

**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 24/09/2013</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Fjola Stevens Development Officer</b>	<b>Application No: KET/2009/0596</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>Eckland Lodge Business Park, Desborough Road, Braybrooke</b>	
<b>Proposal</b>	<b>Full Application: Demolition of existing agricultural buildings and erection of office buildings within B1(a). Formation of new vehicular and pedestrian access, parking areas, and associated landscaping</b>	
<b>Applicant</b>	<b>Eckland Lodge Business Park</b>	

**1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

**2. RECOMMENDATION**

*REFUSED for the reasons set out in the update to Committee dated 27<sup>th</sup> August 2013 contained in Appendix A.*

*List of conditions required if the Planning Committee decide to approve the application:*

1. *The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.*

*REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.*

2. *The buildings hereby permitted shall be used only for offices and for no other purpose whatsoever (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).*

*REASON: In the interests of protecting the amenity of the surrounding area in accordance with policy 13(l) of the North Northamptonshire Core Spatial Strategy.*

3. *The development hereby permitted shall not be carried out other than in accordance with the approved plans.*

*REASON: In the interests of ensuring satisfactory development in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.*

4. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

*REASON: In the interests of the visual amenities of the area in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy.*

5. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

*REASON: To preserve the character of the area in accordance with policies 13(o) of the North Northamptonshire Core Spatial Strategy.*

6. No development shall take place on site until details of the width, alignment, gradient, sight lines and type of construction proposed for the access, road, footways and car parking areas, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels and the method of disposing of surface water have been submitted to and approved in writing by the Local Planning Authority. The access shall be hardbound between the edge of the carriageway and the existing internal access road to the south west of the building hereby permitted. The approved details shall be fully implemented before the use hereby permitted is commenced, or the buildings occupied, whichever is the sooner.

*REASON: To ensure that the roads are constructed to a satisfactory standard in accordance with policy 13(n) of the North Northamptonshire Core Spatial Strategy.*

*Northamptonshire Core Spatial Strategy.*

7. Before the buildings hereby permitted are first occupied or used, the parking associated with each building shall be provided in accordance with drawing no. H/ED/12/007 B, and shall thereafter be retained and kept available for such purposes.

*REASON: In the interests of highway safety in accordance with policy 13(n) of the North Northamptonshire Core Spatial Strategy.*

8. No development shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

*REASON: In the interests of visual amenity in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

9. The approved landscaping scheme shown on Landscape Masterplan drawing no. 2712/03 D and the Planting Strategy drawing no. 2712/07 B shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously

*damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

*REASON: To improve the appearance of the site in the interests of visual amenity in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

*10. The development hereby permitted shall provide 10% of the energy demand generated by the development from on-site or decentralised renewable sources of energy. Prior to the commencement of development, a scheme demonstrating how 10% renewable energy will be provided, how the development will incorporate techniques of sustainable construction and energy efficiency, provision of permeable hardstanding for footways and car parking areas, provision for waste reduction/recycling and provision for water efficiency and recycling shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.*

*REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.*

*11. No development shall take place on site until full details of all windows, doors, timber finishes, verge detailing and rainwater goods, including drawings at a scale of no less than 1:50 and samples of the proposed materials and finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.*

*REASON: In the interests of visual amenity in accordance with policy 13(h) of the North Northamptonshire Core Spatial Strategy.*

*12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no extensions or other alteration permitted by Class A of Part 41 of Schedule 2 of the Order shall be made without a grant of planning permission.*

*REASON: In the interests of protecting the vitality and viability of Desborough Town Centre in accordance with the NPPF Policy 2.*

*13. Development shall not begin until a detailed surface water drainage scheme for the site in accordance with amended Flood Risk Assessment undertaken by BCAL Consulting (Revision B, dated November 2010) has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall be implemented in accordance with the approved details before the development is occupied.*

*REASON: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.*

*14. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until parts A - D have been complied with. If unexpected contamination is found after development has*

*begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.*

*A. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:*

*(i) a survey of the extent, scale and nature of contamination;*

*(ii) an assessment of the potential risks to:*

- human health,*
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
- adjoining land,*
- groundwaters and surface waters,*
- ecological systems,*
- archaeological sites and ancient monuments;*

*(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

*B. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*

*C. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written*

*notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.*

*D. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.*

*REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

*15. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.*

*REASON: In the interests of the amenities of the area in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

*16. Prior to the demolition of the buildings an update survey to determine the presence of bats or birds shall be submitted to and approved in writing by the Local Planning Authority. If any species are found a scheme providing details of the mitigation measures required to avoid any damaging effects during the development shall accompany the updated survey and be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved survey and any mitigation measures.*

*REASON: In the interest of protected species in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

*17. Prior to the commencement of development details of the proposed barn owl next box and details of the access provision shall be submitted to and approved in writing. The box shall be installed in accordance with the approved details prior to the first use of the buildings hereby permitted and shall thereafter be maintained in perpetuity.*

*REASON: In the interests of protected species in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

18. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

*REASON: In the interests of visual amenity in accordance with policy 13(h).*

19. Prior to the commencement of development full details of the contours of the bund hereby permitted shall be submitted to and approved in writing by the local planning authority. The bund shall be provided in accordance with the approved details prior to the first occupation of the buildings hereby permitted and shall thereafter be retained in perpetuity.

*REASON: In the interests of visual amenity in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

20. The land hereby permitted as forestry belt and open space to the east and south east of the buildings as shown on drawing no. 2712/03 shall not be used at any time for commercial activities without a grant of planning permission.

*REASON: In the interests of the amenity of the surrounding area in accordance with policy 13(o) of the North Northamptonshire Core Spatial Strategy.*

## **Officers Report for KET/2009/0596**

### **3.0 Information**

*This application was recommended for refusal by officers at the Planning Committee on 27<sup>th</sup> August 2013.*

*The planning committee debated the merits of the proposal and placed weight on the employment opportunities generated by the proposal, the location of the site in Desborough which is recognised as a secