if the potential risk does not warrant it. Obviously this position would be different if the site was previously used for a process that would result in gross contamination being present, which may impact on the viability and layout of the site.

Therefore, I ask that the following pre-commencement conditions are sent to the applicant for consideration and agreement.

Planning Conditions for Potentially Contaminated Sites

1. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a ‘conceptual model’ of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR11’.

Reason: To ensure potential risks arising from previous site uses have been fully assessed
2. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

3. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

4. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

5. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with.

6.16 East Northamptonshire Council - Environmental Protection Officer (Environmental Issues)

Comments received 07.01.19: This application is for 84 dwellings on land to the rear of Green Close, which is off Wellingborough Road. The site, I believe, has extant permission for residential use granted under 13/00077/OUT. There are no obvious environmental issues, other than comments made about contamination under a separate email, that may impact on the proposed development and separate air quality comments will follow. However, to ensure the amenity of existing sensitive development during construction I ask that the following conditions are placed on the permission if granted.

Construction hours
No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.

Reason: To ensure the protection of the local amenity throughout construction works

Dust mitigation
During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its
emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

**Reason:** To ensure the protection of the local amenity throughout construction works

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowser, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

**Reason:** To ensure the protection of the local amenity throughout construction works

**Aggregate processing**
No demolition products (concrete, bricks, soil, etc) shall be processed (crushed or sorted) on-site, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the protection of the local amenity throughout construction works

**Mud / debris**
Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

**Reason:** In the interests of residential amenity, highway safety and visual amenity.

**No burning**
There shall be no burning of any material during construction, demolition or site preparation works.

**Reason:** To minimise the threat of pollution and disturbance to local amenity.

6.17 **East Northamptonshire Council - Environmental Protection Officer (Air Quality)**

**Comments received 09.01.19:** I am commenting on the air quality assessment submitted as part of this planning application, Report Reference: RE00051 – Rep 1, November 2018.

I have no objection to the proposal based on the findings of the report. However, as suggested in the report, the construction of the proposed development could give rise to emissions that may cause some dust soilng effects on adjacent uses. Appropriate mitigation measures should be adopted to reduce emissions and their potential effects.

The report also states:

The proposed development should also enable future occupiers to make "green vehicle choices" consistent with paragraphs 105 and 110 of the NPPF. It is expected that the proposed development will provide:
- one charging point per unit (dwelling with dedicated parking) or one charging point per ten spaces (unallocated parking); and

- appropriate cabling to enable increase in future provision of charging points.

6.18 East Northamptonshire Council - Housing Strategy

Comments received 12.04.19: We have commented previously and so these comments are in addition to those responses.

As you know we attended the design surgery and made comments which were captured there also.

We note that the layout of the 3 bed houses has been revised to provide a hallway. Also we welcome the inclusion of the fully accessible bungalow and the change of the other bungalow to include a shower. We have expressed a concern about the lack of space around the front of the bungalows which are closer to the road than other property types. We also noted that some of the gardens are still small and we have concerns about the service charge implications of shared drives and open space on the site.

Our preference would be for curtilage parking rather than tandem parking. We have also made further comments directly to the developer regarding mix and are awaiting their response.

Comments received 09.01.19: I note the current application is from East Midlands Housing Association and proposes a mix of market and affordable homes (both rented and shared ownership).

The Housing Strategy Team is supportive of the proposal and considers the mix to be appropriate, delivering a range of house sizes and tenures consistent with housing need in the district. The on-curtilage parking arrangements are welcomed and the property sizes comply with the National Space Standards.

However, I would like to make the following comments:

- Some of the gardens are very small, in particular, those to plots 9, 22, 34-37, 60-63
- We welcome the inclusion of 1 bedroom houses rather than flats as these will be popular with occupiers and should not incur service charges. These could be configured in a cluster of 4 if this helps with site layout
- We are however concerned about the shared drives rather than adopted roads to some of the properties – will there be service charge implications as a result of these driveways?
- Similarly, what are the proposals for the open space on the site? Will there be service charge implications? We would normally aim for houses not to have service charges added to the rent. An indication of likely service charge costs would be helpful.
- Most of the 3 bedroom houses (types A,B,C,D and E) have the lounge accessed through the kitchen. It would be a better layout if these rooms could be separate
and both accessed off a hallway

- The rented bungalows must have level access showers (not baths as shown on the drawings) to prevent these needing to be replaced once the properties are let as people with mobility issues will be given priority for these. It is suggested that this should be a condition of the planning permission.

- At least one of the bungalows should be provided to full wheelchair accessibility standard.

6.19 East Northamptonshire Council – Waste Management Officer

Comments received 18.03.19: The above was received on 12.03.2019 – I note we have previously requested a swept path analysis but don’t believe we have seen it yet.

Comments received 04.01.19: Before we can comment in respect of the above proposed development the applicant should submit a swept path analysis, showing how our waste vehicles can access and turn on site. Details of our refuse vehicles are available in the adopted Domestic Waste Storage and Collection Supplementary Planning Document, noting erratum dated 18.12.2014. Please could the swept path analysis drawing also show the extent of the access way to be constructed to an adoptable standard capable of supporting the operational weight of our vehicles.

6.20 East Northamptonshire Council – Senior Tree and Landscape Officer

Comments received 25.5.19: Having reviewed the submitted documents. I have no formal objections to the proposals. The proposed tree planting to the Eastern boundary of the site provides some linkage between the green areas, this could be bolstered by using a planted mixed species hedgerow as part of the boundary treatments for the eastern boundary.

6.21 East Northamptonshire Council – Viability Consultant

Comments received 05.04.19 (Summary):

In summary my findings on the constituent parts of the viability are as follows:

- The input of grant to provide additional affordable housing should be welcomed and would help bring forwards this site which has remained undeveloped for some time now.

- The layout itself, and housing mix is contributing to the viability deficit proposed by the applicant. Whilst the density at 12.5 homes per acre net (30.9 dpha) is fairly typical of new developments, the dwelling sizes themselves being mainly 2- and 3-bedroom homes only deliver a coverage of circa 11,500 sq. ft per acre where an efficient two storey layout should generate circa 13,500 to 14,500 sq. ft per acre. This is a significant factor in the scheme’s viability, where improvements could be made.

- The dwelling sizes achieve NDSS minimum standards and do not propose any additional floor area over these minimum areas, which would add to cost and not necessarily revenue.

- The overall build costs proposed by the applicant are reasonable in my opinion and are typical of what is being achieved by housing associations in my current experience when schemes are tendered to main contractors.
I do not agree with the fees that have been proposed which equate to circa £10,000 per dwelling and in my view based on current experience of other schemes with housing associations the actual design and professional fees should be circa 60% of the proposed fee cost.

The level of profit for private sale and the finance costs assumed are acceptable.

The benchmark land value proposed of £2,345,000 is reasonable and is based on the existing use value at £350,000 per acre net for residential development (75% private based on the existing consent), which would be residential given the previous reserved matters planning consent for 60 homes.

The applicant’s proposed private revenues are slightly conservative in my view however the impact of this is limited as there are only 10 proposed market sale dwellings. The viability impact would be greater if the tenure mix were to be changed, as a way to part fund the sought S106 contributions.

The affordable housing revenue included by EMH at circa £145 per sq. ft is in my view a fair reflection of what would be expected from other S106s and other sites locally.

It is my view that as presented the scheme is unviable, but I do not agree that the proposed fees are reasonable. As a result, the scheme could generate £115,570 of S106 contributions with some minor private mix and revenue changes and the reduced provision of chimneys to 28 homes.

The layout and mix however is the major cause of the scheme’s poor viability position and this should be reconsidered as the land is capable of accommodating a viable scheme with more work.

There are a variety of ways to improve the scheme viability as set out below, in my experience and opinion, but most would require changes to the layout and application that would have to be agreed by the applicant.

ENDC could work with the applicant to consider the following scheme amendments to help fund the S106 requested contributions that it feels are a priority:

1. Increase the density and/or average dwelling size (more 3/4 beds) on the currently proposed 84 homes on 6.75 acres of housing land, to get closer to the 13,500 sq. ft coverage which I would consider normal for 2 storey development.

2. Consider additional dwellings by reducing the open space to circa 1.2 acres to add more dwellings, however I appreciate this will mean a new planning application.

3. Decrease the size of some of the market sale dwellings (2 bed 4p to 3p and 3 bed 5p to 4P which would reduce cost and increase the achievable sales price per sq. ft)

4. Provide a sales premium for detached dwellings and detach some of the open market 3-bedroom homes to add more revenue.

5. The applicant has chosen to provide 6 two-bedroom homes for market sale, and if these were increased in size to 3-bedroom homes the viability would be improved.
6. Provide additional market sale homes to improve viability as part of 1 or 2 above or at the expense of some of the affordable housing if this is ENDC's preference, although the effect of this may be marginal due to the loss of grant funding.

7. Provide starter homes (discounted market sale) to improve viability as part of 1 or 2 above or at the expense of some of the affordable housing if this is ENDC's preference although the effect of this may be marginal due to the loss of grant funding.
   If agreement can be reached with the applicant on some of the above to improve scheme viability, then I would be happy to reconsider any further appraisal if required.
   If ENDC elect to grant consent with a S106 package that does not deliver all of the stated S106 contribution aspirations, then I would recommend the following protection:

   1. Insert a provision in any new S106 agreement to require the applicant to undertake a new planning viability assessment if a material start on site has not occurred within 18 months of approval. I would class this as the construction of 10 foundations together with associated infrastructure.

   2. Insert a provision in any new S106 agreement to require the applicant to undertake a new planning viability assessment if the tenure is changed at a later date from 10 market sale units, 37 shared ownership and 37 affordable rented dwellings. This would prevent any value increase post consent as a result of tenure change from being lost. The additional affordable dwellings over policy levels cannot be sought under S106 as this will prevent EMH from attracting grant but they should not be permitted to change to more valuable tenures without revisiting the viability appraisal. It would also protect ENDC in the unlikely event that EMH elect not to build the scheme out, and it being sold to a private sector developer.

   Any improvement in scheme profitability should be set aside and used by ENDC and NCC to fund the S106 requirements to the extent that the initial scheme is unable to do so.

Recommendations

1. Work with the applicant to improve the mix and layout to generate more value, which will most likely require additional private sale homes and a small increase in overall dwelling numbers.

2. Retain the 106 contributions, by agreeing point 1 above.

3. If this is not possible and ENDC are minded to grant planning consent without increasing overall dwelling numbers, to secure the additional affordable housing then ENDC should add the two viability review provisions stated above to the S106 agreement.
7  Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Introduction and Policy Context

7.2 The principle of development, visual impact, impacts on amenity, local infrastructure and protected assets, which in this case include the SPA and SSSI are relevant to the determination of this application.

7.3 In general terms, the NPPF promotes a presumption in favour of development within the established built up areas of a town, provided that all other material considerations can be satisfied. The application site is on the edge of Irthingborough and until recently, benefitted from a planning permission for 60 dwellings. This permission lapsed in February 2019. The principle of development of residential development was previously established on the site, but this was before the adoption of the current JCS and the site is not allocated in either the Local Plan or JCS. Notwithstanding this, Saved Policy IR1 of the Local Plan is proactive in its wording and refers to windfall sites within Irthingborough, but not explicitly to this site. Given its location, the site is still considered to be appropriate in principle for residential development.

7.4 Policy 30 d) of the JCS seeks a target of 30% affordable housing for developments of 15 or more dwellings within the growth and market towns within the district (Irthingborough is considered a market town). This is a full application for 84 dwellings and proposes significantly more affordable housing than the target. The tenure is proposed to be as follows:

- 10 (12%) properties for market sale
- 37 (44%) properties for shared ownership (affordable)
- 37 (44%) properties for rental (affordable)

7.5 The site is within 3 kilometres of the Special Protection Area (SPA) and there is a requirement in relation to the Habitat Regulations, from Natural England and our own SPD for all new residential development within that area to contribute towards mitigation measures to offset the recreational disturbance impacts to the bird populations. This contribution can be secured through a Section 106 legal agreement, or through direct payment to the Council before any planning permission is issued.

Impact on General Infrastructure / Viability

7.6 A development of this scale within Irthingborough would have an impact upon local infrastructure, and this has been highlighted in almost all of the comments received from local residents, as well as from the County Council. To be acceptable in planning terms, the development would be required to mitigate these impacts.

7.7 The applicant has been quite clear from the start that their proposal would not be able to sustain (afford) Section 106 contributions toward local infrastructure such as public transport, education and libraries. To evidence this they have submitted a viability assessment to the council, which has been independently assessed.

7.8 The assessment concludes that as proposed, the scheme is unviable, but also that there
are various options open to the applicant to improve its viability. These are presented as three ‘alternative viability (AV)’ scenarios. Some of the options to improve viability include:

- Increasing the density of development (more properties);
- Increasing the proportion of market properties;
- Changing the market homes to detached properties to increase their value;
- Cutting build costs (e.g. the removal of chimneys from some properties).

7.9 In summary:

- Alternative viability 1 (AV1) scenario would keep the number of dwellings and mix as proposed but would require changes to the sizes/prices of properties and several chimneys would need to be omitted. This would improve (but not solve) viability and allow for £115,570 of Section 106 contributions to be provided;

- Alternative viability 2 (AV2) scenario would build on the AV1 proposals and would require an increase in the number of properties and a change to the type and mix. This would improve viability and subject to the impact upon grant funding full Section 106 contributions may be able to be provided.

- Alternative viability 3 (AV3) scenario also builds on AV1, would require an increase in the number of properties from 84 to 88, but the number of affordable dwellings would remain as per the current application. This would improve viability and subject to the impact upon grant funding full Section 106 contributions may be able to be provided.

7.10 AV scenarios 2 and 3 would increase the number of properties and would therefore require the submission of a fresh planning application. Accordingly the council is unable to consider these options in the determination of this application.

7.11 The applicant has accepted the findings of the viability assessment and has expressed a preference to pursue the AV1 scenario. This option would provide some but still not all of the necessary Section 106 contributions toward education and libraries and would require changes to the design of several properties. The design changes have not been submitted to the council for consideration, so this deficit and the prospect of design changes will have to be weighed up in the overall planning balance.

7.12 In addition, the Local Highway Authority in their response has referred to the transport assessment submitted with the application and to a previous Section 106 commitment to highway works. It is likely that contributions will be required to mitigate the highway impact, but the extent of these is unknown due to a lack of information from the applicant. The Local Highway Authority also has concerns with the proposal which are discussed later in the report. These concerns will also need to be weighed up in the overall planning balance.

7.13 With regard to concerns raised by local residents over ‘greed’ by the applicant, the viability assessment concluded that the profit levels generated from the development would be ‘substantially less’ than if the applicant was a private developer proposing a market-led scheme. The applicant in this case is an affordable housing provider. The viability consultant concludes that:

"I have no issues with the proposed profit margin or approach taken as this is consistent with what I am familiar with, from working with other housing associations"
Officers have no reason to dispute the findings of the viability assessment.

**Affordable Housing and Space Standards**

7.14 Policy 30 of the JCS sets a target of 30% affordable housing in residential developments of 15 or more dwellings, with the precise proportion and tenure mix to take into account the viability of the development.

7.15 This application proposes significantly more affordable housing than the policy requires, with 88% being split between affordable rent and shared ownership. The AV1 scenario which is favoured by the applicant – but is not the application we are considering at this time – would not alter the proportion of affordable housing.

7.16 All of the properties would meet national space standards as referred to in Policy 30 of the JCS.

7.17 The council’s Housing Strategy team are supportive of the proposal and consider the mix to be appropriate, stating that it would deliver a range of house sizes and tenures consistent with housing need in the district. They also note improvements made in the revised plans, which alter the internal layout of the 3-bedroom properties and provide for a fully level access bungalow for wheelchair users.

7.18 In terms of affordable housing provision and space standards, the application is policy compliant. The proportion of affordable housing can be secured through a Section 106 agreement.

7.19 However there are concerns about providing such a high proportion of affordable properties, particularly on an edge of town location. In the case of this site there would be very little access to public transport, the walking distance to the town centre would be inconvenient and overall the tenure split would be unbalanced. This could have a long-term effect in terms of building new and balanced communities.

7.20 This balance may improve over time if new residents elect to, or are allowed to purchase their shared ownership properties, but this is not guaranteed to happen. Potentially in future this site may still be a predominantly affordable-based development and somewhat isolated on the edge of town. These matters will need to be weighed up in the overall planning balance.

**Open Space / Green Infrastructure / Landscaping**

7.21 This proposal follows the principles of the previously approved development for 60 houses in that there would be two principal areas of open space. The largest of these would be to the north of the site and would have a recreation function, including a locally equipped area for play (LEAP) and a pond. The second, smaller area of open space would be to the south east of the site and would comprise of an attenuation basin and pedestrian link from one of the private drives.

7.22 Some objectors to the application have expressed disappointment at the loss of a ‘community orchard’ which was shown on the previous permission, but overall there would still be sufficient on-site open space.

7.23 In terms of green infrastructure and landscaping, the site would abut open countryside to the north and west boundaries, and the provision of open space at both ends of the site and additional tree / hedge planting would ensure that there is no adverse impact in this
regard. There have been no objections to the application from our Senior Tree and Landscape Office or consultees in this regard and in the event of an approval, a revised landscape plan could be secured through condition to address minor points raised by our officer.

**Air Quality / Construction Nuisance**

7.24 An air quality assessment has been submitted as part of the application and this has been considered by the Environmental Protection team. No objections have been raised to the application on this issue, subject to appropriate mitigation measures being implemented. These would be:

- A construction management plan, to mitigate the impacts of dust during construction; and
- Charging points per dwelling with dedicated parking

This approach is consistent with paragraphs 105 and 110 of the NPPF and the mitigation measures can be secured through planning conditions if the council is minded to grant permission.

7.25 In terms of disruption during construction, this is inevitable to a certain degree owing to the very nature of construction work. However, the impacts from construction can be mitigated through the imposition of a pre-commencement condition requiring a construction management plan to be submitted.

**Layout / Design / Residential Amenity**

7.26 The layout of the proposal broadly follows that of the previously approved scheme in that there would be frontage onto Wellingborough Road and the larger open space to the north of the site. Internally dwellings would either be set around the meandering road which would run through the site, or off shared private drives. There would be a single point of vehicle access onto Wellingborough Road.

7.27 There would be eight property designs ranging from 1 to 2 storeys in height and including detached and semi-detached. The latest set of plans show that all the properties would be of traditional design, would all have chimneys and would be finished in either brick or render.

7.28 Following the outcome of the viability assessment, the applicant has confirmed in writing their preference to pursue the AV1 scenario. This would require the removal of chimneys from 56 of the 84 properties to reduce build costs and improve (but not resolve) viability. The plans have not been updated to reflect this position so for the avoidance of doubt, the council is not assessing the proposal in terms of the AV1 scenario. In design terms the inclusion of chimneys is desirable and when taking into account the site’s topography, would create a varied and attractive roof-scape.

7.29 In other aspects, the design and layout are more flawed. Examples of this are as follows:

- Some of the shared driveways serve more than 5 properties. This is contrary to the Local Highway Authority’s policy and creates more impractical living conditions for residents, some of whom would have to drag their bins further to the public highway on collection day;
There is a footpath link from Wellingborough Road to plot 12. This property is part of a shared private drive with plots 9-11, so it is likely to cause security issues for these properties. The path also appears to follow an arbitrary alignment rather than any natural desire line, so it may end up being ineffective as well as creating security concerns;

Although there are eight property types, they are not well dispersed throughout the site. This will lead to quite repetitive and bland street scenes / private drives on parts of the site and will not aid legibility as there are no key / landmark buildings to aid navigation;

Lack of detail on lighting, boundary treatments and lack of secure cycle storage;

The developer has demonstrated where on-street parking could occur but there is no provision for on-street parking bays for visitors and the parking mix lacks variety; it is almost entirely tandem parking. Cumulatively this is likely to result in more inappropriate on-street and pavement parking and, on the narrower sections of road, could cause access issues for refuse / emergency vehicles;

The north-west parts of the public footpath are not well overlooked. There are side windows on the ground floor, but nothing at first floor level;

Some of the gardens are very small, oddly shaped and / or otherwise impractical (e.g. plots 52, 60, 68, 69-70, 83-84) which will result in poor amenity standards for the new residents.

With regard to residential amenity of existing residents on Green Close and Presland Way, the applicant has supplied a plan showing the distances between the existing and new properties.

7.30 All of the back-to-back and back-to-side distances are acceptable with the exception of the relationship between plots 26-28 and No. 12 Green Close. These would fall below commonly accepted back-to-back separation distances, and would provide a poor outlook for the new residents, whose bedrooms and main living spaces would be to the rear of the properties. This impact is exacerbated as No. 12 Green Close is to the east of the site, so there would also be a negative impact on the amount of sunlight that the new properties would receive.

7.31 In other cases there would be a greater perception of overlooking as there would be more properties when compared with the previous application, but the overall relationship between existing and new properties is considered to be both reasonable and acceptable in the majority of cases. The poor relationship between plots 26-28 and No. 12 Green Close is of concern though and would warrant a reason for refusal in its own right.

Drainage / Flooding

7.32 Concerns have been raised by the local community with regard to flood and drainage matters. The application site is not within flood zones 2 or 3 which are at higher risk of flooding and the layout includes on-site surface water attenuation within the smaller open space area to the south east.

7.33 The Lead Local Flood Authority (LLFA) originally commented that insufficient information had been provided by the applicant. Further information has been submitted which partially addresses the issues raised, but the LLFA still does not have enough information
to be able to conclude that surface water drainage arrangements will be acceptable.

7.34 There have been no objections from the Environment Agency or Anglian Water, although Anglian Water have commented that:

*From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.*

7.35 In this context the applicant has failed to demonstrate that the proposal will be acceptable in terms of drainage and flood risk. This should form a reason for refusal of planning permission.

**Ecology**

7.36 With regard to Natural England’s comments, the site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this Area.

7.37 In such cases, the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £269.44 per dwelling to mitigate against any impact. This payment has not been received in connection with this application and has not bee included in a heads of terms for a Section 106 agreement. The proposal is therefore contrary to criterion d) of Policy 4 of the adopted North Northamptonshire Joint Core Strategy which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Special Protection Area.

7.38 This constitutes a reason for refusal in its own right. However should the applicant appeal against a refusal of planning permission, if the requisite payment is made to the Local Planning Authority prior to the appeal statements being submitted, the Council would not pursue the reason for refusal.

7.39 In relation to the above matter, a Habitat Regulations Appropriate Assessment is appended to this report. The Appropriate Assessment concludes that the proposal would adversely impact on the integrity of the SPA and therefore should not be permitted under the provisions of the Habitat Regulations.

7.40 Some local residents have raised concerns about the presence of bats and Great Crested Newts (GCN) on the application site. The County Council’s ecologist notes the presence of an existing GCN license and concludes that no further measures are required in relation to this. They have not raised bats as an issue on this site, but support the imposition of a construction environmental management plan condition, to cover the following matters:

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

Whilst a CEMP condition can mitigate ecology impacts to an extent, the lack of SPA mitigation is of significant concern and is a reason to refuse planning permission.

**Highway Matters**

7.41 The most frequently raised concerns by local residents relate to Highway matters. Currently Wellingborough Road is a 60mph single carriageway. The road is not particularly wide, but it is straight. From the officer site visit during evening rush hour, even though traffic volumes are heavier, speeds are clearly high and walking along the existing footpaths between Presland Way and the crematorium does not feel very safe.

7.42 As part of the application, footpath improvements are proposed along the north side of Wellingborough Road. This would be in the form of a standard 2m wide footpath, with three links into the application site. One of these would link to the public footpath and this would be a benefit of the proposal.

7.43 The applicant proposes to lower the speed limit to 30mph outside the application site which is sensible given that the development would change the character of the road from 60mph in the countryside to 30mph in a new urban area. Any change to the speed limit would be fall to the Local Highway Authority to consider outside of the planning system.

7.44 In their response, the Local Highway Authority have expressed several concerns about the application which can be summarised as follows:

- The site is not in a sustainable location and is more than 400m from the nearest bus stops and the town centre;

- Any speed limit reduction would need to be agreed with the County Council’s Speed Limit Review Panel. If the limit is not reduced to 30mph, the footpath would need to be separated from the road by a verge;

- The current speed of the road does not encourage walking or cycling. They have safety concerns for pedestrians and cyclists accessing a 60mph road;

- The layout shows more than 5 dwellings accessed from a private drive which contravenes adopted (County Council) policies;

- The private drives closest to the site entrance are too close to the main access, particularly given that Wellingborough Road may not reduce from the 60mph limit;

- The double s-bend is a concern in terms of forward visibility and refuse vehicle tracking and further information is required in relation to visibility splays at the proposed junction with Wellingborough Road;
There is a total reliance on tandem drives and not enough off-street visitor parking spaces. This will result in more on-street parking.

7.45 Even if the speed limit is reduced to 30mph, officers are not convinced that this alone will improve safety. The road is straight and has inclines which are conducive to higher speeds. The applicant was advised to discuss potential traffic calming measures on the entrance to Irlbury (such as a priority chicane) with the Local Highway Authority, but at the time of writing this report, no such measures are proposed and nor have any lighting details been provided.

7.46 Officers share the concerns of the Local Highway Authority regarding visibility, pedestrian and cycle safety and some of the parking arrangements. A reason for refusal on highway safety grounds should be included if the Committee resolve to refuse permission.

Section 106 and Infrastructure

7.47 Although general infrastructure and viability are discussed earlier in the report, this section explains the deficit in more detail.

7.48 Northamptonshire County Council has provided Section 106 contribution figures for primary and secondary education together with libraries. These are as follows:

- Primary Education - £228,278
- Secondary Education - £239,594
- Libraries - £17,223
- Fire Hydrants (x2) - £1784 (£892 each) (can be secured through condition)

TOTAL - £486,879 - which does not include any public transport and / or highway improvements which are also likely to be required. The NHS were consulted but did not request any contributions. A full breakdown of contribution requests is attached at Appendix 2.

7.49 As currently proposed, the application would not be able to provide any S106 contributions to meet the requirements set out in paragraph 7.48.

7.50 Officers consider that this is unacceptable in planning terms, as by not providing adequate contributions towards essential local infrastructure, the development would not mitigate its own impact, and would place further strain on local services. In addition, there is evidence that a (more) viable scheme could be achievable and therefore there is no compelling justification to accept a reduction in the level of s106 contributions.

7.51 The applicant is not being unreasonable in the level of profit they would be expecting from the development, but it is clear from the viability assessment that there are other options to improve viability further. However, these would require the submission of a new planning application.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 Archaeology: The County Archaeologist has not requested any works in relation to this site.
8.3 **Waste:** Some of the new residents would have to drag their bins a significant distance on collection days, and the applicant has not demonstrated tracking for a refuse vehicle, so there is no certainty that the layout will work in practice.

8.4 **Crime Prevention:** Concerns have been raised by the police. These issues are covered in the “Layout / Design / Residential Amenity” section of the report.

8.5 **Sustainable Buildings:** Policy 9 of the Joint Core Strategy requires that:

“All residential development should incorporate measures to limit use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day or alternative national standard applying to areas of water stress”.

In the event of an approval these details can be agreed and secured via planning condition.

8.6 **Built Heritage:** The site is not located in or adjacent to a conservation area or any listed buildings and the proposed development would not have an adverse impact on any built heritage assets in the vicinity.

8.7 **Applicant Involvement:** The applicant did not utilise the Council's pre-application advice service but there has been dialogue during the application process. Amended plans and information have been received to try and address technical and layout matters.
9 **Conclusion / Planning Balance**

9.1 The proposed development would provide a substantial number of affordable properties, for which there is a significant need in the district. This weighs in favour of the application. In addition, all of the properties would meet space standards as required by Policy 30 of the JCS.

9.2 The design of the individual house types is acceptable and the development would provide an adequate amount of on-site open space. It would also improve the usability of the public footpath.

9.3 Although the previous planning permission for residential development on the site has recently lapsed, it is still considered that the site could be appropriate for the delivery of housing subject to all other matters being acceptable.

9.4 There are several deficiencies with this proposal which are considered to outweigh the gains. In brief, these are:

- There would be insufficient funding for essential local infrastructure (e.g. education / libraries), so the development would not mitigate its own impact;
- Aspects of the layout are bland, impractical, result in poor amenity for some residents and could create security issues for others;
- Drainage and flood risk matters have not been adequately addressed;
- There are highway safety concerns, both in terms of the internal site layout, but particularly along Wellingborough Road;
- No mitigation toward the SPA has been provided;
- The proposal would initially provide an unbalanced community, relatively isolated on the edge of town, and with poor access to public transport and services. No improvements to public transport are proposed to offset this and there are also uncertainties as to whether the speed limit on Wellingborough Road will be lowered.

9.5 From the conclusions of the viability assessment, it appears that a policy compliant proposal in terms of tenure split that is able to mitigate its own impact could potentially be provided on the site. The application before the Committee does not do this and represents unsustainable development, so the conclusion is that planning permission should be refused.

9.6 In the event of an appeal, if the SPA payment is made to the Council in time, this reason for refusal will not be pursued.

10 **Recommendation**

10.1 That planning permission be REFUSED for the following reasons:
11 Reasons

1 The proposal would result in an unacceptable impact on the residential amenity of the new residents of:

- Plots 26, 27 and 28 owing to the poor relationship with No.12 Green Close;
- Plots 52, 60, 68, 69-70, 83-84 owing to small or otherwise impractical on-plot amenity space;
- Plots 1-3 and 40-42, owing to the long distances bins would have to be dragged on collection days;
- Plots 9-12 owing to the footpath link to Wellingborough Road causing security concerns;

This would result in unsatisfactory living conditions for future residents and is contrary to Policy 8 e) i. of the North Northamptonshire Joint Core Strategy and Paragraph 130 of the NPPF.

2 The layout and design are bland and lack legibility and variety in terms of street scene character and parking arrangements (noting an abundance of tandem parking). This fails to take the opportunities available for improving the character and quality of the area and is contrary to Policy 8 b) v. and d) i. of the North Northamptonshire Joint Core Strategy Paragraph 130 of the National Planning Policy Framework.

3 The proposal fails to demonstrate that the impact upon highway safety will be acceptable. This is contrary to Policy 8 b) i. of the North Northamptonshire Joint Core Strategy.

4 The proposal fails to demonstrate that drainage and flood risk impacts will be acceptable. This is contrary to Policy 5 of the North Northamptonshire Joint Core Strategy.

5 The proposal is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this Area. In such cases, the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £269.44 per dwelling to mitigate against any impact. This payment has not been received in connection with this application and nor is it proposed in the Heads of Terms in a Section 106 agreement. The proposal is therefore contrary to criterion d) of Policy 4 of the adopted North Northamptonshire Joint Core Strategy which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area.

6 The proposal does not adequately mitigate its impact in terms of infrastructure provision. This represents unsustainable development and is contrary to Policy 10 of the North Northamptonshire Joint Core Strategy and Paragraphs 8 a) and 122 c) of the NPPF.

12 Informatives

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. There has been dialogue with the applicant and their agent to try and resolve fundamental concerns with the application, but a positive solution was unable to be reached in this case.
2 This decision is based on the following plans and viability assessment:

- Planning Viability Assessment For East Northamptonshire District Council
  Wellingborough Road, Irthlingborough – 5th April 2019 Undertaken by Ashby
  House Land and Development Ltd
- 18014.10.P1 - Site Location Plan
- 18022.11.P1 - Existing Site Survey
- 18022.12.P1 - Existing Site Sections
- 18022.13.P4 - Proposed Site Layout
- 18022.14.P5 - Proposed Site Sections
- 18022.15.P2 - Type 2B3P B 2 Bedroom 3 Person Bungalow Plan & Elevations
- 18022.16.P1 - Type 1B2P 1 Bedroom 2 Person Dwelling Plans & Elevations
- 18022.17.P1 - Type 2B4P A 2 Bedroom 4 Person Dwelling Plans & Elevations
- 18022.18.P2 - Type 3B5P A 3 Bedroom 5 Person Dwelling Plans & Elevations
- 18022.19.P1 - 4 Bedroom 6 Person Dwelling Plans & Elevations
- 18022.20.P2 - Type 3B5P E 3 Bedroom 5 Person Dwelling Plans & Elevations
  & Elevations
- 18022.22.P2 - Proposed Boundary Treatments
- 18022.23.P2 - Proposed Materials Schedule
- 18022.26.P3 - Type 3B5P C 3 Bedroom 5 Person Dwelling Plans & Elevations
- 18022.28.P2 - Type 3B5P B 3 Bedroom 5 Person Dwelling Plans & Elevations
  (Rent)
- 18022.30.P3 - Type 3B5P D 3 Bedroom 5 Person Dwelling Plans & Elevations
- 18022.31.P1 - Type 2B4P D 2 Bedroom 4 Person Dwelling Plans & Elevations
- 18022.32.P1 - Proposed Materials Option 1 – Render
- 18022.33.P1 - Proposed Materials Option 2 - Red Brick
- 18022.34.P1 - Proposed Materials Option 3 - Buff Brick
- 18022.35.P1 - Type 2B3P B 2 Bedroom 3 Person Bungalow Plan & Elevations
- 18022.36.P1 - Type 1B2P 1 Bedroom 2 Person Dwelling Plans & Elevations
- 18022.37.P1 - Type 2B4P A 2 Bedroom 4 Person Dwelling Plans & Elevations
- 18022.38.P2 - Type 3B5P A 3 Bedroom 5 Person Dwelling Plans & Elevations
- 18022.39.P1 - 4 Bedroom 6 Person Dwelling Plans & Elevations
- 18022.40.P1 - Type 3B5P F 3 Bedroom 5 Person Dwelling Plans & Elevations
- 18022.41.P1 - Type 2B4P B 2 Bedroom 4 Person Wheelchair Bungalow Plan
  & Elevations
- 18022.42.P1 - Proposed Plot Distances and Natural Surveillance
- WBRI-BSP-ZZ-ZZ-DR-C-190 - Drainage Strategy
Appendix 1: Habitat Regulations Appropriate Assessment

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>18/02395/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address:</td>
<td>Rear Of Green Close Wellingborough Road Irthlingborough Northamptonshire</td>
</tr>
<tr>
<td>Application description:</td>
<td>Erection of 84 dwellings with associated vehicular access, parking, landscaping and open space</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending consideration</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Dean Wishart

Stage 1 - details of the plan or project

| European site potentially impacted by planning application, plan or project: | YES |
| Is the planning application, project or plan directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)? | NO |
| Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)? | YES, The HRA for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km catchment of the SPA and concluded that such development would have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place |
Stage 2 - HRA screening assessment

Test 1: the significance test – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA.

Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?) Yes

The application is for development resulting in a net gain in residential units within 3km (linear distance) of the SPA. The HRA for the North Northamptonshire Joint Core Strategy identified that the ‘in-combination’ impact of proposals involving a net increase of one or more dwellings will have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place; therefore a contribution from each new dwelling is required to meet the Regulations.

The ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17) requires development relying on mitigation to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage. Therefore as the application requires mitigation it will need to be considered at the appropriate assessment stage.

(If yes, continue to Stage 3; if no, continue to Stage 4).

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

A mitigation strategy is set out in the SPA SPD to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by securing financial contributions towards Strategic Access Management and Monitoring (SAMM) and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

In this case, the applicant has not confirmed that they will provide the payment (or any alternative mitigation), therefore the proposal is likely to have a significant detrimental effect on the SPA. The application should therefore be refused.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion:
Development in the area surrounding the Upper Nene Valley Gravel Pits SPA could lead to increased public access for recreation, e.g. from dog walking, which in turn can lead to disturbance of the notified bird populations and impacts to the ability of birds to use the site for feeding and roosting.
It is considered that if there are satisfactory mitigating measures put into place the development would be considered to be acceptable. However, such measures are not being proposed and therefore the application should be refused.

<table>
<thead>
<tr>
<th>Natural England Officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of Natural England's (NE) comments:</td>
</tr>
<tr>
<td><strong>Comments received 08.01.19:</strong> DESIGNATED SITES [EUROPEAN] – FURTHER INFORMATION REQUIRED</td>
</tr>
</tbody>
</table>

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

Notwithstanding this, Natural England’s advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.
## Appendix 2: Developer Contribution Schedule

<table>
<thead>
<tr>
<th>Developer contributions set out in SPD/requested by consultees</th>
<th>Proposed by applicant</th>
<th>Agreed Heads of Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Early Years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC 1</td>
<td>No mitigation</td>
<td>Not agreed</td>
</tr>
<tr>
<td>bed - £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £3724</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed - £3972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £4220</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Primary Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC 1</td>
<td>No mitigation</td>
<td>Not agreed</td>
</tr>
<tr>
<td>bed - £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £1614</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed - £3972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £4592</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Secondary Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC 1</td>
<td>No mitigation</td>
<td>Not agreed</td>
</tr>
<tr>
<td>bed - £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £1170</td>
<td></td>
<td></td>
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<tr>
<td>3 bed - £4600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £5941</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Library</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC</td>
<td>No mitigation</td>
<td>Not agreed</td>
</tr>
<tr>
<td>1 bed - £109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £176</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed - £239</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £270</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Affordable Housing</td>
<td>88% affordable</td>
<td>Not agreed</td>
</tr>
<tr>
<td>JCS Policy 30 sets 30%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37 (44%) properties for shared ownership (affordable)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37 (44%) properties for rental (affordable)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SPA Mitigation</td>
<td>No mitigation</td>
</tr>
<tr>
<td>---</td>
<td>----------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>6</td>
<td>SPA SPD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>£269.44 per dwelling</td>
<td></td>
</tr>
</tbody>
</table>

Note – contributions may be indexed linked, therefore actual sums required may vary.
The application is brought before the Planning Management Committee because it is a “major” development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2018 update).

1 Summary of Recommendation

1.1 Recommendation 1: If no adverse comments are received from the Environment Agency by 12th June 2019: GRANT planning permission subject to conditions.

1.2 Recommendation 2: If adverse comments are received from the Environment Agency which cannot be overcome or mitigated by planning conditions, as set out in this report and/or reported on the Committee update sheet, by 12th June 2019: REFUSE planning permission.

2 The Proposal

2.1 The application relates to ground stabilisation earthworks within Zone 2 and 3 (south) of the Priors Hall Park (PHP) site. For the purposes of clarification, Zone 2 is located within the administrative boundary of Corby Borough Council (CBC) and Zone 3 (south) is located within the administrative boundary of East Northamptonshire Council (ENC). The total application site area comprises 150 hectares. The application works would include cut and fill earthworks comprising excavation, re-engineering, compaction, surcharging and re-profiling of existing quarry backfill material. This would enable the provision of development platforms and facilitate future development, removal and treatment of contamination during the works. Construction of a temporary works compound, haul road and boundary treatment to secure the site also form part of the application.

2.2 A ‘Planning Statement’ accompanies the application. Paragraph 1.3 of this statement states that the applicant is currently preparing a new outline application for Zones 2 and 3 of Priors Hall Park in order to refresh the overarching vision. The purpose of this application is to seek consent for the earthworks in advance of the outline consent being granted (but without prejudice to any future decision), so that the applicant can begin
preparing the development platforms and expedite the delivery of Zones 2 and 3.

2.3 An identical planning application has been submitted to Corby Borough Council (CBC) under reference 19/00084/DPA. At the time of drafting this report no decision had been made on that application.

2.4 The Traffic Management Plan, forming part of the Construction and Environmental Management Plan (CEMP) submitted with the application, indicates that the two primary means of access for the haul road would be those approved by Corby Borough Council (CBC) in 2016, taken from Zone 1 (CBC’s administrative area). The first haul road route will extend along the existing temporary access along the causeway, leading to Zone 2. The second haul road route will be taken from the existing temporary access to the south of the central Gully in Zone 1, leading to Zone 2 (CBC’s administrative area). Under section 4.1 of the CEMP, it is stated that a minimum 4.0m wide access haul road with passing places will convey all traffic from the west to the Zone 2 and Zone 3 (south) works areas during the construction phase. A temporary works compound is shown (Appendix 6 within the CEMP) to be located almost centrally within Zone 2 (CBC’s administrative area).

2.5 The site is covered by waste material cast aside as part of the previously quarried works; as such, it will be necessary to extract and process unknown quantities of hard boulder materials. Such materials would be stockpiled temporarily and crushed on site to form the haul routes required for the earthworks process on site. The proposed cut and fill earthworks would be carried out in a phased manner over a number of years. This would enable the necessary specification for the earthworks to best utilise the land available and create a final model that will require no import or export of material from site in order to safeguard the environmental impacts beyond the site boundary.

2.6 The ‘Priors Hall Park site, Corby Zone 3 south and Zone 2, Earthworks Strategy Project Reference: 2564, Issue V3- May 2019’ and Priors Hall, Corby ‘Zone 2 Earthworks Trial and Settlement Assessment’ Project Reference: 2564, Issue V2, May 2019’ comprise the main strategies for groundworks stabilisation. Currently, earthworks trials monitoring is being undertaken at two locations within Zone 2 (CBC administrative boundary); central and south areas of this Zone.

2.7 Details of the extent and scope of earthworks are set out under section 5.0 of the above reports, which provide a summary of the earthworks to take place in the following sequence in parcels across the site: cutting the site from existing levels to 4.0m below proposed finished levels; creating a 4.0m thick platform of re-engineered soils up to finished level; construction of surcharge mounds up to 5.0m in height to an engineered fill specification on top of the 4.0m re-engineered platform; placement of settlement monitoring through the surcharge mounds on a 25m grid spacing; settlement monitoring will commence as soon as is practicable during placement of the surcharge mound and will continue at intervals appropriate to the anticipated settlement rate until primary settlement has reasonably ceased (less than 2mm over a 4 week period); appropriate geotechnical and chemical laboratory analysis; appropriate in-situ geotechnical analysis; removal of surcharge mounds and settlement monitoring at surface of treatment areas for potential rebound (weekly for a period of at least 4 weeks).

2.8 The strategy indicates that all soils within 4m depth of the proposed finished level will be engineered to an end production specification to achieve at least 95% maximum dry density and not more than 5% air voids. On completion of the initial earthworks which will provide a 4m ‘crust’ of engineered fill, the land will then be subjected to surcharging to mimic the future design loads at the site and will vary by the proposed developments in a given area.
2.9 Based on the above, whilst the works would be carried out in accordance with the ‘Priors Hall Park, Corby Zone 3 south and Zone 2, Earthworks Strategy Project Reference: 2564, Issue V3- May 2019’, the requirement would be to ensure that on completion of the trial tests, the final earthworks strategy would be updated and submitted to the local planning authority for approval works.

2.10 The existing topographical survey plan, shows the site levels within ENC administrative area, Zone 3 (south), slope gradually towards the east (i.e. from west to east); whereas the proposed finished cross section plans and contour plan submitted with the application, indicate that the land would be sculpted, so as to create a gradual slope towards the Willow Brook North (i.e. from south to north). The final contours would range from: 94.00 m (AOD level) at the southern end of the site to 93.00m (AOD level) towards the Willow Brook North (northern end of the site), in the western section of Zone 3 (south); 93.00m (AOD level) at the southern end of the site to 91.50m (AOD level) towards the Willow Brook North (northern end), at the central section of the site and 91.00m (AOD level) at the southern end of the site to 90.50m (AOD level) towards the Willow Brook North (northern end), at the eastern section of the site. The above analysis would indicate a modest rise in ground level at the southern end of Zone 2 (south) in order to establish a gradual and refined slope towards the Willow Brook North.

2.11 The CEMP indicates that during the works to Zone 2 and Zone 3 (south) area, there may be a need to apply screening of static plant to reduce noise which cannot be reduced by increasing the distance between the source and the receiver (i.e. by installing noisy plant and equipment behind acoustic panels or bunds). The site access points from the existing highway boundaries at the central causeway access location will have security fencing consisting of 2.4m high weld mesh/solid panels and timber hoarding and shall include the requirement for any temporary access lighting.

3 Information

3.1 The current planning application was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it was considered that the application development did not constitute an Environmental Impact Assessment (EIA) Development.

3.2 During the course of the planning application, several additional and revised documents were requested from the applicant based on comments received from various consultees. These documents were subjected to further consultations. Some of the consultees are still in the process of considering the revised and additional information. Any further comments received together with case officer response will be reported on the update sheet.

4 The Site and Surroundings

4.1 This application relates to a section (Zone 3, south) of the entire Priors Hall Park (PHP) Urban Extension which lies to the north east of Corby, straddling the boundary with East Northamptonshire. The entire PHP site extends to approximately 235 hectares (excluding the Data Centre) and the approved development relating to both Corby Borough Council (CBC) and East Northamptonshire Council (ENC) comprises: up to 5,100 residential units, employment (up to 14 hectares), 1 district centre, 2 neighbourhood centres, schools (1 secondary, 3 primary), an hotel and formal and informal open space. Priors Hall Park Urban Extension is divided into 3 Zones: Zones 1 and 2 are located in Corby Borough Council’s (CBC) administrative boundary; whereas Zone 3 is located primarily in East Northamptonshire Council’s (ENC) administrative boundary.
4.2 The approved part of development for ENC (reference: 04/01326/OUT); south of Kirby Lane and East of Gretton Road comprises: 735 residential units over 5 parcels of land; 2.01ha for hotel use; 4.59ha for employment use (22,950m2); 4.94ha formal open space (playing fields); a mixed use neighbourhood centre covering an area of 0.18ha (this parcel to also contain 9 of the 735 dwellings); 7 ha informal open space and 2 ha of primary school.

4.3 A non-material amendment to the planning application under reference 04/01326/OUT was granted (under reference: 16/01237/AMD) in September 2016. This application proposed amendment to conditions to allow for the phased approval / discharge of pre-commencement conditions on zone 3 pursuant to 04/01326/OUT. Pre-commencement condition 42 of this consent relates to the submission of details relating to: works to stabilise and reform the ground prior to development; all cut and fill operations; ground compaction, ground surcharging and earth mounding works; and details of final finished site levels and contours to be submitted. Planning permission originally granted under reference 04/01326/OUT is extant, by virtue of the submission of a reserved matters application (under reference: 16/02223/REM for a temporary haul road to access zone 3), required both to trigger commencement of development and to facilitate access for development of Zone 3. The background to Zone 3 is explained more in detail in the relevant planning history section of this report (paragraph 5.0, planning history).

4.4 The current application site in ENC’s administrative area comprises two separate parcels of land: a small bow shaped parcel, located between the south of Willow Brook North and northern section of Zone 2 (in CBC area); and an almost linear parcel of land which is bounded by Badgers Wood, along the Willow Brook North corridor to the north, beyond which is located the rest of Zone 3. To the east and northeast of this parcel is Dean Park, registered as Grade II* listed and Deene Estate, respectively and Priors Hall Golf Course is located to the south and southeast of this parcel. There is woodland and hedgerow planting along the southern and eastern site boundaries. Kirby Hall (including the grade I listed hall and II* park and garden) lies approximately 500m to the north of Zone 3 beyond Kirby Lane. The village of Deene lies approximately 750m to the east. To the west (on the opposite side of Gretton Road) is the Rockingham Motor Speedway (RMS).

4.5 Aside from the Data Centre and construction of temporary haul road, Zone 3 is currently undeveloped land. The levels on the northern section of Zone 3, fall towards the Willow Brook, which passes east to west through the site. Site levels on the southern section of Zone 2 (the application site) fall towards the east (i.e. from west to east). At present, Zone 3 is largely grassland, with some woodland.

4.6 Zone 2 and Zone 3 (south) have been quarried historically between the 1950s and 1980s, commencing initially in Zone 3 (south) and a second phase progressing east to west through Zone 2. Existing data indicates that quarry backfill materials are likely to be in the order of 20 to 25m thickness.

4.7 The site lies within Flood Zone 1 (low risk of flooding) with sections along Willow Brook being located in Flood Zones 2 and 3 (high risk of flooding).

4.8 There are a number of Public Footpaths that cross the site; but none of these footpaths would be affected by the application proposal in ENC’s administrative area.
5 **Policy Considerations**

5.1 **National Policy and Guidance**
- National Planning Practice Guidance (NPPG)

5.2 **North Northamptonshire Joint Core Strategy (JCS) (2016)**
- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Historic Environment
- Policy 3 - Landscape Character
- Policy 4 - Biodiversity and Geodiversity
- Policy 5 - Water Environment, Resources and Flood Risk Management
- Policy 8 - North Northamptonshire Place Shaping Principles
- Policy 10 - Provision of Infrastructure
- Policy 11 - The Network of Urban and Rural Areas
- Policy 19 - The Delivery of Green Infrastructure
- Policy 22 - Delivering Economic Prosperity
- Policy 23 - Distribution of New Jobs
- Policy 28 - Housing Requirements
- Policy 29 - Distribution of New Homes

5.3 **Rural North, Oundle and Thrapston Plan (RNOTP) (2011)**
- Policy 4 - Green Infrastructure

5.4 **Neighbourhood Plan**
- None applicable

5.5 **Other Documents**
- East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
- Tree Management Guidance Principles 2018
- Biodiversity SPD (NNJPU)
- Northamptonshire Current Landscape Character Assessment (2010)
- Emerging Local Plan Part 2.

6 **Relevant Planning History**

6.1 Outline planning applications were approved by East Northamptonshire Council (ENC), under reference: EN/04/01326/OUT and Corby Borough Council (CBC), under reference: 04/00240/OUT, for a mixed use urban extension to Corby, including residential (up to 5,100 dwellings), employment (up to 14ha), 1 district centre, 2 neighbourhood centres, schools (1 secondary and 3 primary), hotel and formal and informal open space in February 2012 and March 2007 respectively.

6.2 On 21 December 2011 full planning permission was granted (ref: 11/01535/FUL) for the erection of a data centre at Priors Hall.

6.3 In 2013, under a section 73 application to vary condition 4 of application 04/00240/OUT, CBC approved a revised Development Framework Plan (drawing reference BBD036-005 rev C) and associated Land Use Budget (LUB) (ref: BBD036-005). The effect of this was to create a new planning permission (ref: 13/00026/RVC), which is subsequently being implemented by the developer.

6.4 In 2015, a section 73 application (reference: 15/00119/VAR) was submitted to ENC to vary condition 4 of planning permission EN/04/01326/OUT to substitute the previously
approved Development Framework Plan. The Planning Management Committee resolved to grant planning permission subject to a section 106 agreement and conditions. A similar application was also submitted to CBC (under reference: 15/00038/RVC) which sought to further amend the Development Framework Plan approved pursuant to the s. 73 application which was approved by CBC’s planning committee (subject to a section 106 agreement and conditions).

6.5 In 2016 a non-material amendment application (ref: 16/01237/AMD) was approved by ENC. This application proposed amendment to conditions to allow for the phased approval / discharge of pre-commencement conditions on zone 3 pursuant to the original outline permission (04/01326/OUT).

6.6 In 2016 a cross boundary planning application (ref: 16/01385/FUL) was approved by ENC for a zone 3 link road of approximately 1KM in length, to provide access into zone 3 of PHP, with a spur also leading into the north of zone 2. At the time of site inspection, works to this road had not commenced.

6.7 In 2017 a reserved matters application (ref: 16/02223/REM) was approved by ENC. This application related to construction of a temporary haul road to access Zone 3 pursuant to the original planning permission 04/01326/OUT.

6.8 Conditions relating to phase 1a from the outline planning permission have been discharged or part discharged under the following references: 16/02241/CND, 16/02243/CND, 16/02246/CND, 16/02247/CND, 16/02248/CND, 16/02253/CND, 16/02354/CND, 16/02355/CND, 16/02414/CND and 17/00016/CND.

6.9 In 2017, a lawful development certificate was granted by ENC (ref: 17/00459/LDE) for the laying of a temporary haul road pursuant to the original planning permission 04/01326/OUT as varied by permission ref: 16/01237/AMD (dated 12 September 2016). The certificate confirmed that on the balance of probability, works constituting a material operation in respect of planning permission EN/04/01326/OUT (as varied by 16/01237/AMD) were carried out within the necessary time limit and in accordance with relevant conditions.

7 Consultations and Representations

7.1 Neighbours

31 neighbouring properties were consulted and no responses have been received; one letter of comment has been received on 28.05.2019 which states: 'The documents contained here make reference to lighting of the site and consideration to ensuring that the residents in Zone 1 are not impacted. I am not raising an objection about this now but I want to point out that their current Buckingham compound is located over the causeway and has a huge light which is visible all night every night and I would in fact considering a nuisance. I would hope that as they begin to start construction they absolutely ensure that they manage light pollution properly.'

7.2 Deene and Deenethorpe Parish Council and Gretton Parish Council

The above Parish Councils have been consulted and no responses have been received.
7.3 Corby Borough Council

No comments received.

7.4 Natural England

Initial comments received 08.04.2019 are summarised: ‘No objection-subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application may sever important connections between large known Great Crested Newts (GCN) populations. Ensuring these species have retained and enhanced connectivity is important, and essential. In order to mitigate for these adverse effects and make the development acceptable, connectivity for these European Protected Species (EPS) should be secured. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this requirement. In addition, Natural England are aware of known badger setts and bat corridors within the vicinity of the proposal. These species require due consideration in line with the advice below.’

Revised comments received on 28.05.2019: ‘Thank you for your reconsultation received by Natural England on the 9 May 2019.

Natural England has been in communications with Priors Hall ecologists, who have confirmed that there is no suitable habitat to retain for GCN connectivity purposes within the boundary relating to 19/00336/FUL. Therefore, we understand it is not possible to retain and enhance connectivity for newts with respect to planning application 19/00336/FUL. However, connectivity should be created across the site between areas of suitable GCN habitat, including the established Receptor Sites, and facilitate migration to offsite areas.’

7.5 North Northants Badger Group

Initial comments received on 15.04.2019: NB: ‘We usually deal with Corby Planners with regard to this site and have copied them in. Northamptonshire Badger Group objects to and is extremely concerned about the level of disruption to the large and established badger population living within the site, on the adjacent boundary as well as to the destruction of key active setts.

The level of disruption to badgers on the entire Priors Hall site is not acceptable. We note the decline in setts across the area from 42 to only 13. We believe that this is not due to the badgers generally changing their sett use or activity but rather a consequence of the hugely disruptive experience they have had on the site, disruption which is set to continue.

We have previously expressed our concerns to all planning departments in Northamptonshire including Corby and East Northants, regarding sites being looked at in isolation. This site is a clear example of this. The phased development of the site and the earthworks will prolong disruption. In addition, our concerns are for the areas outside the site and whether once the badgers have been disturbed or moved (by the creation of an artificial sett outside the site boundary or by closing these setts) they will once again be under stress from further development in their new sett home/location. Thus, continually moving and disturbing them as the entire site develops. It is essential that the badgers are looked at and mitigation takes in the entire site with consideration of the current and future development.

We strongly object to the constant and relentless disturbance of the badgers on the Priors
Hall site.

We dispute the reports comment that 'the potential impacts on badger’s post-mitigation are expected to be minor adverse and therefore non-significant'. We believe that badgers could be adversely affected long term with the sheer level of disturbance, with the closure of key setts, destruction of foraging areas and established historical routes as well as noise, vibration and pollution. In addition the loss of habitat there and subsequent re-planting will take in excess of 10 years to be sufficient enough to equal that which has been lost.

We would also add a note of caution that Badger sett activity and use changes throughout the year. A sett deemed by an ecologist as being inactive may well be active days, weeks or months later. In addition, sett entrances that are deemed inactive do not necessary equate to a sett/internal tunnels being inactive. In addition, badgers can co-exist with foxes and rabbits so signs of fox/rabbit at a badger sett does not mean a badger is not using it.

We look forward to further, details and specific mitigation information regarding the site and each phase. If setts (especially a main sett) are closed, we recommend and expect an artificial sett to be built in-line with Natural England Standing advice.

We welcome general mitigation such as ensuring trenches are not left uncovered/a route out for any badgers is in situ should they fall in. We expect a qualified ecologist to inspect for fresh digging or new setts each day before construction site, given it is a highly active badger area, and that all construction workers on site are made aware of this high level of badger activity.

We ask specifically that a specialist badger ecologist (not a general ecologist) should be employed to look at the site and develop an appropriate mitigation plan. We recommend Pearce Environment Limited.

We wish to have Consultation on all phases of this regarding badger mitigation and request access to site to check sett information.'

Revised comments on the applicant’s rebuttal letter below (paragraph 7.6) are awaited and will be reported on the Committee update sheet.

7.6 Applicant’s response/rebuttal letter to comments received from Natural England and The Badger Group

Letter received on 07.05.2019:

‘Thank you for providing us with the consultee comments received to date on the above application. We note that a number of ecology related consultees have responded to the application some issues were raised by more than one consultee. This letter therefore provides U&C’s response to the comments from Natural England, the Northamptonshire Badger Group and the Bedfordshire, Cambridgeshire and Northamptonshire Wildlife Trust (responding to the planning application in CBC’s administrative area), following a review by the applicant’s ecologist, Delta Simons.

Natural England (letter from Anna Bush dated 8th April)
Natural England first licensed a newt translocation at Priors Hall in 2008 and works involving the translocation of newts to facilitate the phased development of different land parcels have been ongoing since, apart from for a short period when funding fell short during the recession. Currently all land south of the Willow Brook has been trapped out
apart from a field south of Badger Wood, bounding the northern edge of the off-Site golf course and Old Quarry Ponds Woodland. All translocated newts are held in two large receptor areas that are not connected and this has been the situation for a number of years due to reasons outside of our Client’s control. To facilitate the earthworks proposals, the final field will need to be trapped out and the newts translocated into a receptor site. Therefore, it is not feasible to retain and enhance connectivity during these works which are necessary to stabilise the ground, which comprises a former backfilled quarry, to enable development to proceed.

Delta Simons have discussed the position with Sam Roberts (Natural England) whom has been the licencing advisor for the Site for a number of years and understand that she was going to speak to Anna Bush to explain the history of this site. A planning condition to retain and enhance connectivity through the works would deem them unable to proceed. The current masterplan for the Site, which hinges on these earthworks, has been agreed with Natural England and forms part of the NERC agreement between NE and our Client. This, and the proposed updated Zone 2 / 3 parameter plan which will be the subject of a forthcoming outline planning application in the coming weeks, ensures that connectivity across the Site is restored to how it was before any works commenced and, where possible, enhanced, following the phased development of it which will commence on completion of the earthworks.

Extensive bat and badger survey work has been undertaken at the Site and, whilst the closure of two sets will be necessary to facilitate the proposals, necessitating a licence application to NE, the Ecological Method Statement prepared as part of this application includes mitigation for these species and will ensure that measures are put in place to minimise any adverse impacts as far as is possible.

**Northamptonshire Badger Group** (email from Sally Jones and Pat Thres dated 15th April)

The team firmly disagrees with the Badger Group’s concerns that possible disruptions on-Site are causing the reduction in the levels of badger activity at the Site indicated in the latest Report, on the basis that over the past five years there has been limited works undertaken on-Site, and none whatsoever within the areas where the sets are located, namely at the edge of the GCN receptor site in the central area of the Site, which due to its designation for GCNS cannot be disturbed anyway, and within Badger Wood, the Old Quarry Ponds Woodland LWS and Gullet LWS, all of which comprise areas of the Site where no works whatsoever have been undertaken. Furthermore, there has been no change in connectivity through the Site and the dispersal corridor along the Willow Brook remains in situ and undisturbed. Whilst Delta Simons are well aware of badgers being killed along the A43 corridor both to the south of the Site, but particularly to the east, south of the Corby Golf Course, camera footage from the ecological clerk of works, Keith Walking, has found badgers to use a drain pipe beneath the A43 close to the access to the Site in the south to disperse south/north. Furthermore, the camera traps have indicated confrontation between badgers close to this location and given that there are at least two clans living on-Site we would anticipate that numbers will naturally fluctuate as territorial battles are won and lost and that this is the overriding reason for fluctuations in sett usage on-Site.

Given that the Site covers approximately 1200 acres and is surrounded to the north and east by agricultural estates that provide ideal habitat for badgers, and that Delta Simons have also studied badgers off-Site to the north where access permits, we firmly disagree that this Site has firstly been studied in isolation, but secondly that the surveys are limiting due to the area that has been studied. The phased development of the Site is advantageous to all fauna on-Site as it allows mitigation to be put in ahead of each phase
and ensures that the wider development footprint is not disturbed at once, however, with every species the team also have to consider impacts and mitigation as a whole across the wider Site and allow for any changes as the phases progress. Furthermore, as previously mentioned approximately 40% of the Site will remain in situ with minimal disruption, and these areas comprise the majority of the areas where setts are found. Any licence application that will be required to disturb badger setts, or close them, will have to consider the wider site both as it stands now and any future development in order for Natural England as the statutory body to grant the licence. The Group can be assured that appropriate mitigation will be put in place as not only would we do this as best practise, it is a requirement of any licence.

Whilst it is acknowledged that the Group disagrees with the report that states the potential impacts on badger’s post-mitigation are expected to be minor adverse and therefore non-significant’ it is important to appreciate that we are considering the local badger population and as previously mentioned the phased nature of the works will ensure that there is no disturbance to the wider development footprint at any one time, all of the setts to be retained are in locations that will not be disturbed by the proposals, and dispersal corridors will be maintained. Whilst the establishment of planting does not happen overnight, the majority of this will enhance the foraging, dispersal and sett building opportunities for badgers, beyond the compensatory badger sett(s) required to off-set any loss of setts. However, it should be noted that as our survey results indicate, badger use of the Site is constantly changing and as the ECoW has an ongoing presence at the Site, he has noted in the past two weeks that there is a female and cubs in the south of OQPW in a location that previously supported a sett only used intermittently, such that Delta Simons will be undertaking additional survey works to update the status of the setts on-Site, but it may well be that one of the main setts in the last report that would require closure, has been downgraded in status by the badgers. As highlighted by the Badger Group, the team are aware that badger sett activity and use changes constantly through the year and also, as competent badger surveyors Delta Simons have on numerous occasions found them to be living with both foxes and rabbits.

Given the ongoing presence of an ECoW on-Site we can assure the Badger Group that a qualified ecologist will always check ahead of any development works for signs of badger digging as well as other species. Delta Simons always follow best practice and consider their team and the ECoW on-Site to be competent and experienced badger ecologists with a long-standing knowledge of the Site and of badger mitigation. They work to the standards of the professional body, CiEEM, and do not believe that it would be necessary for the Badger Group to access the Site to check sett information.

We are sure that the LPA will be happy to continue consultation with the Badger group as the development progresses, and they will be provided with the latest survey results as soon as they are available.

**Wildlife Trust** (letter from Katherine Banham dated 9th April)

The WT queried the nomenclature of the Local Wildlife Sites in the supporting information which differs slightly from that used by the WT. For clarity, The Priors Hall (west) LWS falls within the Corby Old Quarry Gullet LWS/LGS boundary and, therefore, whilst we anticipate that the PH (W) LWS has become incorporated into the Gullet LWS, the boundary of this wider LWS remain correct. We acknowledge that the boundary of Old Quarry Ponds LWS is still in discussion, and this will be finalised once the development boundaries are fixed under the upcoming Masterplan application. The references to the LWSs in the Construction Environmental Management Plan (CEMP) have been amended to align with the WT approach.
The second paragraph within section 2.2 of the CEMP has also been amended, to clarify the approach to the Corby Old Quarry Gullet LWS buffer which falls within the red line boundary, within which no building or above ground infrastructure works will be permitted. This buffer also incorporates a 5m Root Protection Area (RPA) buffer zone with an additional 1m offset of protective fencing along the hedgerow boundary / woodland edge of the LWS within which neither machinery nor any intrusive works are permitted. The 10m buffers will be incorporated within the Parameter Plan for the forthcoming outline application for Zones 2 and 3.

The WT highlight the importance of retaining connectivity for species across the site. Given the requirement for connectivity to be retained for GCNs and badgers under current/future licenses, this will be maintained for the benefit of other faunal species at PHP.

Whilst the Ecology Method Statement recognised the presence of Himalayan Balsam along the Willow Brook, it did not consider impacts/mitigation in section 4. This has been rectified in the attached amended statement.

**Amended Application Documentation**

In response to the above comments, we enclose the updated Ecology Method Statement and Construction Environmental Management Plan. We trust this addresses the concerns of the ecological consultees and allows the application to progress to committee as planned. If you need any further clarification on any of the issues, please do not hesitate to contact me.

7.7 Northamptonshire County Council- Ecological Advisor

Initial comments received on 26.04.2019: 'I'm writing in response to your consultation on the above application for earthworks at Zone 3 of Priors Hall. Having reviewed the application documents I'm satisfied that biodiversity impacts should be adequately mitigated provided the Ecological Method Statement is followed. I would therefore recommend the following condition:

All ecological measures and/or works shall be carried out in accordance with the details contained in 'Ecological Method Statement: Proposed Earthworks, Zones 2 and 3 (South), Priors Hall Corby', Delta-Simons Project No. 17-1536.11 and dated February 2019, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.'

Further comments on the applicant's rebuttal letter above (paragraph 7.6 above) dated 23.04.2019: 'I'm writing in response to your consultation on the 7 May amended details on the above application for earthworks at Priors Hall. I've reviewed the updated Ecological Method Statement and support the changes. I have also considered the agent's response to comments from the Northamptonshire Badger Group in particular. At this stage I am satisfied with their proposal for moving forward and have no specific recommendations or requests to make.'
7.8 Commission for Dark Skies

Comments received 03.04.2019: 'Thank you for requesting Commission for Dark Skies' comments on this earthworks application.

We note that this application is predominately relating to land engineering and preparation for Priors Hall, as a result we expect that there will be no permanent exterior lighting to be associated with this.

However, we would advise that any temporary lighting that is to be used during these works is installed to minimise glare and wasted energy through light pollution and that this is monitored throughout the works process.'

7.9 East Northamptonshire Council's Senior Environmental Protection Officer (noise and contamination)

Initial comments received on 17.04.2019: 'This application is for the extensive cut and fill earthworks operation required to bring forward development of Zones 2 and 3 of the Priors Hall development. It is assumed that Corby Borough Council will also respond on environmental matters as the majority of the red line area lies within their district. These comments are made with respect to the construction management plan (CMP) only. Separate comments will made on contamination issues. Two CMPs have been submitted dated 09.02.19 and 13.03.19.

The CMPs detail the works to be undertaken and methods used to prevent environmental impact which are mostly satisfactory. However, I have the following comments and observations:

4.2 Working hours
I consider the working hours, especially if noisy works are being undertaken, to have the potential to impact on nearby development. Especially when works are being carried out near to the western boundary. I would suggest the following:
07:30 - 18:00 Monday to Friday
08:00 - 13:00 Saturday (when/if required)
No construction will take place on Sundays and Bank Holidays

4.3 Stockpiles, Re-use of Soils, and Dust Mitigation
This section says a lot but very little about how the applicant intends to reduce and control dust generated during the works. There is nothing about monitoring, dust suppression, etc. This section needs to be far more detailed to prevent pollution to air and any resultant adverse impact on local air quality. Please refer this back to the applicant.'

Revised comments on applicant's Construction and Environmental Management Plan received on 13.05.2019: 'Sorry for the delay in commenting on the revised Construction Management Plan (CMP) but have now had time to look through it. I agree with your comments that the new proposed working hours would be difficult/impossible to enforce. We do have a fairly standard noise condition for this as follows plus informative comments on best practice and guidance.'

Condition - Construction work operational times:

No earthworks, material processing and construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.
Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of nuisance.

Informative - Noise and Vibration

The developer, all contractors and sub-contractors engaged in any form of earthworks, material processing and construction work as part of the development should employ the principles of current best practice. In particular due regard should be made to BS 5228: 2009+A1:2014 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

Reason: To limit the detrimental effect of works on adjoining residential occupiers by reason of nuisance.

With respect to the control of dust I believe this section needs to be far more robust in the monitoring and actions, due to the size of the site it may be more akin to an open quarry site. Whilst the suggestion of 'Frisbee' type dust deposit gauges is encouraged they only indicate the cumulative deposition of dust over a period of time. More immediate action needs to be taken early on to prevent problems rather than relying on survey data.

The CMP goes into a number of actions that can be taken to suppress dust but little on monitoring and actions. It is suggested that a graded scale, depending on the risk of airborne dust, together with responses/actions is put in place (i.e. a simple risk scoring matrix), which can be easily understood by all parties. Similar to those used on open quarry sites. Please refer this back to the applicant and I would be more than happy to discuss this with them.

Further comments on applicant’s Construction and Environmental Management Plan received on 15.05.2019: ‘Further to discussion with the applicant a revision to the control of dust from the works detailed in the construction management plan (CMP) has been submitted. The best way forward, as discussed with the applicant, would be for a dust action plan to be agreed, as a pre-commencement condition and to be completed by the approved main contractor. Advice has been given to the applicant on the control and management of dust to minimise generation and a structured, risk based matrix will be developed for monitoring and control. The basic means how this will be achieved have been noted in the CMP (section 4.3). This methodology is based on dust control for open quarry sites.

Therefore, based on the submitted CMP and discussions with the applicant I would like to suggest that a suitably worded condition is placed on the planning permission. The following may suit.

Dust
Prior to the commencement of the development, a dust action plan for the control of dust shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of nuisance.

Comments on contamination and risk assessment received on 29.04.2019: ‘I have been asked to comment on contamination issues with respect to the significant earthworks required to enable development of zones 2 and 3 at Priors Hall. Both zones lie within the area covered by Corby Borough Council. The applicant has carried out a very thorough site investigation with both geo-environmental and geotechnical assessments being carried out. I will only comment on the geo-environmental assessment.
In essence no significant levels of contamination were found that require remediation as part of the cut and fill earthworks. A ground gas survey and risk assessment was carried out, which has identified a potential risk to future buildings and occupiers. However, given the extensive earthworks the potential source and pathway will undergo radical change hence we cannot agree any remedial scheme at this time. The environmental consultant has recommended (section 12.2 report dated November 2018) on completion of the cut and fill operation supplementary gas monitoring and a risk assessment is undertaken in each development plot. This would be a reasonable way forward but I am unsure how this fits in with this planning permission and any future full or reserved matters application for these zones. Notwithstanding this, I would suggest the following conditions in this respect.

Ground gas condition(s)
On completion of the works hereby permitted no further development shall take place until a site investigation and assessment in relation to the ground gas risk has been carried out and the consultant’s report and recommendations have been submitted to and approved in writing with the Local Planning Authority.

If the presence of ground gas is confirmed, or there is evidence that migration of ground gas is likely to occur, development shall not commence until remedial measures have been submitted to and approved in writing with the Local Planning Authority.

Remediation of the site shall be carried out in accordance with the approved remedial scheme. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

On completion of remediation, or prior to the first occupancy in any phase, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required ground gas mitigation measures have been installed in accordance with the approved scheme. Post remediation sampling and monitoring results shall be included in the closure report, if required.

Reason – to protect public safety.’

Applicant’s response to the above stated comments from the Environmental Protection Officer received on 30.04.2019: ‘As discussed, the proposed ground gas condition as drafted would effectively, but unnecessarily, tie the earthworks application to development that will be permitted via the outline and may also mean that the condition could not be completely discharged until the foundation design for all development has been submitted and approved (many years from now). It would be more appropriate therefore for conditions to be attached to the outline in due course so that foundation design etc. can be dealt with on a parcel by parcel basis, through reserved matters submissions, completely separate to the earthworks application.

As per the commitment in the submitted report, post earthworks gas monitoring will be undertaken in any event, alongside typical foundation designs and gas mitigation measures, and will be included as part of the overall verification reports. This will inform but may be superseded by the housebuilders design at the RM stage.’

Senior Environmental Protection Officer’s revised comments on the applicant’s response above received on 03.05.2019: ‘That would be a reasonable way forward.’
7.10 East Northamptonshire Council’s Senior Tree and Landscape Officer

Comments received on 01.05.2019: ‘Having reviewed the submitted documents for the application I have the following comments to make.

1. I have no objections to the proposals for the site, the protective fencing locations should provide sufficient protection for the retained trees on the site.

2. I would like to request that a copy of the AMS Reporting Form (Arboricultural Method Statement Part 1 - Appendix F) be submitted for approval to the LPA following the erection of the protective fencing and that any further reports be retained for inspection at the site office.

3. Replacement planting of the removed trees should be addressed within the planning application for the site (under the Outline Permission).’

7.11 Northamptonshire County Council - Local Highway Authority

Comments received 11.04.19: ‘Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

The LHA confirms no objection in principle to the proposed subject to a suitably worded condition appended to any approval, securing the contents and proposals contained within the provided Construction Environmental Management Plan, produced by the applicant in support of this application.’

Further comments on applicant’s Construction and Environmental Management Plan received on 10.05.2019: ‘Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

The LHA have no objections to the amended management plan.’

7.12 Northamptonshire County Council Archaeological Advisor

Comments received 08.04.19: ‘Thank you for your consultation requesting comments in relation to this application. The development area has been subject to a number of archaeological investigations in connection with previous applications.

The archaeological investigations within Zone 3 identified a Roman villa complex which is to be preserved in situ within an area of archaeological sensitivity. There are however other areas which have been identified as requiring preservation by record. The long term management of the area is to be achieved through an Archaeological Management Plan and a Heritage Management Strategy.

The application is predominately for earthmoving activities within Zone 2 although the plans also show small incursions into the southern part of Zone 3. The Heritage Technical Note produced by Cotswold Archaeology identifies that Zone 2 is devoid of archaeological Century ironstone quarrying. The drawing 2564-Z23S-200 provided the Technical exclusion area for the villa but does not show the other mitigation areas. The figure also shows an incursion into Zone 3 although the extent of this is unclear. This plan seems to differ a little from submitted plan UAC047-010 in which the redline areas shown on drawing extend into Zone 3. The areas shown do not impact directly on the archaeologically sensitive areas but come close especially on the western end where
they are close to Mitigation Areas A and B which have identified in the Archaeological Management Plan.

It would be helpful to have confirmation that the proposed earthworks or associated works will not impact on any areas that have been identified for archaeological mitigation.

Revised comments on amended ‘Heritage Technical Note’ received on 24.04.2019: ‘Thank you for the plan. It confirms that the proposed earthworks do not impinge on area A which requires archaeological mitigation in advance of development. I have attached for information a screen shot of Figure 2 from the Cotswold Archaeology Zone 3 Heritage Management Strategy and plan April 2019 which clearly shows the extent of area A’

7.13 Historic England

Comments received on 15.05.2019: ‘Thank you for your letter of 13 May 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.’

7.14 The Environment Agency

Initial comments received on 09.04.2019: ‘Thank you for referring the above application on 28 March 2019.

We consider that planning permission could be granted for the proposed development if the Flood Risk Assessments (FRAs) (D2E, Priors Hall Zone 2 Northern Catchment and Southern Catchments Flood Risk Assessment, report number 3083/802/REVA dated May 2013 and D2E, Priors Hall Zone 2 Southern Catchment Flood Risk Assessment, report number 3083/801/REVA dated May 2013) referred to the in the submitted FRA (AECOM, Zone 2 and 3 Earthworks Surface Water Management Strategy and Flood Risk, project number: 60572455 dated 13 February 2019) are submitted in support of the application. In the absence of this information, we are unable to make an assessment of the flood risks arising from the proposed development.

Further comments received on 15.05.2019 on the additional FRA documents submitted by the applicant: ‘Thank you for referring the amended information for the above application which was received on 02 May 2019.

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to consider the impact of the earthworks on the site and surrounding area.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us to explain why material considerations outweigh our
objection, and to give us the opportunity to make further representations in line with the Town and Country Planning (Consultation) (England) Direction 2009.

In accordance with the National Planning Practice Guidance (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn. Please provide us with either a link to, or, a copy of the decision notice.

Information for Applicant

Flood Risk Assessment

We provide the following advisory comments on the Flood Risk Assessments (FRAs) submitted in support of the application (Surface Water Management Strategy and Flood Risk, ref: 60572455, dated 13 February 2019, Priors Hall Zone 2 Northern Catchment and Southern Catchments Flood Risk Assessment, Report number 3083/802/REVA, prepared by D2E, dated May 2013 and Priors Hall Zone 2 Southern Catchment Flood Risk Assessment, Report number 3083/801/REVA, prepared by D2E, dated May 2013. The FRAs do not cover or detail the enabling works (cut and fill earthworks). Section 1.3 of the Surface Water Management Strategy and Flood Risk (ref: 60572455, dated 13 February 2019) states that the 'Environment Agency Indicative Flood Maps shows that the site is located within Flood Zone 1'. This is incorrect. The red line boundary of the development extends down to Willow Brook, which has a flood zone associated with it.

Comparing the red line boundary plan against the Floodmap shows that the northern boundary is partially within Flood Zones 2 and 3. The works are adjacent to Willow Brook Main River. Drawing No. 2564-Z23S-200: Extent of Remedial Earthworks (Rev G) shows the planning application boundary areas spanning the left and right banks of Willow Brook. Whilst this drawing shows the boundary only, it is unclear from the submission information whether or not any actual earth works are proposed within close proximity to Willow Brook Main River and the floodplain. Further information on the earthworks close to Willow Brook Main River is required.

There should be no loss of floodplain as a result of the development and further details must be provided on any raising or lowering of land within the floodplain. Any loss of floodplain should be compensated for on a level for level, volume for volume basis (i.e. re-grade the land at the same level as that taken up by the development) therefore providing a direct replacement for the lost storage volume. Within the FRA, detailed information must be provided to demonstrate how this can be achieved. For further advice and guidance on the provision of floodplain compensation, please refer to direct replacement of flood storage within Section A3.3.10 Compensatory Flood Storage of CIRIA Guide C624: Development and Flood Risk, guidance for the construction industry. The FRA must also demonstrate that any excavation and fill in the vicinity of rivers will not adversely affect the geomorphology and structure of the river channel.

Environmental Permitting Regulations.

Under the Environmental Permitting (England and Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Willow Brook designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted.'

Environment Agency's response on the applicant's amended Flood Risk Assessment and Drainage document are awaited and will be reported on the Committee update sheet.
7.15 Northamptonshire County Council - Lead Local Flood Authority

Initial comments received on 08.04.2019: ‘Thank you for consulting us on the above planning application.

Having reviewed the submitted information located within: Priors Hall, Corby Zones 2 and 3 Earthworks Surface Water Management Strategy and Flood Risk ref 60572455 prepared by Aecom dated 13th February 2019. We note point 4 of page 9 indicates a 5m strip is to be left adjacent a watercourse to filter sediment. Recent published studies indicate a 5m strip can reduce sediment from agricultural land by 54%. As such we would request that the applicant reviews this section of the document and provides a strategy that reduces further the risk of pollution to the adjacent watercourses.

Overcoming our concerns:

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible, actively reduces flood risk overall. We ask you to be re-consulted on this requested surface water drainage information. We will provide you with bespoke comments within 21 days of receiving a formal re-consultation. We cannot support the application until adequate surface water drainage information has been submitted.

Upon submission of revised surface water drainage information we may deem that the impacts of surface water drainage have been adequately addressed, pending the planning conditions. Or we may consider that the nature of the proposal, drainage solution or information submitted remains insufficient to overcome our concerns.

Please note that our comments only cover the surface water drainage implications of the proposed development. If you are minded to approve the application contrary to any outstanding concerns, I would be grateful if you could notify us, to give us the opportunity to make further representations in the event that the applicant appeals a refusal of their planning application or non-determination, we would be prepared to fully support Local Planning Authority and provide evidence at any public inquiry or informal hearing in relation to surface water drainage matters.’

Further comments received on additional Flood Risk Assessment documents submitted by the applicant on 16.05.2019: ‘Thank you for consulting us on the above application. We made previous comment on 11/04/2019 in regards the 5m wide retained strip for the trapping of silt. Our comments were not derived from guidance within our local standards but from published research on the use of grass strips used for silt control. We would welcome comment from the applicant.

Whilst we are in approval of the details within Priors Hall, Corby Zones 2 and 3 Earthworks Surface Water Management Strategy and Flood Risk ref 60572455 prepared by Aecom dated 13th February 2019 we would suggest the LPA seeks adequate provision and verification for the removal of any silt that is deposited during construction operations, and refurbishment of any areas that have been subject to over-compaction, siltation etc.

We would also advise that the applicant seeks advice from the IDB (Bedford Group of Drainage Boards) for any works in, on or near the watercourses.’

Revised comments on additional amended Flood Risk Assessment document submitted by the applicant received on 21.05.2019: ‘Thank you for consulting us on the above
planning application.

Having reviewed the submitted surface water drainage information located within; Priors Hall, Corby Zones 2 and 3 Earthworks FRA and Drainage Strategy ref 60572455 V2 prepared by Aecom dated 17th May 2019.

We would advise that the impacts of surface water drainage have been adequately addressed, however, the applicant should contact the Bedford Group of Drainage Boards for advice on all works in the vicinity of drainage ditches and watercourses not classified as Main River.

*In view of the above, should you require any further information, or wish to discuss these matters further, please do not hesitate to contact us.*

7.16 **Northamptonshire County Council - Waste Planning**

Comments have been received on 29.03.2019: ‘Thank you for consulting Northamptonshire County Council on the above application. We note section 1.3 of the CEMP states the works include “cut and fill to an earthworks balance with no import or export of material to provide development platform contours suitable for future building works”. Given that no import/export of material is proposed we are satisfied this application is dealt with as a district matter, however should anything change and material is imported/exported it may become a county matter to be determined by County Planning Authority.’

7.17 **Council’s appointed Geotechnical Consultant**

*Summary of comments received on 24.04.2019:* The consultant’s response is an assessment of the latest ‘Priors Hall Park, Corby- Zone 3 south and Zone 2- Earthworks Strategy (issue V3, May 2019)’ and ‘Priors Hall, Corby- Zone 2 Earthworks Trial and Settlement (issue V2, may 2019).

Section 2.0 of the report provides observations on the strategies and includes recommendation under sub-sections (a) to (h). Under the discussion section 4.0 the consultant states that ‘we consider that the works outlined in the Earthworks Strategy Report provide a viable method of treating the quarry backfill underlying the site to allow the development of housing, provided that the works are undertaken with a good level of control and supervision. However, we consider the points outlined in Section 2.0 should be reviewed and incorporated into or amended in the development strategy, in particular: Site Drainage, see Point (f). Whilst we note that positive statements regarding protection of earthworks and the surcharged ground are included on page 13, there is not mention of an overall drainage plan for the site and especially the temporary arrangements for the collection and disposal of the surface run-off from the earthworks and the final development platforms. Where is the water to go? Whilst the Strategy Document may not be the place to discuss this aspect of the site development and it may have already been addressed, we would have expected some reference to be made to such a document or drawing into which the lined ditches carrying water off the earthworks and platforms will connect. (We would note that we are not qualified as drainage engineers to judge the adequacy of such a document or drawing);

The surcharge heights in situations where the original ground leave; is raised to form the development platform need to be established, see Point (d);

The overlapping of surcharge mounds or strips needs to be ensured, see Point e;
The Earthworks Strategy Report includes within it Appendix E the Earthworks Trial and Settlement Assessment Report and the Strategy Document. This should be updated to include the final version of the report on the trials, once they are complete, with the grail mounds removed and the monitoring completed, possibly with the updates and additions discussed above in Section 3.0;

Two conditions to the planning approval have been proposed by the developer. These are:

1) The works will be carried out in accordance with Priors Hall, Corby Zone 3 South and Zone 2 Earthworks Strategy issue V3 (May 2019);

2) Prior to completion of works identified in the above report and following the removal of the existing temporary trial areas on site, the results of the Priors Hall, Corby Zone 2 Earthworks Trial and Settlement Assessment V2 Draft (May 2019) shall be updated so as to include the final results of the Cone Penetration Test (CPT) drilling and settlement monitoring.

In relation to condition 1, we would add "subject to reviewing and amending if appropriate, the surcharge heights where the existing ground level is raised to form the development platform and to ensure the overlapping of the surcharge mounds".

In relation to condition 2, we change the "Prior to the completion of the works identified in the above report" to "On completion of trials". We would also add a sentence to say, "The Earthworks Strategy Report should be updated to include the final and complete version of the Earthworks Trial and Settlement Assessment Report".

We would also add a third condition about the providing of a Site Drainage Plan to deal with the collection and disposal of the surface water from the earthworks and completed development platforms if there is not one in place already. Something along the lines of "Prior to commencement of the earthworks, a Temporary Drainage Plan to deal with collection and disposal of the surface run-off from the earthworks and development platforms must be developed and agreed with the relevant authorities" could be considered. The drainage provision could be separate or incorporated into the drainage provisions for the housing development.'

7.18 East Northamptonshire Council’s Senior Conservation Officer

Comments received on 29.05.2019: 'I have reviewed the application and I am satisfied that the development proposed would not cause harm to the setting of surrounding heritage assets, namely Kirby Hall.'

7.19 East Northamptonshire Council’s Waste - Sustainable Development Officer

No comments received.

7.20 The Royal Society for the Protection of Birds

No comments received.

7.21 The Ramblers Association

No comments received.
8 Evaluation

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area comprises the North Northamptonshire Joint Core Strategy 2011 to 2031 (JCS) 2016 and the Rural North, Oundle and Thrapston Plan (RNOTP) (2011). There is no Neighbourhood Plan for the area. The following considerations are relevant to the determination of this application:

Principle of Development

8.2 The presumption in favour of sustainable development is at the heart of NPPF (paragraph 11). Paragraph 59 of the NPPF sets out the Government’s objective of significantly boosting the supply of homes. Paragraph 72 states that ‘the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by necessary infrastructure and facilities…’. Paragraph 117 of the NPPF states that ‘planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions’.

8.3 The proposed development is an essential engineering operation required to expedite the timely delivery of Zones 2 and 3 of Priors Hall Park site which is a committed urban extension identified on the North Northamptonshire ‘Key Diagram’, Figure 12 of the JCS and also identified on Figure 16 of the JCS: Principal Sustainable Urban Extensions. Policy 11 (1a) of the JCS sets out the spatial strategy for the area. It states that ‘the growth towns will be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development’. Table 1 of the JCS identifies ‘Corby’ as a ‘growth town’. Furthermore, the entire Priors Hall Park site, Zones 1, 2 and 3 benefit from extant planning permissions. Therefore, the principle of development has already been established on site. Whilst the application proposal would not, in its current form, provide a mixed use urban development; it would provide the timely and necessary infrastructure that would aid in the speedy delivery of homes, jobs and community facilities. The application proposal would help achieve the economic, social and environmental objectives of sustainable development.

8.4 Given the large scale and nature of the application proposal, other material considerations, in the form of environmental implications, as set out in the NPPF, NNJCS and RNOTP would need to be weighed in determination of the application. These have been set out below:

Design, Layout and Impact on the Character and Appearance of the Area

8.5 Matters relating to design and layout, in respect of the current application, would relate to the finished design/profile (how the land is sculpted) and layout (how it would be laid out in the context of the existing landscape and visual features associated with the application site and its surroundings). The application site (Zone 3 south), is currently pasture land; the extensive ground works proposed would result in the loss of the majority of this pasture land, through sculpting of land, cut and fill, and surcharging operations considered necessary for ground stabilisation and resultant final development platforms for a future mixed use Urban Extension. The associated works with the planning application would impact on the character and appearance of the area in terms of
8.6 The existing topographical survey plan shows the site levels within ENC administrative area, Zone 3 (south), to slope gradually towards the east (i.e. from west to east). The proposed finished cross section plans and contour plan submitted with the application indicate that the land would be sculpted, so as to create a profile that would gradually slope towards the Willow Brook North (i.e. from south to north). On comparing the existing and proposed land levels/profiles on the cross section plans, it is evident that there would be a modest rise in ground levels at the southern section of Zone 2 south, in order to establish a gradual and refined slope towards the Willow Brook North. The cross section drawings indicate that the gradual drop in ground level, towards the Willow Brook North, would not be more than -1.5m at its maximum (ranging from -0.5m to 1.5m).

8.7 The landscape and visual impact of the main outline application for Zones 2 and 3 would be a matter for future consideration; the applicant has indicated that the current application is being submitted without any prejudice to the decision associated with the future planning application. Hence, in terms of the current application, the landscape and visual impact of the proposal are limited to only the layout and design of the proposed finished earthworks.

8.8 Planning policies seek to conserve and, where possible, enhance the character and qualities of the local landscape (e.g. JCS Policy 3) and recognise the intrinsic character and beauty of the countryside (NPPF Chapter 15). The site falls across two landscape character areas as defined in the Northamptonshire Current Landscape Character Assessment 2010 (LCA). The Willow Brook essentially marks the boundary between the ‘Deene Plateau’ character area (north-most of Zone 3 north of the Willow Brook) and the ‘Ironstone Quarry Plateau’ character area (south also includes Zone 3, the current application site). The characteristics as described in the LCA particularly highlight the open nature of the landscape and the importance of woodlands and boundary vegetation for screening.

8.9 The application proposal would change the tranquil open and green character of the area. However, the extant planning application for Zone 3 would have resulted in a similar change. The site boundaries are well defined by existing mature trees and hedgerows; these are shown to be retained and protected in the submitted ‘Arboricultural Survey and Method Statement’. The above mitigation measures would minimise the visual impact of the proposal and a condition has been recommended (conditions 2 and 5) to ensure compliance with this statement. In light of the above comments, it is not considered that there would be significant adverse impacts on the landscape and visual character of the area.

**Heritage**

8.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Planning policies seek to protect and enhance designated and non-designated heritage assets (e.g. JCS Policy 2 and NPPF chapter 16).

8.11 There are no built heritage assets in the immediate vicinity of the site (Zone 3 south); the nearest listed building Grade II Listed Weldon Lodge, is located approximately 675m to the west; the Grade I Listed Kirby Hall, is located 1 km to the north; the Grade II* Registered Kirby Hall Park and Garden, is located 1 km to the north of the site and the western boundary of the Grade II Registered Deene Kirby Hall is located 80m to the east of the site, whilst the main house (the Grade I Listed Deene Hall and pleasure gardens are located 1.5 km to the east.

60
8.12 Historic England has commented that based on the information provided they do not wish to offer comments and have suggested that ENC seek the views of their special conservation and archaeological advisers.

8.13 Initial comments received from the Northamptonshire County Council's Archaeological Advisor expressed concerns to the effect that whilst the earthworks do not impact directly on archaeological sensitive areas, the western area of the proposed earthworks, extends near to the mitigation areas agreed in Zone 3 north of the Willow Brook. Following these concerns, the applicant has submitted an amended contour plan which identifies the extent of the probable Roman Villa, of local significance, in Zone 3 and its agreed boundary of exclusion zone as previously agreed. An amended Heritage Note was also submitted. The Northamptonshire County Council's Archaeological Advisor was re-consulted on the amended contour plan and Heritage Note. She commented with an attached screen shot of Figure 2, from the Cotswold Archaeology Zone 3 Heritage Management Strategy and Plan April 2019, which clearly shows the extent of Area A, and confirmed that the proposed earthworks would not impinge on area A which requires archaeological mitigation in advance of development.

8.14 In the light of the above comments, it is considered that given the nature of the proposals, the distance between the site and nearby built heritage assets and the existing character of the surrounding landscape, the proposed development will not result in any adverse effects upon the significance of nearby designated heritage assets through changes to their setting. Condition 2 has been recommended to ensure compliance with the updated heritage note.

Highway Safety and Parking

8.15 A Construction and Environmental Management Plan (CEMP) with supporting appendices forms part of the planning application. This has been amended on several occasions to overcome consultee concerns. In terms of impact on safety of highway network and users, the CEMP identifies the application proposal (Zones 2 and 3 south) to be served by the existing 4.0m wide access road, with passing places along the central causeway, taken from Zone 1 (CBC administrative area). This road will convey all traffic from the west to Zones 2 and 3 south works areas during the construction phase (appendix 6 of the CEMP). All delivery vehicles entering and leaving will use the surfaced access road and vehicles will be restricted to the site compounds and material storage areas (within CBC's administrative boundary, Zone 2). Vehicles leaving the site will use the temporary traffic management and exit onto the existing highways. Plant storage compound and wheel washing facilities would be located in Zone 2. Wheel washing facilities in the form of a powered jet wash will be available for vehicles exiting the site compounds and material storage areas. In addition a road sweeper will be utilised to ensure that the highway is kept clean when necessary.

8.16 The existing Public Rights of Ways would not be affected by the application proposal.

8.17 Northamptonshire County Council as a Local Highway Authority has been consulted over the application proposal and the CEMP; they have responded stating that they have no objections. Overall it is considered that the proposal is acceptable on highway grounds.

Noise, Vibration, Dust, Air Quality and Lighting

8.18 Noise and vibration sensitive receptors are located within 300m of the proposed
development area, in the form of residential properties on Zone 1. Potential noise disturbance from the site will result from vehicle/plant movements. Measures to mitigate noise impacts from the development have been covered in the Construction and Environment Management Plan (CEMP).

8.19 The CEMP has been amended following concerns from the Council’s Senior Environmental Protection Officer (EPO) to address control and monitoring of dust from the works.

8.20 The CEMP specifies that the control of construction noise and vibration will be undertaken in accordance with BS 5228:2009-1 and BS 5228:2009-2 which relate to the code of practice for noise and vibration control on construction and open sites-part 1-noise and part 2 vibration. The principles of best practicable means will be employed where appropriate including the following measures: use of hydraulic plant in preference to pneumatic plant; maintenance of plant and equipment in good working order and fitted with silencers and acoustic panels; shutting down of plant between periods of use; methods used for concrete breaking and demolition would be carefully considered, non-percussive means would be used; placing of all static plant including any concrete crushing equipment within site boundary so that the noise outside the boundary will be minimal; use of acoustic enclosures for fixed plant such as generators in sensitive locations and use of mufflers and silencers on noisy plant, equipment.

8.21 The standard working hours for all construction activity as specified in the CEMP are: 07:30 to 20:00 Monday to Friday; 07:30 to 17:00 on Saturday (when/if required) and no construction will take place on Sundays and Bank Holidays. For noisy works near to the western boundary working hours will be limited to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday (when/if required). No construction to take place on Sundays and Bank Holidays.

8.22 The amended CEMP includes further information on how to reduce and control dust generated during the works, prevention of pollution to air and minimise impact on air quality with regard to: stockpiles and re-use of soils; vehicles; plant and equipment; transport storage; excavations and earthworks; processing and crushing activities; monitoring and water for dust control.

8.23 Following discussions between the applicant, case officer and EPO, it was considered that the best way forward would be for a dust action plan to be agreed, as a pre-commencement condition and to be completed by the approved main contractor. Condition 4 has been recommended to address this concern. The applicant has agreed to this condition.

8.24 Case officer discussions with the EPO revealed that the suggested hours of work in the amended CEMP (paragraph 8.21 above) should be reworded to read as 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday and no construction to take place on Sundays and Bank Holidays. A condition 3 has been recommended to secure this compliance.
8.25 Section 4.5 of the CEMP sets out the requirements for the use of artificial lighting. The CEMP states that as the works to the Zone 2 and 3 (south) are possibly going to commence in the second quarter of 2019, there may be little requirement for artificial lighting equipment around the works and welfare areas. However, should there be a requirement for lighting, the CEMP sets out a range of best practice measures to be followed as recommended by the Institute of Lighting Engineers, Construction Industry Research and Information Association and Health and Safety Executive. Notwithstanding the above, to minimise light pollution impact, a condition 6 has been recommended requiring the details of lighting. The above measures would address the concerns/comments made by one of the residents on Zone 1 (CBC administrative area) and the comments have also been forwarded to CBC.

Sustainable Construction

8.26 A Sustainability Statement is incorporated in the CEMP. The design of the development has been based upon a cut and fill balance with no material being exported or imported. It is suggested that all naturally occurring material encountered during the earthworks will be processed and reused as haul road construction on site.

Contamination

8.27 A preliminary risk assessment accompanies the planning application. The Council’s Environmental Protection Officer has commented that no significant levels of contamination were found that require remediation as part of the cut and fill earthworks. The ground gas survey and risk assessment undertaken identifies a potential risk to future buildings and occupiers; however, owing to the extensive earthworks the potential source and pathway will undergo radical change and as such a remediation scheme cannot be agreed to at this stage. Ground gas conditions were recommended as a suggested way forward risk to future buildings and occupiers. However, the applicant has argued against the use of such a condition with the current application as it would tie the earthworks application to the development that will be permitted via the outline. Furthermore, the applicant’s consultant under section 12.2 of the risk assessment report has recommended that on completion of the cut and fill operation, supplementary gas monitoring and a risk assessment will be undertaken in each plot. As a way forward the Council’s Environmental Protection Officer has agreed to impose this condition on the future outline planning application relating to mixed use development on Zones 2 and 3.

Waste Management

8.28 A Site Waste Management Plan has been incorporated in the CEMP. The plan incorporates potential for waste minimisation and material waste efficiency hierarchy: to avoid the production of waste from the outset; minimisation of waste produced by construction process; re-use of products and recycling. Northamptonshire County Council’s Waste Planning Team is satisfied that given that no import/export of material is proposed the application is a district matter. However, it is suggested that should this situation change it would become a County matter for determination. An appropriate informative has been recommended which would inform the application of this requirement.

Flood Risk and drainage

8.29 The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy. The Environment Agency (EA) indicative flood maps shows that the vast majority of the site is located within Flood Zone 1 (low risk of flooding). The application site includes a small area within Flood Zones 2 and 3 along the Willow Brook.
8.30 The Environment Agency (EA) expressed concern over missing information from the originally submitted FRA (FRA associated with the northern and southern catchment areas for Priors Hall Park). The Northamptonshire Lead Local Flood Authority (LLFA) also expressed concern over the retention of a 5.0m strip adjacent to watercourse as a measure to reduce the risk of pollution to the watercourse. A strategy is recommended to further reduce the risk of pollution to the adjacent watercourse.

8.31 The applicant submitted the missing information relating to the original FRAs. The LLFA on commenting on the document re-iterated their concern over the retention of 5.0m strip and suggested that the Local Planning Authority seeks adequate provision and verification for the removal of any silt that is deposited during construction operations, and refurbishment of any areas that have been subject to over-compaction, siltation etc. It is also advised that the applicant seeks advice from the Internal Drainage Board (Bedford Group of Drainage Boards) for any works in, on or near the watercourse.

8.32 Upon the receipt of additional/missing information, the EA recommended that the application be refused as the FRA fails to consider the impact of the earthworks on the site and surrounding area. The EA has suggested recommendations to overcome the concerns as set out in section 7.14 above.

8.33 The applicant has submitted an amended FRA. A contour plan has been submitted with the amended FRA. The LLFA has commented on the amended FRA and Drainage Strategy to the effect that the impacts of surface water drainage have been adequately addressed; it is recommended that the applicant contact the Bedford Group of Drainage Boards for advice on all works in the vicinity of drainage ditches and watercourses not classified as a Main River. An informative has been recommended advising the applicant of this requirement. Comments from the EA are awaited; any comments received from the EA will be reported on the Committee update sheet.

8.34 Comments have been received from the Council’s appointed geotechnical consultant expressing concern over the lack of a drainage plan and strategy to enable the attenuation and or disposal of surface water associated with the earthworks. A condition (12) has been recommended to overcome this concern.

**Land stability**

8.35 NPPF paragraph 178 sets out that planning policies and decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land stability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation as well as potential impacts on the natural environment arising from that remediation. Policy 8 of the JCS on place shaping principles, strives to achieve a high quality of life and safe and healthy communities, an aspect of which includes preventing new development being adversely affected by unacceptable levels of soil pollution, water pollution or land instability.

8.36 The applicant initially submitted a remediation and earthworks strategy which was verified and assessed by the Council’s appointed geotechnical consultant. The consultant requested additional information to support the original strategy. The applicant submitted amended and additional documents associated with the remediation and earthworks strategy; these relate to: methodology on cut and fill earthworks, trial testing, surcharging of land to monitor levels of settlement, monitoring of trial testing results and evaluation in order to further refine the strategy in future through the use of appropriate planning conditions.
8.37 The applicant’s submitted earthworks strategy and trial testing reports have been assessed by the council’s geotechnical consultant with a view to validating the submitted strategies and ensuring that land would be stable for development purposes. The consultant considers the works outlined in the Earthworks Strategy Report to provide a viable method of treating the quarry backfill underlying the site to allow the development of housing, provided that the works are undertaken with a good level of control and supervision. However, the consultant has recommended that the points outlined in Section 2.0 of their assessment report dated 24th May 2019 should be reviewed and incorporated into or amended in the development strategy. Appropriate conditions (10 and 11) to address these concerns have also been recommended.

Ecology and biodiversity

8.38 JCS policy 4 aims to conserve and enhance biodiversity and geodiversity assets and enhance ecological networks by managing development.

8.39 The application is supported by Ecological Impact Assessment (EcIA). The applicant’s ecologist undertook a Preliminary Ecological Appraisal in August 2018, with subsequent visits as part of ongoing surveying and monitoring of the wider Priors Hall Park site also informing the baseline information. Specific faunal surveys were also undertaken within the wider site.

8.40 The surveys have indicated that the hedgerows dividing the grassland and bare ground within the eastern area (Zone 3 south) of the site provide nesting and sheltering opportunities for small species, such as lapwing which favour ground habitats for nesting. The northern area of the site offers suitable habitat for basking, foraging, shelter and hibernation for reptiles. The site did not support any opportunities for roosting bats and was assessed as being of low suitability for foraging and commuting bats. Surveys confirm extensive badger activity within the wider Priors Hall Park site. The Willow Brook is considered suitable to provide a commuting corridor for otter; evidence of these species was also recorded to be associated with off-site ponds within the Old Quarry Ponds Woodland to the east. Occasional brown hare and harvest mouse have also been recorded on site.

8.41 Table 3: Summary of Residual Effects contained in the EcIA confirms that for most of the receptors (national statutory, non-statutory, habitats, birds GCNs, reptiles, bats and badgers), the significance of residual effect would be ‘minor adverse to non-significant’.

8.42 The EcIA report concludes that ‘whilst there may be short term effect on the bio-diversity value of the site in terms of the diversity of flora and the fauna it supports until the site is developed and proposed newly created habitats become established, in the long-term it is anticipated that full mitigation and enhancement measures will be achieved and there will be no significant residual effects on designated sites, habitats or fauna resulting from earthworks’.

8.43 The supporting Ecological Method Statement (EMS) considers the impact upon priority habitat and protected and notable species by the proposed works. For Zone 3 south, the main direct impact of the proposal would be through the loss of habitat, which as a consequence would have direct and indirect impact on protected species such as; removal of two badger sets; direct permanent loss of terrestrial habitat and loss of connectivity between ponds supporting Great Crested Newts (GCNs) in Badger Woods to the north and the off-site golf course to the south; disturbance to birds and loss of habitat for reptiles.
8.44 Section 4 of the EMS provides a table setting out ‘Potential Impacts and Mitigation to Reduce Risk of Harm to Protected Species’. This section of the EMS provides measures to mitigate direct and indirect adverse impacts on the identified species such as: retention and protection of trees and hedgerows; methodology to minimise noise, dust and risk of pollution events to adjacent habitats; creation of buffer zones; avoiding construction activity during the bird nesting season or if undertaking during nesting season to undertake a nesting bird check by a suitable ecologist prior to commencing works and if necessary install buffers around any active nests; undertaking site survey of bare ground habitat in a phased manner prior to commencing work; requirement to obtain European Protected Species Licence (EPSL) (in respect of the GCNs) prior to works commencing within the north-east grassland (Zone 3 south) and Badger Wood. Upon the grant of European Protected Species Licence, installation of temporary amphibian fencing around the site area to be cleared and the area trapped out by a suitable qualified ecologist; translocation programme for reptiles; seek badger mitigation licence from Natural England to facilitate the earthwork phases where setts are to be destroyed or disturbed; creation of compensatory main badger sett to be created at site at least six months prior to works; and no open trenches or pits to be left uncovered.

8.45 Natural England’s (NE) initial comments stated that they have no objections subject to appropriate mitigation being secured; it is considered that without appropriate mitigation the application may sever important connections between large known GCN populations. NE consider it essential for these species to be retained and enhanced connectivity is important. In order to mitigate for these adverse effects and make the development acceptable, connectivity for these European Protected Species (EPS) should be secured. NE has suggested a planning condition or an obligation to secure this mitigation.

8.46 The Northamptonshire Badger Group has objected to the application on the grounds of: level of disruption to the large established badger population living within the site, on the adjacent boundary as well as to the destruction of key setts as well as dispute the reports findings relating to the ‘potential impacts on badgers post-mitigation to be minor adverse and therefore non-significant’.

8.47 The applicant has provided a rebuttal to the comments made by Natural England and the Badger Group as set out in paragraph 7.6 above. Both, Natural England and the Badger Group have been re-consulted on the attached rebuttal document. Natural England has submitted revised comments in which they have indicated that they have been in discussion with the Priors Hall Ecologists who have confirmed that there is no suitable habitat to retain for GCN connectivity purposes within the boundary relating to the current planning application. Therefore, whilst recognising that it is not possible to retain and enhance connectivity for newts with respect to current planning application 19/00336/FUL, Natural England has advised that connectivity should be created across the site between areas of suitable GCN habitat, including the established Receptor Sites, and facilitate migration to offsite area. Your case officer and the Northamptonshire County Council Ecological Advisor (section 7.7 above) are of the view that the applicant’s Ecological Method Statement already addresses the comments made by Natural England above. Response from the Badger Group and case officer recommended course of action will be reported on the Committee update sheet.

8.48 The Council’s Ecological Advisor has commented on the rebuttal statement forwarded by the applicant to the effect that the document has been reviewed by her together with the updated Ecological Method Statement and she supports the changes. She also considered the agent’s response to comments from the Northamptonshire Badger Group and at this stage is satisfied with their proposal for moving forward and has no specific recommendations or requests to make. Conditions 8 and 9 have been recommended to
seek compliance with the Ecological Impact Assessment and Ecological Method Statement.

8.49 The planning application is also accompanied with an Arboricultural Method Statement (AMS). The tree and hedgerow site survey included in the report indicates that for Zone 3 south, the belt of trees located along the Badger Wood are a mix of category A (high value, where retention is most desirable) and B trees (Moderate value where retention is desirable); the belt of trees along the eastern and southern site boundaries are category B (moderate value where retention is desirable). The Method Statement sets out root protection areas, sequenced methods of construction and tree protection and monitoring.

8.50 The Council’s Senior Tree and Landscape Officer has no objections to the proposals for the site subject to the requirement for submission of a copy of AMS reporting form prior to the erection of any protective fencing and replacement planting of removed trees to be addressed with the planning application for the site under the outline permission. Condition 5 has been recommended to require the submission of the AMS reporting form and an informative has been recommended informing the applicant of the need to submit a replacement tree planting scheme with the forthcoming outline planning application.

Residential Amenity

8.51 The application proposal would maintain an adequate separation from the residential properties in Zone 1 so as not to adversely impact upon them through overshadowing, overlooking, over-dominance or visual intrusion. Impact on public health and residential amenity noise, vibration, lighting and dust are considered separately in this report (sections 8.18 to 8.28).

S106 Obligations

8.52 There is no requirement for section 106 obligations in relation to the current application.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9 Conclusion / Planning Balance

9.1 The application proposal constitutes an essential engineering operation that is required to provide stable and compact development platforms to facilitate the residential and mixed use development associated with a forthcoming outline application at Priors Hall Park Zones 2 and 3. The information associated with the earthworks application under consideration presently, would otherwise have been submitted under pre-commencement condition 42 associated with the extant planning application under reference: 16/01237/AMD (which proposed amendment to conditions to allow for the phased approval discharge of pre-commencement conditions on zone 3 pursuant to 04/01326/OUT).

9.2 The earthworks proposal brought forward under this application would support the timely delivery of the remainder of the committed Priors Hall Park sustainable urban extension and contribute towards achieving the spatial vision for the sub-region. Similar to the extant planning application, the future planning application for Zones 2 and 3 would provide a significant amount of housing, including affordable housing and community facilities in a sustainable location. National planning policy places great emphasis on the
need to boost significantly the supply of housing

9.3 Other benefits associated with the development, in the short term, would be the provision of jobs associated with the construction activities on site. The current application proposal would prepare and stabilise the ground for a future planning application as would have been the case for the extant planning application. Therefore, in the long-term, the future residents of Priors Hall Park site would support existing businesses in the area through their custom.

9.4 These benefits have to be weighed against the negative aspects of the development, namely loss of habitat, potential direct and indirect impact on ecological species, namely, badgers and GCNs. The proposal would change the existing open character of the area. There would also be some noise and disturbance associated with the construction activities. However, the above mentioned negative impacts would also have been associated with the extant planning permission for site. Ecological and arboricultural impact assessments and method statements have been prepared and submitted to demonstrate that the potential impacts to the array of species can be successfully mitigated through construction best practice. The CEMP associated with the application incorporates sufficient measure to mitigate potential impacts on residential amenity.

9.5 Taking everything into account, officers are of the view that on balance, the degree of harm in this case is outweighed by the benefits and so the application is recommended for approval subject to conditions set out below and no adverse comments being received from the Environment Agency and Natural England. Alternatively to refuse the application if adverse comments are received from the Environment Agency and Natural England and cannot be overcome by planning conditions.

10 Recommendation

10.1 Recommendation 1: If no adverse comments are received from the Environment Agency by 12th June 2019: GRANT planning permission subject to conditions.

10.2 Recommendation 2: If adverse comments are received from the Environment Agency which cannot be overcome or mitigated by planning conditions, as set out in this report and/or reported on the Committee update sheet, by 12th June 2019: REFUSE planning permission.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
   Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Except where otherwise stipulated by condition on this decision notice, the development hereby permitted shall be carried out strictly in accordance with the following plans, supporting documents and mitigation measures identified in the following documents:

   Plans

   Planning application and boundary ownership plan –UACO047-008;
   Planning application boundary plan-land within east northamptonshire-UACO47/009;
   Planning application boundary plan-land within Corby Borough-UACO47/010;
Topographical plan- 23654A/10 Revision A;
Extent of areas requiring remedial earthworks- 2564-Z23S-200 Revision G;
Zones 2 and 3 earthworks proposed contours- 60572455-SHT-20-ZN2-PL001 Revision P05;
Cross sections (sheet 1 of 3)- 60572455-SHT-20-ZN2-PL002 Revision P02.

Mitigation and supporting documents

Planning application form and planning statement received by the Local Planning Authority on 21st February 2019;
Priors Hall Corby Zones 2 and 3 Earthworks FRA and Drainage Statement, project number: 60572455 dated 17th May 2019;
Construction Environmental Management Plan (CEMP) revision 5 dated 14th May 2019;
Ecological Impact Assessment, issued 15th February 2019, Delta-Simons Project No. 17-1536.11;
Ecological Method Statement, issued 15th February 2019, Delta-Simons Project No. 17-1536.11;
BS 5837:2012 Tree and Hedgerow Survey Report, issued: 15th February 2019, Delta-Simons Project No. 17-1536.11;
Arboricultural Method Statement for the Earthworks Phase of Works, issued: 15th February 2019, Delta-Simons Project No. 17-1536.11;
Priors Hall, Corby Preliminary Risk Assessment, issue VI -January 2018;
Remedial Earthworks, Priors Hall Park, Corby, Northamptonshire ‘Heritage Technical Note’, CA Project: 661139, April 2019, issue 2;

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

3 No earthwork, material processing and construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank holidays unless otherwise agreed with the Local Planning Authority.

Reason: To ensure the protection of the local amenity throughout construction work.

4 Prior to the commencement of the development, a dust action plan for the control of dust shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in strict accordance with the agreed action plan.

Reason: To limit the detrimental effect of demolition and construction works on adjoining residential occupiers by reason of nuisance.

5 Within 2 weeks of the erection of the protective fencing a copy of the AMS Reporting Form (Arboricultural Method Statement Part 1 - Appendix F) shall be submitted for approval to the LPA. Any related further reports shall be retained for inspection at the site office.

Reason: In the interest of protecting any significant on and off site trees.
6 Details of external lighting as specified in section 4.5 of the Construction and Environmental Management Plan revision 5 dated 14th May 2019, shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation. The submitted information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a lighting contour map). The approved scheme shall be implemented and thereafter maintained and retained for the duration of the construction phase of the development hereby approved.

Reason: To protect the appearance of the area, the environment and wildlife and local light-sensitive development from light pollution.

7 Prior to the erection of security/screening enclosures such as hoarding, fences or walls as specified in section 4.7 of the Construction and Environmental Management Plan revision 5 dated 14th May 2019, details of their location, height, design and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter maintained and retained for the duration of the construction phase of the development hereby approved.

Reason: To ensure that the appearance of the development is satisfactory and to protect the environment, wildlife and residential amenity of the occupiers of the nearby properties.

8 The 'Assessment of Effects and Mitigation Measures' as set out in Chapter 7 of the Ecological Impact Assessment, issued 15th February 2019, Delta-Simons Project No. 17-1536.11, which also includes securing appropriate licences from Natural England with regard to Great Crested Newts and Badgers, shall be implemented in full throughout the construction and operational phases of the development.

Reason: To ensure that the development does not result in any harm to protected species and in the interests of enhancing the biodiversity of the area.

9 The 'Potential Impacts and Mitigation to Reduce Risk of Harm to Protected Species' as set out in Chapter 4 of the Ecological Method Statement, issued 15th February 2019, Delta-Simons Project No. 17-1536.11, which also includes securing appropriate licences from Natural England with regard to Great Crested Newts and Badgers, shall be implemented in full throughout the construction phase of the development.

Reason: To ensure that the development does not result in any harm to protected species and in the interests of enhancing the biodiversity of the area.

10 The earthworks shall be carried out in accordance with the 'Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019', subject to reviewing and amending if appropriate, the surcharging heights where the existing ground levels is raised to form the development platform and to ensure the overlapping of the surcharge mounds.

Reason: to ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.

11 Prior to the completion of the works identified in the above report ('Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019') and upon completion of the trials identified in report (Priors
Hall, Corby, Zone 2 Earthworks Trial and settlement Assessment, project reference: 2564, Issue V2, May 2019, the Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019 should be updated to include the final and completed version of the 'Earthworks Trial and settlement Assessment Report'. The final and completed version of the 'Earthworks Trial and settlement Assessment Report' shall be submitted to and approved in writing by the Local Planning Authority, within 6 months of the date of planning consent or any other date to be first agreed in writing by the Local Planning Authority.

**Reason:** to ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.

12 Prior to commencement of the earthworks, a temporary drainage plan to deal with the collection and disposal of the surface run-off from the earthworks and development platforms must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in strict accordance with the agreed plan.

**Reason:** To ensure that the development does not result in pollution of the environment, any watercourses and prevent any harm to protected species and in the interests of enhancing the biodiversity of the area.

**12 Informatives**

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. There has been ongoing dialogue with the applicant and their agent to resolve issues and to reach a positive recommendation on the application.

2 The details pursuant to conditions 4 and 12 are required prior to any development taking place on site because they are critical to the material considerations of the scheme. The development would not be taking acceptable without these details being first approved.

3 Please note that an application is required to formally discharge any conditions which require submission of details. Applications to discharge conditions require a fee and have a target of 8 weeks for determination. Further information can be found at www.east-northamptonshire.gov.uk.

4 The developer, all contractors and sub-contractors engaged in any form of earthworks, material processing and construction work as part of the development should employ the principles of current best practice. In particular due regard should be made to BS 5228: 2009+A1:2014 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

5 You are advised that the decision on this planning application has been made without prejudice to any decision that the Planning Management Committee may make on a subsequently submitted formal determination application for mixed use sustainable urban extension for Zones 2 and 3 of Priors Hall Park site.

6 You are advised to contact the Bedford Group of Drainage Boards for advice on all works in the vicinity of drainage ditches and watercourses not classified as a Main River.

7 Please be advised that no waste, spoil or soil material shall be imported or exported.
from site without first consulting the Northamptonshire County Council Waste Section.

8 Replacement planting of the removed trees should be addressed within the planning application for the site (under the Outline Permission).

9 You are advised that any final and completed version of the ‘Earthworks Trial and settlement Assessment Report’ should incorporate the comments made by the Council’s appointed geotechnical consultant in his assessment report (Geotechnics, geotechnical and geo-environmental specialist ref: TNH/PC197482/3 dated 24th May 2019. The assessment report has already being forwarded to the applicant. Copies can also be made available on request from the Council or the case officer.
Case Officer Rosalind Johnson  

18/02309/VAR

Date received  30 November 2018  Date valid  4 December 2018  Overall Expiry  21st June 2019  Ward Rushden Spencer  Parish Rushden

Applicant Asda Stores Limited

Agent Mrs K Sneedon - Jigsaw Planning

Location Asda 161 High Street Rushden Northamptonshire NN10 0PA

Proposal Variation of Condition 28 (store trading times) of planning permission 12/00839/VAR to read: 'The store trading hours will be limited to 6.00am to 11.30pm Monday to Saturday and 10.00am to 4.00pm on Sundays, except for the period from 17th December to 24th December annually where 24 hour trading is permitted'.

This application was considered by the Planning Management Committee on 10th April 2019, where it was resolved to grant planning permission, subject to amendments to conditions 7 and 17 to clarify restrictions during the extended Christmas opening period. Prior to a decision being issued, new material information has come to light. The application is therefore being reported back to the Committee, so that the information can be considered. The original Committee Report and Update Report are appended to this report for information.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 Information

2.1 Following the 10th April 2019 Planning Management Committee, a representation was received from a local resident, alleging that contrary to the Committee Report and discussion at the 10th April Planning Management Committee, Asda did not open extended hours during the 2018 Christmas period. This has subsequently been confirmed with Asda's agent.

2.2 The comments from the Environmental Protection Officer (which were reported to the Planning Management Committee on 10th April 2019) made reference to there being no complaints about the operation of the extended opening hours during the 2018 Christmas period and Members may have given weight to this in coming to their decision. Officers therefore feel it necessary to report the application back to the Planning Management Committee, so that Members can consider whether the new material information alters their conclusion regarding the application. Revised comments have been sought from the Environmental Protection Officer and are summarised in section 3 below.
3 Representations

3.1 Neighbours

Representations received from a neighbouring resident post Committee – summarised as follows:

- I wish to highlight an error in the Committee report which influenced the Committee in making its decision regarding 24 hour opening. There was reference to the fact that ASDA had operated 24 hour opening before 2018 Christmas and there had been no complaint to Environmental Protection. In fact, ASDA had been too late to make the application for 2018 – and ASDA didn’t open 24 hours. Cllr Mercer made much of the fact that neighbours hadn’t complained and hence recommended the change for future years. He was making this recommendation, and the Committee made its decision, on incorrect facts.

- I did welcome agreement to revisit the wording of paragraphs 7 and 17. Everyone finds it easy to comprehend delivery lorries, but it’s the other activities that the previous planning officer was trying to address when designing the various conditions to move to 6-11.30 opening. A lot of activity concerns the loading and unloading of crates for home delivery vehicles – associated noise is very significant and the condition in current paragraph 17 is meant to address this. It was correct that the Committee reiterated that these vehicles shouldn’t be running between 11.30 and 6am.

- There is a marshalling area inside the building line but with a large opening out to the service yard to receive delivery vehicles and supply home delivery vehicles. When the store is open, staff will go into this area to retrieve goods and move pallets/goods cages even when there are no vehicles operating. This activity can be very noisy and has in the past been subject to complaints to environmental protection (not recently as it’s pointless but we continue to suffer). The installation and closing of the proposed shutter doors is essential during times outside the current store opening hours. It is totally wrong as was asserted that ASDA can use the extended opening times now – before doing so these doors need to be installed and that’s almost certainly why they haven’t bothered as yet. So it is really important that condition 19 is amended as was agreed for condition 17 to apply to 11.30-6am when the store is open 24 hours. Hopefully this is possible as you redraft the planning permission.

- A service vehicle is not a delivery vehicle, but almost certainly something like an electrician, refrigeration maintenance etc.

3.2 East Northamptonshire Council - Environmental Protection Officer

Comments received 13.05.19: It is my understanding the application is for the extension of opening hours only over the Xmas period as per the hours stated in the planning application. My earlier comments, although the store did not open during Xmas 2018, were based on only the store opening for the extended hours. I note from the objections some relate to use of the service yard when deliveries can be made is conditioned separately to store opening hours. In the run up to Xmas 2018 the application was still being determined and it was decided to allow opening during this period and an assessment would be made if complaints were made. In the end the store did not open overnight.
I have looked back at the noise assessment submitted with the original planning application 03/00754/OUT which covers noise from cars parking. This assessment was carried out with respect to the proposed opening hours at that time. It predicted noise levels from parking as a SEL for various traffic flows, on an hourly basis, at nearby sensitive receptors. From various acoustic reports a range of background night time noise levels were made. I have done a simple comparison against back ground noise levels using data on the number of visits between 08.00 – 09.00 and 21.00 – 22.00, either end of the data set. It is likely that visits will be less between 22.00 and 08.00 and as such the comparison is likely to be conservative.

The simple comparison, which is similar to that carried out by the acoustic consultants at the time, indicates that noise from vehicles entering and parking during the night time period should NOT result in adverse impact on the nearby residential properties. There is a further element of conservatism in this prediction. It is human nature that people tend to park as close to where they want to go. The predicted noise levels are for vehicles parking closer to residential properties than is likely to happen. Thereby, reducing the likelihood of impact further.

Therefore, based on my own assessment I would have no objection to the proposed night time opening hours during the Xmas period as applied for.

Further comments regarding conditions received 21.05.19: Thank you for consulting me on the proposed conditions relating to this planning application. I acknowledge the difficulty in transposing relevant conditions from the 2012 variation 12/00839/Var. Looking through the proposed conditions [referring to conditions as recommended in report at Appendix 1 with amendments to conditions 7 and 17 as set out in section 6 below] there are no real objections to them. However, I would suggest there is some clarification to proposed condition 19.

This condition has been taken from the 2012 permission for a general extension of trading hours. If memory serves me correct the installation of roller shutter doors was conditional to this. If this planning application to extend trading hours during the run up to Xmas is granted then ASDA would automatically be in breach of this planning condition. This may not be defensible on appeal. I would suggest, and as discussed, that condition 19 is amended to exclude this condition from applying to the days running up to Xmas which is the subject of this planning application.

4 Assessment

4.1 East Northamptonshire Council’s Environmental Protection Officer has been re-consulted in the knowledge that Asda did not operate the extended opening hours during the 2018 Christmas period, however she remains satisfied that the proposal should not adversely affect residential amenity.

4.2 The Environmental Protection Officer's view was also sought in relation to the proposed conditions and the comments raised by the neighbouring resident regarding suggested changes to condition 19. Whilst the resident's comments are understood, to impose the requirement to install roller shutter doors to the loading bays for the extended Christmas opening hours (affecting only certain hours for an additional 8 days per year) is not considered to meet the tests for conditions, as it would not be necessary or reasonable. Condition 19 as set out in section 6 below, has therefore been amended to clarify that it does not apply to the extended Christmas opening hours.
4.3 Members may disagree with Officers and feel that condition 19 should be drafted so that the restriction does apply to the extended Christmas opening hours. If that is the case, then Members could amend the condition accordingly, however they should be aware that the applicant could appeal against the condition and there would be an associated risk of a costs award against the Council if it was determined that the Council had acted unreasonably in imposing the condition.

4.4 Although the proposal is not expected to adversely affect residential amenity through noise (subject to the recommended conditions), Members should note that there is separate legislation under which the Council could address statutory nuisance if it occurred.

5 Recommendation

5.1 That planning permission be GRANTED subject to the conditions set out below.

6 Conditions

(Note – For ease of reference, those conditions which have been amended from the list of recommended conditions reported to the Committee on 10th April 2019 are indicated in italics (conditions 7, 17 and 19).

1 The development hereby permitted shall be used as a Class A1 food store; and for no other purpose.
   Reason: In order to clarify the terms of this planning permission and to safeguard the amenity of adjacent occupiers.

2 The proposed food store is limited in size to a maximum of 3457 square metres, net retail floor area, equivalent to a total of 37,000 square feet net retail floor area comprising 25,000 square feet of convenience goods and 12,000 square feet non food retail floor areas. No extensions or additions to the total net retail floor area, whether internal or external, will be permitted without the submission to and approval of a formal planning application to the local planning authority.
   Reason: The local planning authority is satisfied that the impact of the proposed store the existing town centre is acceptable. Any increase in retail floor area will need to be assessed in terms of its impact in the town centre at that time.

3 The boundary treatment (including the acoustic screen walling between the service yard and the properties in Higham Road) agreed pursuant to planning permission 03/00754/OUT (as amended by 12/00839/VAR) shall be retained in perpetuity.
   Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

4 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), no advertisements shall be displayed on site without the prior written consent of the Local Planning Authority.
   Reason: To avoid possible detriment to the visual amenity of the area.

5 Landscape maintenance shall be carried out in accordance with the details and timetable agreed under Condition 19 of planning permission 03/00754/OUT (as amended by 12/00839/VAR).
   Reason: In the interest of visual amenity.
6 No floodlighting or other means of external illumination shall be provided in connection with the development other than strictly in accordance with details submitted to and approved in writing by the local planning authority.
   **Reason:** In the interest of residential amenity.

7 No service vehicles shall arrive at, or leave the store other than during the hours of 05:30 – 24:00 Mondays to Saturdays and 09:30 – 16:30 on Sundays.
   **Reason:** To protect the amenities of the adjacent residential properties.

8 The engines of all delivery and service vehicles visiting the site shall be switched off whilst the vehicle is waiting for access to the service yard.
   **Reason:** To protect the amenities of the adjacent residential properties.

9 Deliveries to the store shall be limited to the hours of 07.00 - 22.00 Mondays to Saturdays and 09.00 - 16.00 on Sundays
   **Reason:** To safeguard the amenities of adjoining residential properties.

10 The store and site shall be closed and secured with the gates across the access locked and all lighting throughout the site (but not including the underground car park lighting) and within the store switched off within half an hour of the store ceasing to trade. Subject to Conditions 13 and 14 and 15, the site shall only be re-opened and the lights illuminated again half an hour before opening to trade each day.
    **Reason:** In the interests of the residential amenities of adjoining properties.

11 The store trading hours will be limited to 6.00am to 11.30pm Monday to Saturday and 10.00am to 4.00pm on Sundays, except for the period from 17th December to 24th December annually where 24 hour trading is permitted.
    **Reason:** In the interest of the amenities of both the store and nearby residential properties.

12 Measures agreed pursuant to planning permission 03/00754/OUT (as amended by 12/00839/VAR) to mitigate against potential build up of carbon monoxide levels arising from the use of the underground car park must be maintained and retained in perpetuity.
    **Reason:** To ensure the safety of users to the car park

13 Notwithstanding Condition 10, the illuminated ASDA sign fronting onto Higham Road (east elevation) shall be turned off at 22:30 each evening and shall not be turned on again until 07:00 each morning (Mondays to Sundays).
    **Reason:** In the interests of the residential amenity of properties opposite the site.

14 Notwithstanding Condition 10, the lights within the main outdoor car park shall be switched off no later than 22:30 each evening and shall not be switched back on until 07:00 each morning (Monday to Saturday).
    **Reason:** In the interests of the residential amenity of nearby properties.

15 Notwithstanding condition 27 of the original outline planning permission (03/00754/OUT), all lights within the delivery / service yard shall be turned off no later than 22:30 each evening. The lights in the delivery service yard shall not be turned on any earlier than 07:00 each morning.
    **Reason:** In the interests of neighbouring residential amenity and to ensure that the delivery service yard lights are not illuminated unnecessarily throughout the permitted trading period for the store.
Notwithstanding the details submitted and prior to the first operation under the extended trading hours permitted under planning permission 12/00839/VAR (and carried forward in this consent), a service yard management plan (giving details of operations within the service yard and marshalling area during the extended hours) shall have been submitted to and approved in writing by the local planning authority. Operations within the service yard and marshalling area shall be carried out in accordance with the agreed details in perpetuity.
Reason: To ensure that the store is able to operate whilst not having a detrimental impact upon the amenity of neighbouring occupiers.

Notwithstanding the submitted details, there shall be no vehicle movements within the service yard between the hours of 05:30 and 07:00 and between 22:00 and midnight each day including during the extended Christmas openings hours permitted by this consent.
Reason: In the interests of neighbouring amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

No activities which are audible to the occupiers within the surrounding residential properties shall take place in the service yard between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day or during the extended Christmas opening hours permitted by this consent.
Reason: In the interests of residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

Notwithstanding the submitted information, roller shutter doors with the appropriate acoustic properties are to be installed to enable the two existing loading bays to be enclosed. Details of the roller shutter doors, including their sound insulation properties, shall be submitted to and approved in writing by the local planning authority. The roller shutter doors shall be installed and fully operational prior to the first operation of the store under the extended trading hours approved under 12/00839/VAR, except that this condition shall not apply to the extended Christmas openings hours permitted by 18/02309/VAR. The roller shutter doors shall be shut fully between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day. The roller shutter doors shall be retained in accordance with the approved details in perpetuity.
Reason: In the interests of neighbouring residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 18 May 2012, 25th May 2012, 26th October 2012, 27th August 2013, 19th October 2012, drawing numbers or documents: email end dated 26th October from Claudia Clemente, email end dated 27th August from Steve Renshaw, 'Section 73 application to vary opening hours of the Asda superstore (dated May 2012) Delivery Noise Assessment (dated 27th April 2012), letter dated 19th October 2012 from Richard Brown, Site Plan, 00-02.
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

7 Informatives

In reaching this decision this Council has implemented the requirement in the NPPF
to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. The applicant was advised of concerns with the application and was given the opportunity to address them. The amendments were carried out and as such a recommendation for approval could be made.

A full report is available at www.east-northamptonshire.gov.uk
Appendix 1: Report to Committee 10th April 2019

Case Officer Marzena Johnson

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Applicant Asda Stores Limited

Agent Mrs K Sneeden - Jigsaw Planning

Location Asda 161 High Street Rushden Northamptonshire NN10 0PA

Proposal Variation of Condition 28 (store trading times) of planning permission 12/00839/VAR to read: 'The store trading hours will be limited to 6.00am to 11.30pm Monday to Saturday and 10.00am to 4.00pm on Sundays, except for the period from 17th December to 24th December annually where 24 hour trading is permitted'.

This application is brought before the Planning Management Committee as the proposal is classed as major development due to the size of the site area.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application seeks to vary condition 28 (store trading times) of planning permission 12/00839/VAR to allow for 24 hour trading for 8 days in the lead up to Christmas (17th to 24th December) on an annual basis. Currently the unit trades as an Asda supermarket with restricted hours.

2.2 The application proposes for condition 28 to read:

"The store trading hours will be limited to 6.00am to 11.30pm Monday to Saturday and 10.00am to 4.00pm on Sundays, except for the period from 17th December to 24th December annually where 24 hour trading is permitted.

Reason: In the interest of the amenities of both the store and nearby residential properties"

2.3 For the avoidance of doubt, this application does not seek to extend the current agreed opening hours other than for the period 17th December to 24th December annually. Furthermore, the application is not seeking to vary any of the existing conditions which restrict matters such as delivery times or lighting within the site. If this application is deemed to be acceptable, such conditions should be carried over to the new planning permission.
2.4 This planning application as originally submitted, sought the approval of extended trading hours for December 2018 only, but owing to when it was submitted, it could not have been determined in time for the 2018 Christmas period. Following discussions with the applicant, the proposal has therefore been amended and now seeks for the extension of pre-Christmas opening hours to occur annually.

3 The Site and Surroundings

3.1 This application relates to the ASDA supermarket in Rushden, which has accesses from both Washbrook Road and Higham Road. There are residential properties to the north, east and west of the site and commercial properties to the south.

4 Policy Considerations

National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 22 - Delivering Economic Prosperity

4.3 Other Documents
Rushden Neighbourhood Plan (2018)

5 Relevant Planning History

5.1 The site has an extensive planning history associated with the retail use. Only the most recent and relevant applications are listed below:

5.2 18/01765/FUL - Grocery collection lockers to be installed in the customer car park - Permitted.

5.3 12/00839/VAR - Variation of condition 28 (store trading times) of planning permission 03/00754/OUT - Erection of Class A1 foodstore with associated car parking, operational space and landscaping - Permitted.

5.4 03/00754/OUT - Erection of Class A1 foodstore with associated car parking, operational space and landscaping - Permitted.

6 Consultations and Representations

6.1 Neighbours: Comments can be summarised as follows:

- Concerns about increase in light pollution, noise and anti-social behaviour after 10pm as well as the potential for extended delivery times, all of which will affect residential amenity.

- The operator’s general disregard for compliance with existing planning conditions.

- Previous changes to condition 28 were only to be allowed in tandem with changes
to condition 27. It is wrong to assume the store can already trade between 0600 and 2330 hours as intimated in ASDA’s current application.

- For hours to be changed from 0800-2200 Monday to Saturday and 1000-1600 on Sundays there are numerous requirements including the installation of shutter doors with prescribed acoustic properties. The principle previously established is that these doors should be closed during any extended opening times.

6.2 Rushden Town Council:
*Initial comments*: Note that this application obviously had insufficient time for this to be determined before Christmas, therefore we would suggest in future years ASDA lodge their application for Christmas opening in a more timely manner.

*Further comments*: No objection, but current delivery times must be adhered to.

6.3 Northamptonshire County Council - Local Highway Authority:
No observations

6.4 East Northamptonshire Council - Environmental Protection Officer:
This application is for the extension of the agreed opening hours during the run up to Christmas at the ASDA store in Rushden. I was in discussion with Planning Enforcement before Christmas 2018 as they opened the extended hours then and agreed to allow this to see if any adverse impact. We received no complaints about the extended hours during that time and as such have no objections to the planning application.

6.5 Northamptonshire Police:
*Initial comments*: No formal objection or comment to the planning application in its present form.

*Final comments*: I have considered this application in relation to crime and disorder and also contacted our Neighbourhood Policing Sergeant for the area. Northamptonshire Police has no formal objection or further comment to the planning application in its amended form to extend store trading times.

7 Evaluation

7.1 The following considerations are relevant to the determination of this application.

7.2 Principle of Development

7.3 The principle of a foodstore operating from the site was established through the grant of planning permission 03/00754/OUT, to which there have been subsequent permissions and variations agreed.

7.4 This application seeks to vary condition 28 to allow for 24 hour opening in the 8 days leading up to Christmas on an annual basis. In principle and given the store’s central location within Rushden, the proposal would encourage a strong economy by providing both additional employment (not necessarily extra staff, but potentially extra hours for existing staff) and convenience for customers at a busy time of year.

7.5 There are no conflicts with local or national policy in terms of the principle of development, which is considered to be acceptable overall. Other material matters are discussed below.
7.6 Residential Amenity

7.7 As part of the consultation process, site notices were posted and some 107 nearby neighbours were notified about the application. The council received 5 objection letters from local residents, who have raised concerns about increases in traffic, noise and light pollution during the extended trading hours. However, some of the comments received appear to be more concerned with the longer trading hours during the year, rather than this proposal to extend the hours for 8 days per year.

7.8 The originally permitted store opening hours (as stipulated by condition 28 of planning permission 03/00754/OUT) were 08:00 – 22:00 Monday to Saturday and 10:00 – 16:00 Sundays. However, whilst the store appears to be operating to these times, Members should note that there has already been a variation to the opening hours of the store, permitted under reference no. 12/00839/VAR. This allows (subject to certain conditions – Appendix 1, in particular conditions 35 – 42 and condition 27) for the following opening hours:

06.00 - 23.30 Mondays to Saturdays
10.00 - 16.00 on Sundays.

7.9 For the avoidance of doubt, this current planning application does not propose an extension to the hours for deliveries, only the trading hours would change for the 8 days leading up to Christmas. Existing restrictions imposed in relation to the extended opening hours granted consent under 12/00839/VAR and other relevant restrictions on lighting / deliveries etc. should be transferred forward to the new permission if Members are minded to grant consent.

7.10 The Council's Environmental Protection Officer has confirmed that no complaints were received about the extended Christmas opening hours during December 2018, or about any other operations on site in the past years. On this basis, they have raised no objections to the application and accordingly, Officers are satisfied that this proposal would not have a significant detrimental impact on the residential amenity of nearby occupiers.

7.11 Highways

7.12 No objections were received from the Local Highway Authority. The extended hours would be for 8 days per year, would use existing highway arrangements and would be outside peak traffic times.

7.13 Crime and Disorder

7.14 Residents' concerns about anti social behaviour in the car park are duly noted. However, following consultation with Northamptonshire Police, they have raised no formal objection to this application. On this basis and given that ASDA are only seeking extended trading for 8 days per year, there would be no rationale to refuse this application for reasons relating to public safety / anti-social behaviour.

7.15 Physical Changes

7.16 No physical changes to the building or site are proposed in this application.

7.17 Existing Planning Conditions
7.18 This is an application under section 73 of The Town and Country Planning Act 1990 (as amended) to vary a condition on an existing planning permission. If this application is considered by the Committee to be acceptable, this would result in a new planning permission being granted. All previous planning conditions should be carried forward unless they have already been discharged or are no longer relevant.

7.19 For example, conditions that relate to physical characteristics of the site such as materials, levels, landscaping, or technical details which needed to be agreed before the store opened and were not stipulated to be retained, can be omitted from the new permission because the condition is satisfied. Other conditions, such as those which refer to other condition numbers, can be amended depending on the relevance. There were 42 conditions on the previous permission (12/00839/VAR); this application now only proposes 20, which includes the opening hours variation being sought. For the avoidance of doubt, conditions imposed on application 12/00839/VAR requiring mitigation measures related to the extended opening hours permitted by that consent, are proposed to be carried forward with any necessary updates (in particular see conditions 10 and 13 to 20 below).

7.20 Recently Approved Lockers in the Car Park

7.21 The Local Planning Authority recently granted planning permission for collection lockers within the car park of the store (ref 18/01765/FUL). These are subject to separate hours restrictions which are as follows:

- 8am-10pm Mondays to Saturdays
- 10am-4pm Sundays

7.22 Granting planning permission for this application would not affect or supersede the above listed hours for the lockers.

8 Conclusion

8.1 The variation being considered is whether or not 24 hour trading in the 8 days leading up to Christmas (17th - 24th December) on an annual basis is acceptable. Following comments received from consultees and having considered material issues raised by local residents, the proposal is considered to be acceptable both in principle, and with regard to other material considerations, subject to conditions.

9 Recommendation

9.1 That planning permission be GRANTED subject to conditions.

10 Conditions/Reasons

1. The development hereby permitted shall be used as a Class A1 food store; and for no other purpose.

Reason: In order to clarify the terms of this planning permission and to safeguard the amenity of adjacent occupiers.

2. The proposed food store is limited in size to a maximum of 3457 square metres, net retail floor area, equivalent to a total of 37,000 square feet net retail floor area comprising 25,000 square feet of convenience goods and 12,000 square feet non food retail floor areas. No extensions or additions to the total net retail floor area, whether internal or external, will be permitted without the submission to and approval of a formal
planning application to the local planning authority.

Reason: The local planning authority is satisfied that the impact of the proposed store the existing town centre is acceptable. Any increase in retail floor area will need to be assessed in terms of its impact in the town centre at that time.

3. The boundary treatment (including the acoustic screen walling between the service yard and the properties in Higham Road) agreed pursuant to planning permission 03/00754/OUT (as amended by 12/00839/VAR) shall be retained in perpetuity.

Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), no advertisements shall be displayed on site without the prior written consent of the Local Planning Authority.

Reason: To avoid possible detriment to the visual amenity of the area.

5. Landscape maintenance shall be carried out in accordance with the details and timetable agreed under Condition 19 of planning permission 03/00754/OUT (as amended by 12/00839/VAR).

Reason: In the interest of visual amenity.

6. No floodlighting or other means of external illumination shall be provided in connection with the development other than strictly in accordance with details submitted to and approved in writing by the local planning authority.

Reason: In the interest of residential amenity.

7. No service vehicles shall arrive at or leave the store other than during store opening times (excluding the extension to permitted openings hours for the period 17th - 24th December hereby permitted) and for up to half an hour before and after the store opens / closes.

Reason: To protect the amenities of the adjacent residential properties.

8. The engines of all delivery vehicles visiting the site shall be switched off whilst the vehicle is waiting for access to the service yard.

Reason: To protect the amenities of the adjacent residential properties.

9. Deliveries to the store shall be limited to the hours of 07.00 - 22.00 Mondays to Saturdays and 09.00 - 16.00 on Sundays

Reason: To safeguard the amenities of adjoining residential properties.

10. The store and site shall be closed and secured with the gates across the access locked and all lighting throughout the site (but not including the underground car park lighting) and within the store switched off within half an hour of the store ceasing to trade. Subject to Conditions 13 and 14 and 15, the site shall only be re-opened and the lights illuminated again half an hour before opening to trade each day.

Reason: In the interests of the residential amenities of adjoining properties.
11. The store trading hours will be limited to 6.00am to 11.30pm Monday to Saturday and 10.00am to 4.00pm on Sundays, except for the period from 17th December to 24th December annually where 24 hour trading is permitted.

   Reason: In the interest of the amenities of both the store and nearby residential properties.

12. Measures agreed pursuant to planning permission 03/00754/OUT (as amended by 12/00839/VAR) to mitigate against potential build up of carbon monoxide levels arising from the use of the underground car park must be maintained and retained in perpetuity.

   Reason: To ensure the safety of users to the car park

13. Notwithstanding Condition 10, the illuminated ASDA sign fronting onto Higham Road (east elevation) shall be turned off at 22:30 each evening and shall not be turned on again until 07:00 each morning (Mondays to Saturdays).

   Reason: In the interests of the residential amenity of properties opposite the site.

14. Notwithstanding Condition 10, the lights within the main outdoor car park shall be switched off no later than 22:30 each evening and shall not be switched back on until 07:00 each morning (Monday to Saturday).

   Reason: In the interests of the residential amenity of nearby properties.

15. Notwithstanding condition 27 of the original outline planning permission (03/00754/OUT), all lights within the delivery / service yard shall be turned off no later than 22:30 each evening. The lights in the delivery service yard shall not be turned on any earlier than 07:00 each morning.

   Reason: In the interests of neighbouring residential amenity and to ensure that the delivery service yard lights are not illuminated unnecessarily throughout the permitted trading period for the store.

16. Notwithstanding the details submitted and prior to the first operation under the extended trading hours permitted under planning permission 12/00839/VAR (and carried forward in this consent), a service yard management plan (giving details of operations within the service yard and marshalling area during the extended hours) shall have been submitted to and approved in writing by the local planning authority. Operations within the service yard and marshalling area shall be carried out in accordance with the agreed details in perpetuity.

   Reason: To ensure that the store is able to operate whilst not having a detrimental impact upon the amenity of neighbouring occupiers.

17. Notwithstanding the submitted details, there shall be no vehicle movements within the service yard between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day.

   Reason: In the interests of neighbouring amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

18. No activities which are audible to the occupiers within the surrounding residential properties shall take place in the service yard between the hours of 06:00 and 07:00 and
between 22:00 and 23:30 each day or the extended Christmas opening hours permitted by this consent.

Reason: In the interests of residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

19. Notwithstanding the submitted information, roller shutter doors with the appropriate acoustic properties are to be installed to enable the two existing loading bays to be enclosed. Details of the roller shutter doors, including their sound insulation properties, shall be submitted to and approved in writing by the local planning authority. The roller shutter doors shall be installed and fully operational prior to the first operation of the store under the extended trading hours approved under 12/00839/VAR (and carried forward in this consent). The roller shutter doors shall be shut fully between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day. The roller shutter doors shall be retained in accordance with the approved details in perpetuity.

Reason: In the interests of neighbouring residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

20. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 18 May 2012, 25th May 2012, 26th October 2012, 27th August 2013, 19th October 2012, drawing numbers or documents: email end dated 26th October from Claudia Clemente, email end dated 27th August from Steve Renshaw, ‘Section 73 application to vary opening hours of the Asda superstore (dated May 2012) Delivery Noise Assessment (dated 27th April 2012), letter dated 19th October 2012 from Richard Brown, Site Plan, 00-02.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

11 Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. The applicant was advised of concerns with the application and was given the opportunity to address them. The amendments were carried out and as such a recommendation for approval could be made.

A full report is available at [www.east-northamptonshire.gov.uk](http://www.east-northamptonshire.gov.uk)
Appendix 2: Update Report 10\textsuperscript{th} April 2019

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**Update:**

No updates
Appendix 3: Decision Notice 12/00839/VAR
EAST NORTHAMPTONSHIRE DISTRICT COUNCIL
Town and Country Planning Act 1990

VARIATION OF PLANNING PERMISSION

12/00839/VAR

Location
Marriotts Builders Yard..160 Washbrook Road..Rushden..Northamptonshire..NN10 6AA...

Proposal
Variation of condition 28 (store trading times) of planning permission 03/00754/OUT - Erection of Class A1 foodstore with associated car parking, operational space and landscaping

Applicant
Asda Stores Limited

C/o Agent

Agent
Drivers Jonas Deloitte LLP - Mr R Brown

Four Brindleyplace Birmingham B1 2HZ

Date received 18 May 2012

Date valid 22 May 2012

Under the provisions of the Town and Country Planning Act 1990 the Local Planning Authority hereby **GRANT PERMISSION TO VARY A CONDITIONAL PLANNING PERMISSION** for the above development in accordance with the application and plans submitted, **subject to the following conditions** which are imposed for the reasons noted thereafter:

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.
   Reason: The application is in outline only and the reserved matters referred to will require full consideration by the local planning authority

2. The details of the design and external appearance of the proposed foodstore required by Condition 1 shall provide for a building of design quality and imagination that provides an architectural statement on this important corner site on a principal road in the highway network close to the centre of the town.
   Reason: In the interest of the visual appearance of the proposed development.

3. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of the original outline permission (03/00745/OUT)
   Reason: Statutory requirement under Section 91 of the Town and Country Planning Act (as amended).
4. The development to which this permission relates shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

5. The development hereby permitted shall be used for Class A1 foodstore; and for no other purpose.
   Reason: In order to clarify the terms of this planning permission and to safeguard the amenity of adjacent occupiers

6. The proposed foodstore is limited in size to a maximum of 3457 square metres, net retail floor area, equivalent to a total of 37,000 square feet net retail floor area comprising 25,000 square feet of convenience goods and 12,000 square feet non food retail floor areas. No extensions or additions to the total net retail floor area, whether internal or external, will be permitted without the submission to and approval of a formal planning application to the local planning authority.
   Reason: The local planning authority is satisfied that the impact of the proposed store upon the existing town centre is acceptable. Any increase in retail floor area will need to be assessed in terms of its impact in the town centre at that time.

7. Before any work is commenced on the development the subject of this permission details of the provision of boundary screening to the site shall be submitted to and approved by the local planning authority, and this boundary screening shall then be provided in accordance with the approved details before the development is brought into use and thereafter retained.
   Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

8. The boundary screening shall also provide for a suitable acoustic screen walling between the service yard and the properties in Higham Road, and details of the provision of the boundary screening shall be submitted to and approved by the Local Planning Authority, this boundary screening shall then be provided in accordance with the approved details before the development is brought into use and thereafter retained.
   Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

9. Before the development hereby permitted is brought into use, the boundary screening shown on the submitted application documents and as amended by Condition 7 and 8 shall be provided and thereafter retained at all times.
   Reason: To ensure a satisfactory standard of development which does not adversely affect the residential amenity of the area.

10. Before any work is commenced on the development hereby permitted, details of the external treatment of the proposed building including samples and erection of a sample panel shall have been submitted to and approved by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.
    Reason: To achieve a satisfactory elevational appearance for the development.

11. Before any work is commenced on the development the subject of this permission details of the provision of foul water and surface water drainage installations to serve the development proposed shall have been submitted to and approved by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.
    Reason: To safeguard public health.
12. Before any work is commenced on the development the subject of this permission
details of the ground floor levels of all of the proposed building and car park shall have
been submitted to and approved by the local planning authority, and the development
shall thereafter be carried out in accordance with the approved details.
Reason: To safeguard the amenity of adjacent occupiers.

13. No development shall take place within the site before archaeological work has been
carried out in accordance with a written scheme of investigation which has been
submitted to and approved in writing by the local planning authority.
Reason: To safeguard the adequate investigation of any archaeological remains
which may be present within the site.

14. Development shall not begin until a scheme to deal with contamination within the site
has been submitted to and approved in writing by the local planning authority and the
measures approved therein have been implemented.
Reason: In order to ensure a satisfactory standard of development.

15. Notwithstanding the provisions of the Town and Country Planning (Control of
Advertisements) Regulations 1989, no advertisements shall be displayed on site without
the prior written consent of the Local Planning Authority.
Reason: To avoid possible detriment to the visual amenity of the area.

16. No development shall take place until a comprehensive landscaping scheme for the site
has been submitted to and approved by the local planning authority. This landscaping
scheme shall be implemented strictly in accordance with the approved details in the first
planting season prior the occupation of the development. Any trees or plants which
within a period of five years of planting die, are removed or become seriously damaged
or diseased, shall be replaced in the next planting season with others of a similar size
and species, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure a reasonable standard of development and visual amenity for the
area and to take account of Section 197 of the Town and Country Planning Act 1990.

17. No development shall take place until full details of both hard and soft landscape works
have been submitted to and approved in writing by the local planning authority. These
works shall be carried out as approved prior to occupation; or in accordance with a
programme which has been approved in writing by the local planning authority. The
details shall include proposed finished levels or contours, means of enclosure, car
parking layouts, other vehicle and pedestrian access and circulation areas, hard
surfacing materials, minor artefacts and structures (eg. furniture, trolley parks, refuse or
other storage units, signs, lighting, etc.), proposed and existing functional services above
and below ground (eg. drainage, power or communications cables, pipelines,etc.
indicating lines, inspection chambers, supports, etc.), retained historic landscape
features and proposals for restoration where relevant.
Reason: To ensure a reasonable standard of development and in the interest of the
visual amenity of the area.

18. No development shall take place until details of earthworks have been submitted to and
approved in writing by the local planning authority. These details shall include the
proposed grading and mounding of land areas including the levels and contours to be
formed, showing the relationship of the proposed mounding to existing vegetation and
the surrounding landform. Development shall be carried out in accordance with the
approved details
Reason: In the interest of visual amenity.
19. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
   Reason: In the interest of visual amenity.

20. No floodlighting or other means of external illumination shall be provided in connection with the development other than strictly in accordance with details submitted to and approved in writing by the local planning authority.
   Reason: In the interest of residential amenity.

21. The lighting scheme shall provide full details of all lighting to the store, car parking areas, access road and service yard as well as security lighting and shall make use of down lighters throughout the development.
   Reason: To protect the amenities of adjoining residential properties.

22. Prior to the commencement of the development the following noise and sound insulation details shall be submitted to and approved by the local planning authority including
   (1) all fixed plant and machinery shall be fully sound insulated and fitted within or on top of the building;
   (2) a noise assessment for small delivery vehicles including appropriate mitigating measures.
   The approved details shall be implemented before the building is brought into use.
   Reason: To protect nearby residential properties.

23. No service vehicles shall arrive at or leave the store other than during store opening times and for up to half an hour before and after the store opens/closes.
   Reason: To protect the amenities of the adjacent residential properties.

24. The engines of all delivery vehicles visiting the site shall be switched off whilst the vehicle is waiting access to the service yard.
   Reason: To protect the amenities of the adjacent residential properties

25. Deliveries to the store shall be limited to the hours of 07.00 - 22.00 Monday to Saturday and 09.00 - 16.00 on Sundays
   Reason: To safeguard the amenities of adjoining residential properties

26. A detailed parking management scheme for the joint use of the car parking for visitors to the town centre and customers to the store shall be submitted to and approved by the local planning authority prior to the development commencing. Thereafter the scheme shall be implemented prior to opening of the store.
   Reason: To maximise use of the car parking and in the interests of the viability and vitality of the town centre.

27. The store and site shall be closed and secured with the gates across the access locked and all lighting throughout the site (but not including the underground car park lighting) and within the store switched off within half an hour of the store ceasing to trade. Subject to Conditions 35 and 36 and 37, the site shall only be re-opened and the lights illuminated again half an hour before opening to trade each day.
   Reason: In the interests of the residential amenities of adjoining properties.

28. The store trading hours will be limited to 06.00 - 23.30 Monday to Saturday and 10.00 - 16.00 Sundays
   Reason: In the interest of the amenities of both the store and nearby residential properties.
29. Prior to the development commencing an air quality/odour assessment shall be carried out and approved in writing by the local planning authority, together with details of measures that will be implemented as part of the development to ensure that problems relating to air quality and smell do not arise.
   Reason: In the interest of the amenities of both the store and nearby residential properties.

30. Similarly prior to the development commencing a detailed survey, analysis together with proposals to deal with requirements arising from the use of the underground car park and the associated potential build up of carbon monoxide levels shall be submitted to and approved in writing by the local planning authority. The approved proposals shall be implemented prior to the commencement of the use of the building and thereafter retained and maintained.
   Reason: To ensure the safety of users to the car park

31. The development shall not be complete until detailed surface water drainage drawings and calculations have been submitted to and approved in writing by the local planning authority. Any proposed discharge from the site must be reduced by 20% minimum from the current discharge rate. If the latter cannot be proven the proposed discharge will be restricted to 41/5/H9.
   Reason: To ensure a satisfactory surface water discharge for the development.

32. No works within the existing highway may commence without the express written permission of the Highway Authority. Such permission would be subject to the completion of an Agreement under Section 278 of the Highways Act 1990. The completion of the Agreement will require the provision of full engineering, drainage, street lighting, signal installation, signal controller and constructional drawings which would be subject to a Technical and Safety Audit that may result in minor amendments to the details shown on Drawing No. 0238/32 and associated letter from Committee dated 15th January 2004 summarising the works.
   Reason: In the interests of Highway Safety.

33. Alterations to any parking restrictions and the installation of any signal controlled pedestrian crossing are subject to Road Traffic Orders which are themselves subject to further public consultation/comment. The result of the statutory process cannot be prejudged. As such the extent, nature and location of such measures may change from that indicated on Drawing No. 0238/32 and associated letter from Cottey dated 15th January 2004 summarising the works. The processing of such orders should therefore be accommodated in the Applicant’s construction program as the Section 278 Agreement would not be completed until such Orders are confirmed.
   Reason: In the interests of Highway Safety.

34. Alterations to any parking restrictions and the installation of any signal controlled pedestrian crossing are subject to Road Traffic Orders which are themselves subject to further public consultation / comment. The results of the statutory process can not be prejudged. As such the extent, nature and location of such measures may change from that indicated on Drawing No. 0238/32 and associated letter from Cottey dated 15th January 2004 summarising the works. The processing of such orders should therefore be accommodated in the Applicant’s construction program as the Section 278 Agreement would not be completed until such Orders are confirmed.
   Reason: In the interests of highway safety

35. Notwithstanding Conditions 27, the illuminated ASDA sign fronting onto Higham Road (east elevation) shall be turned off at 22:30 each evening and shall not be turned on again until 07:00 each morning (Monday to Saturday).
   Reason: In the interests of the residential amenity of properties opposite the site.
36. Notwithstanding Condition 27, the lights within the main outdoor car park shall be switched off no later than 22:30 each evening and shall not be switched back on until 07:00 each morning (Monday to Saturday).
   Reason: In the interests of the residential amenity of nearby properties.

37. Notwithstanding condition 27 of the original outline planning permission (03/00754/OUT), all lights within the delivery/service yard shall be turned off no later than 22:30 each evening. The lights in the delivery service yard shall not be turned on any earlier than 07:00 each morning.
   Reason: In the interests of neighbouring residential amenity and to ensure that the delivery service yard lights are not illuminated unnecessarily throughout the permitted trading period for the store.

38. Notwithstanding the details submitted and prior to the first operation under the extended trading hours hereby permitted, a service yard management plan (giving details of operations within the service yard and marshalling area during the extended hours) shall have been submitted to and approved in writing by the local planning authority. Operations within the service yard and marshalling area shall be carried out in accordance with the agreed details in perpetuity.
   Reason: To ensure that the store is able to operate whilst not having a detrimental impact upon the amenity of neighbouring occupiers.

39. Notwithstanding the submitted details, there shall be no vehicle movements within the service yard between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day.
   Reason: In the interests of neighbouring amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

40. No activities which are audible to the occupiers within the surrounding residential properties shall take place in the service yard between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day.
   Reason: In the interests of residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

41. Notwithstanding the submitted information, roller shutter doors with the appropriate acoustic properties are to be installed to enable the two existing loading bays to be enclosed. Details of the roller shutter doors, including their sound insulation properties, shall be submitted to and approved in writing by the local planning authority. The roller shutter doors shall be installed and fully operational prior to the first operation of the store under the extended trading hours hereby approved. The roller shutter doors shall be shut fully between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day. The roller shutter doors shall be retained in accordance with the approved details in perpetuity.
   Reason: In the interests of neighbouring residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

42. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 18 May 2012, 25th May 2012 26th October 2012, 27th August 2013, 19th October 2012, drawing numbers or documents: email end dated 26th October from Claudia Clemente, email end dated 27th August from Steve Renshaw, ‘Section 73 application to vary opening hours of the Asda superstore(dated May 2012) Delivery Noise Assessment (dated 27th April 2012), letter dated 19th October 2012 from Richard Brown, Site Plan, 00-02.
   Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

12/00839/VAR
Your attention is drawn to the following notes:

1. The NPPF requires the delivery of sustainable development in a positive and pro-active manner (paragraphs 186 and 187). The case officer has spent a great deal of time working with applicant to form an application which could be considered acceptable.

2. This planning permission does not infer or set precedent for consent to alter the delivery times as set by condition 25 of 03/00754/OUT

3. The Local Planning Authority will not seek further discharge of the conditions that have been included as part of this variation application as it is acknowledged that the conditions will have already been discharged as part of the original outline planning approval.

Decision Date 11 April 2014
Signed: David Reed, Head of Planning Services

NOTE: This notice relates only to planning permission and does not include or imply consent under the Building Regulations or any other legislation for which a separate application may be required.

RIGHT OF APPEAL:

Your attention is drawn to the following notes which explain how to submit an appeal should you be aggrieved by the above decision.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant of permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 or Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990, within six months of the date of this notice. However, where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date of the decision notice or of the date by which the Local Planning Authority should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the Local Planning Authority had to determine the application, the period for receiving the appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 6 months or 12 week deadline) (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of responsibly beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or Chapter III of the Planning (Listed Buildings and Conservation Areas) Act
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act.
Former Factory Site, Church Street, Irthlingborough
The application is brought before the Planning Management Committee because of an objection from Irthlingborough Town Council, under Part A, 1(b) of the Council’s Scheme of Delegation (2019).

1 Summary of Recommendation

1.1 That planning permission is GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the change of use of an existing A1 retail unit (Unit 1b only) (approved on application 16/02336/FUL, which also included a small but separate unit for A3 use) to A3/A5. This current application relates to Unit 1b only and all other elements of the previously approved scheme (including 20 dwellings) will remain as agreed.

2.2 The proposed opening times for the A3/A5 use are 7.00 to 23.00 every day.

3 The Site and Surroundings

3.1 The application site (unit 1b) forms part of a recently constructed retail development consisting of 3 Class A1 retail units:

- 1a – 469.1 sq m. (with an additional 2240 sqft warehouse)
- 1b -139.3 sq m.
- 1c – 84.3 sq m.

3.2 Unit 1b is positioned between units 1a and 1c with only its front façade visible to the public. There is also a small personnel/deliveries door on the side elevation of the building which gives access to and from the service yard. Unit 1b has not been let since it was completed.

3.3 Several residential and commercial properties on Station Road back onto the site along the northwest boundary and a row of residential terraces on Nene View back onto the site on the southeast boundary. Meeting Lane runs to the north east of the site.

3.4 The site lies inside the conservation area. Directly opposite the site to the south is St Peters Church, a Grade I listed building and to the northwest is the Grade I listed Market Cross.
3.5 There is an associated car park to the front of Unit 1b, which is shared by all units in the complex.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 3 - Landscape Character
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 - The Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre Uses
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs

4.3 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

5 Relevant Planning History

5.1 15/00990/FUL - Erection of 2No. retail units (1No. class A1 retail unit of 930 square metres and 1No. mixed use class A1/A3 unit of 130.55 square metres) and 20No. two storey dwellings with associated access, parking and landscaping. PERMITTED (21.10.15)

5.2 16/02336/FUL - 1 No. Class A1 retail unit of 930 square metres, subdivided into 3 smaller units known as 1a, 1b and 1c (Unit 1b is the subject of this current application), and separate detached 1 No. mixed use class A1/A3 unit of 103.55 square metres) and 20 No two storey dwellings with associated access, parking and landscaping. PERMITTED (20.04.2017).

6 Consultations and Representations

NOTE: The position of the red line around the application site was required to be altered as a discrepancy was noted. As such, re-consultations were sent out on 07.05.19 and the re-consultation period ended on 21.05.19.16.

6.1 Neighbours

1 letter of objection received, points raised are summarised as follows:

- The addition of a take-away use would generate a noticeable increase in traffic.
- The proposed opening hours would extend beyond the normal trading hours of the existing Co-op store.
• The proposal would have an adverse effect on residential amenities in the surrounding area, especially given their close proximity.
• Since the opening of the Co-op, there have been groups of youths gathering in the car park area leading to an increase in anti-social behaviour in the area which would likely be exacerbated by the change of use of the unit.
• The siting of extractor ducting and equipment would be detrimental due to odour.
• The Co-op has failed to comply with the existing planning conditions in relation to noise from the plant and equipment, delivery locations etc. that were to help protect the local residents.

6.2 Irlinghamborough Town Council

Comments received 14.04.19: Object for the following reasons:
• The proposed opening hours - It is felt that 7am to 11pm is excessive.
• The Council would like to know what the actual proposed opening hours planned are. The Council would like to see opening hours restricted to 10pm at the latest, to align with the neighbouring supermarket to prevent noise pollution from vehicles using the car park later at night.
• Concerns that the change to A3/A5 use will lead to more anti-social behaviour in the Church Street area and increased noise and traffic pollution.
• Environmental pollution, odour and noise and its impact on neighbouring businesses and residents.
• The Council supports Environmental Protection request for a plant and ducting system to be installed to minimise the impact.

6.3 Northamptonshire County Council – Archaeological Advisor

Comments received 01.03.19: No comments to make.

6.4 Northamptonshire County Council - Local Highway Authority

Initial comments received 19.02.19: In the interest of highway safety, the LHA would like to see proposals to mitigate the risk of short term inconsiderate parking on the highway in relation to the use of A5 use of the site.

The LHA was asked to clarify what measures would they wish to see put in place to overcome their concerns. Their response (received 28.03.19) was:

It would be prudent to secure some bollards directly in front of the proposed unit to stop people parking as close to the front door as possible.

The Case Officer has since pointed out to the LHA that there is already a row of bollards across the frontage of all three units, and that no further bollards would be necessary.

6.5 East Northamptonshire Council - Environmental Protection Officer

Comments received 18.02.19: No objection. The above application is for the change of use of the central retail unit from A1 to A3/A5. We have looked at the information supplied in support of the application and would ask if you are minded to grant the application that the following condition is added to the permission:

Plant and Ducting Systems

Prior to the operation of the premises, a scheme for the control of odour, noise and
vibration of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This development shall be carried out in accordance with the approved details. The equipment shall be maintained in a condition so that it does not exceed background noise level at the nearest sensitive receptor whenever it is operating as agreed with the Local Planning Authority. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

6.6 Environment Agency
Comments received 15.02.19: No comments to make.

6.7 Northamptonshire Police
Comments received 18.02.19: No objection.

6.8 Natural England
Comments received 09.05.19: No objection.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

- Principle of Development; and
- Impact upon neighbouring amenity (noise and odour); and
- Impact upon neighbouring amenity (Crime and Anti-social Behaviour); and
- Highway Safety and Parking; and
- Design, Heritage Considerations and Impact on the Character and Appearance of the Area

Principle of Development

7.2 The National Planning Policy Framework (NPPF, paragraph 86) requires Local Planning Authorities (LPAs) to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and which are not in accordance with an up to date Local Plan, "[They should require applications for] main town centre uses to be located in town centres, then in edge of centre locations; and only if suitable sites are not available... should out of centre sites be considered". According to the 1996 Adopted Local Plan, the site lies within the 'defined shopping area', but outside the 'defined shopping frontage'.

7.3 Paragraph 87 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Therefore, in light of the proximity and close relationship of the site with the town centre, the site could be regarded as sequentially preferable for development for town centre uses and the proposed A3/A5 use is regarded as acceptable.

7.4 Furthermore, planning permission was granted for an A3 use within the same retail
development as part of the original planning application (15/00990/FUL) and this reinforces the positive view on the acceptability of such uses for the application site.

7.5 Policy 12 (f) of the North Northamptonshire Joint Core Strategy (JCS) states that the vitality and viability of town centre areas of the Market Towns will be supported by the inclusion of town centre uses where this is of a scale and nature consistent with the settlement and the role of Market Towns in providing mainly convenience shopping and local services. The proposal complies with this policy.

7.6 Policy 11 of the JCS states that the Market Towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the Town. The proposed development would provide jobs and a service to the local community, in accordance with this policy.

7.7 Policy 8 (i) of the JCS states that new development should protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlocking. With the condition suggested by the Council's Environmental Protection Officer and as no concerns have been highlighted by Northamptonshire Police, the proposed development is considered to comply with this policy.

7.8 Therefore, whilst the principle of a change of use from A1 to A3/A5 can be supported, this would be subject to the other relevant planning considerations as set out below:

Impact on Neighbouring Amenity (Noise and Odour)

7.9 The application site lies close to a number of residential properties: the closest being Nos 1 and 2, Meeting Lane and No's 10, 10a, 12a and 12b Station Road.

7.10 The Council's Environmental Protection Team has been consulted on the proposal, with the concerns raised by Irthlingborough Town Council and one local resident over noise and odour in mind.

7.11 The Environmental Protection Officer has assessed the likely impact and has suggested a condition which will ensure that any ducting installed in association with the newly proposed use (which is likely to be placed on the roof of the building) would not result in any harm to existing residents, future residents of the associated new dwellings opposite the site or other land users, with regard to noise or odour. It is recommended that this condition is added to any planning permission.

7.12 Any noise associated with the day to day operational movements of an A3/A5 use is not likely to be any more significant than that associated with the previously approved A1 use. The proposed opening hours, whilst wider than the previously approved hours, are not raised as a concern by the Council's Environmental Heath Officer.

7.13 The proposed development will comply with Policy 8(i) of the JCS.

Impact on Neighbouring Amenity (Crime and Anti-social Behaviour)

7.14 One neighbour has objected to the proposed change of use on the grounds that the proposed development would increase the likelihood of anti-social behaviour.

7.15 Northamptonshire Police has been consulted regarding the proposal and, after examining the proposed details and recent crime figures for the area, has no reason to conclude that
this would be the case. Equally, the proposed opening hours are not highlighted as an issue which is likely to instigate crime or anti-social behaviour.

7.16 Furthermore, the public façade associated with Unit 1b is positioned away from the nearest existing residential dwellings, with the subject building (and the attached units) in between; which will serve to physically separate the site from some of the neighbouring occupiers.

7.17 Overall, the proposed change of use is considered to be compliant with the aims of JCS Policy 8 (iv) in respect of crime and/or anti-social behaviour.

Highway Safety and Parking

7.18 The proposed A3/A5 use would make use of the existing car parking provision for the wider development. The Local Highway Authority is satisfied that the number of parking spaces available is adequate to provide for the proposed use and no concerns are raised in this respect.

7.19 The bollards requested by the LHA are already in place to the front of the unit and this would prevent any inconsiderate parking by users of Unit 1b. There is ample parking within the wider site, so the need to park inconsiderately elsewhere in the surrounding area should not arise.

7.20 The proposed development is compliant with highway safety related policy.

Design, Heritage Considerations and Impact on the Character and Appearance of the Area

7.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same Act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

7.22 In addition, paragraph 193 of the NPPF provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

7.23 The proposal is for change of use only and does not include any signage. Therefore, the proposal would not have any impact on the character of the area, including that of the Conservation Area and the setting of the nearby listed buildings.

8 Other Matters

8.1 Waste Collection: The waste associated with an A3/A5 use would be collected by an independent waste collection service and is not the responsibility of the local Council unless it becomes a nuisance to public heath. In which case, the Council’s Environmental Protection Team has powers under separate legislation to investigate and enforce if necessary.

8.2 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
8.3 A3/A5 Uses and Proximity to Schools: The NPPF (para.91) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. The NPPF does not preclude A3/A5 uses in close proximity to schools, unless the local council has its own specific policies in place. East Northamptonshire Council does not have specific policy to manage such proposals. Furthermore, the adjacent unit within this development was considered appropriate for A3 use and the proximity of the site to nearby schools (Irlhelingborough Junior School) has not changed since that time.

9 Conclusion / Planning Balance

9.1 The proposed change of use has been assessed against all of the relevant policies and with the points of concern raised by Irlhelingborough Town Council and local residents in mind. All of the relevant consultees have examined the proposal and conclude that no harm would arise in respect of neighbouring amenity or highway safety, and that the proposal would not harm the nearby heritage assets. Overall, the proposed development is considered to be acceptable.

10 Recommendation

10.1 That planning permission be GRANTED subject to conditions.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

2 Prior to the operation of the premises, a scheme for the control of odour, noise and vibration of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This development shall be carried out in accordance with the approved details. The equipment shall be maintained in a condition so that it does not exceed background noise level at the nearest sensitive receptor whenever it is operating as agreed with the Local Planning Authority.  
Reason: To protect neighbouring amenity by limiting any odour, noise or vibration.

3 The premises shall not be open to customers or any other visiting member of the public except between the hours of 07.00 to 23.00 Mondays to Sundays (including Bank Holidays).  
Reason: In the interest of neighbouring amenity and local amenity.

4 Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received by the Local Planning Authority ON 15.01.19 and 07.05.19:  
4342-101P1  
4342-200P1  
4342-201P1  
4342/GC/17/003  
Reason: In order to clarify the terms of this planning permission and to ensure that the development is carried out as permitted.
12 Informatives

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. There has been ongoing dialogue with the applicant and their agent to resolve issues and to reach a positive recommendation on the application.

2 The applicant is reminded that this planning permission does not confer consent for any advertising signs. Any signage to the unit may require a separate application for advertisement consent.
19/00421/FUL - The Carriage House, 13 Chelveston Road, Raunds
Case Officer  Rosalind Johnson  

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Applicant  Mr And Mrs A Wilson  

Agent  Mr Andrew Porter - Andrew J. Porter Architectural Consultant  

Location  The Carriage House 13 Chelveston Road Raunds Wellingborough Northamptonshire NN9 6DA  

Proposal  Installation of pitched roof dormer window in position of former 'Hayloft' doors (Retrospective)  

This application is brought before the Planning Management Committee as the Town Council has objected to the proposal and following consultation with the Ward Cllrs (in accordance with the Council’s Scheme of Delegation 2019), it has been requested by Cllr Jones that the application be determined by the Committee.

1  Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2  The Proposal

2.1 This householder planning application seeks retrospective permission for the installation of a dormer window at first floor in the east elevation of the dwelling. The dormer consists of double doors with Juliet balcony. The plans confirm the doors are obscure glazed and are to be fixed shut.

3  The Site and Surroundings

3.1 The application property is a former stable building which was converted to a dwelling in the late 1980s. The dwelling is located in a residential area of Raunds, with surrounding properties being a mixture of styles and designs.

3.2 A condition on the original planning permission for the conversion of the building to a dwelling restricted certain permitted development rights, as is commonplace for converted buildings. There are no other relevant planning constraints.

4  Policy Considerations

4.1 National Policy and Guidance  
National Planning Practice Guidance (NPPG)  

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)  
Policy 1 - Presumption in Favour of Sustainable Development  
Policy 2 - Historic Environment  
Policy 8 - North Northamptonshire Place Shaping Principles
4.3 Raunds Neighbourhood Plan (RNP) (Made Version, 2017)
Policy R2 - Promoting Good Design

4.4 Other Documents

5 Relevant Planning History

5.1 10/02151/QPD - Replacement of windows and re-instatement of hay hoist door [permitted development query answered 02.12.2010]

5.2 18/02259/LDE - A residential dwelling which had a dormer and french doors erected without planning permission [application for lawful development certificate refused 21.12.18]

6 Consultations and Representations

6.1 Neighbours

No representations received.

6.2 Raunds Town Council

Comments received 30.04.19: Request additional time to comment.

Comments received 10.05.19: RESOLVED that Raunds Town Council object on the grounds that the Council do not appreciate retrospective applications and members have concerns of the potential impact on the privacy of the adjacent neighbour.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.2 The proposal is for alterations to a residential dwelling, therefore North Northamptonshire Joint Core Strategy Policy 8 and Raunds Neighbourhood Plan Policy R2 are most relevant. These policies seek to ensure development is of an acceptable design and that it does not adversely affect the amenity of neighbouring properties. These matters are discussed below:

Design, and Impact on the Character and Appearance of the Area

7.3 The dormer window resembles a former hayloft door which the building previously contained (applicant/agent has submitted photographic evidence). As such, the proposal is considered to be of a suitable design and does not adversely affect the character and appearance of the building or the wider area.

Residential Amenity

7.4 The Town Council’s comment regarding the need to consider the impact on the adjacent neighbours’ privacy is noted and accepted. The dormer window lies approximately 8.5m
from the west elevation of neighbouring property 15 Chelveston Road, however as the doors are fitted with obscure glass and are to be fixed shut (a condition can secure this), there would be no overlooking of the adjacent property. There is already a door and high level ground floor window in the east facing elevation of the application property and therefore the dormer has a similar relationship to the neighbouring property as the other openings. It is therefore not considered that the works result in harm to the amenity of the neighbouring property. Furthermore, a consultation has been sent to the occupants of 15 Chelveston Road and no comments or objections have been received.

7.5 No other properties would be affected due to the position of the dormer window.

8 Other Matters

8.1 Retrospective Nature of the Application: The Town Council’s comments regarding the retrospective nature of the application are noted, however this is not a valid reason for objection, as the planning process allows for retrospective applications.

8.2 Notwithstanding the above, in this particular case, the applicant sought a view from planning officers in 2010 regarding the need for planning permission for the reinstatement of hay hoist doors and was advised informally that it was not required. That advice would appear to have overlooked a condition on the original planning permission (for the conversion to dwelling) which restricts certain permitted development rights. Hence it is your officer’s view that planning permission is required.

8.3 The applicant initially sought to regularise the situation by submitting an application for a certificate of lawfulness, however this could not be granted, as the development had not been in situ for the requisite period of time. The applicant has therefore duly submitted a planning application.

8.4 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.5 Highway Matters: No highway or parking issues are raised, as no additional parking demand is generated by this proposal.

9 Conclusion / Planning Balance

9.1 The proposal complies with the development plan and no material considerations indicate that the policies of the development plan should carry reduced weight. Accordingly the application is recommended for approval.

10 Recommendation

10.1 That planning permission be GRANTED subject to conditions.

11 Conditions

1. Within 1 calendar month from the date of this decision, the doors hereby permitted shall be permanently fixed shut. They shall remain fixed shut and obscure glazed in perpetuity.
   Reason: In the interests of residential amenity.
2. The development shall accord with the following approved plans: 018/18/02 and 018/19/03A. 
   Reason: For the avoidance of doubt.

12 Informatives

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.
2 Lancaster Drive, Thrapston
Case Officer: Joe Davies

Date received 18 April 2019
Date valid 25 April 2019
Overall Expiry 20 June 2019
Ward Thrapston Lakes
Parish Thrapston

Applicant: Ms S Matthews

Agent: Anglian Home Improvements – Mr Simon Dickerson

Location: 2 Lancaster Drive, Thrapston

Proposal: Erect sage green PVCU conservatory to rear of property

This application has been brought before the Planning Management Committee as the applicant is a member of staff at East Northamptonshire Council.

1 Summary of Recommendation

1.1 That planning permission be GRANTED, subject to no new material concerns being received by the end of the consultation period (15th June 2019).

2 The Proposal

2.1 The application proposes the erection of a single storey conservatory to the rear of the dwelling. The conservatory would be finished in sage green UPVC, would have a pitched roof and would be 3.750 metres in length, 2.282 metres in width, 2.135 metres in height to the eaves and 2.881 metres in height to the ridge.

3 The Site and Surroundings

3.1 The application site comprises a detached 2-storey dwelling with a side-on relationship with the street scene, finished in brick with a pitched roof. The property has a garden to the rear (south) and a shared driveway to the front (north). To the north east of the site is the property at 4 Lancaster Drive and to the south east is the dwelling at 10 Warwick Gardens.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) 2016
Policy 1 - Presumption in Favour of Sustainable Development
Policy 8 - North Northamptonshire Place Shaping Principles

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) 2011
No relevant policies

Planning Management Committee 12th June 2019
5 Relevant Planning History

5.1 03/00259/FUL - Conversion of garage to habitable room – PERMITTED (14.05.2003)

6 Consultations and Representations

6.1 Neighbours
No comments received

6.2 Thrapston Town Council
No comments received

6.3 The Nene Valley News press notice runs until the 15th June 2019, which is after the Committee meeting. The recommendation has been worded to allow the decision to be issued providing that no new material concerns come to light on or before the 15th June.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

- Visual impact;
- Impact upon residential amenity; and
- Highway safety and parking provision.

Visual Impact

7.2 The proposed development would be to the rear of the existing dwelling and would only be visible from Lancaster Drive to the rear above the existing fence line. There are other existing outbuildings to the rear of the properties on this part of Lancaster Drive, including a conservatory immediately to the rear at 10 Warwick Gardens. Given the relatively small scale of the conservatory, the proposal would not be out of keeping with the locality and is considered to be acceptable in relation to design and visual amenity.

Impact on Residential Amenity

7.3 The proposed conservatory would be single storey and set well back from the boundaries with neighbouring properties. There would therefore be no adverse impact in relation to loss of light. Furthermore, there is some screening provided by the existing boundary fence and the applicant could build a similar sized rear extension with ground floor side windows without planning permission; the impact in relation to overlooking is therefore also considered to be acceptable and there would therefore be no significant adverse impact on neighbour amenity.

Highway Safety and Parking Provision

7.4 There would be no loss of parking provision as a result of the proposed development and there would be no increase in the number of bedrooms (therefore no additional parking requirement). There would also be no impact on visibility and the impact of the proposed development on highway safety and parking provision is therefore considered to be acceptable.
8 Recommendation

8.1 That planning permission be GRANTED subject to conditions and subject to no further material concerns being received by the end of the consultation period (15th June 2019).

9 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

2 The development shall be finished in materials as described in the submitted application.
   Reason: To achieve a satisfactory elevational appearance for the development.

3 The development hereby permitted shall be carried out in accordance with the following approved plans:
   Proposed Plan and Elevations – 900/02602 Page 2 of 2; and
   OS Plan B&W.
   Reason: To define the terms of the planning permission.

10 Informatives

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.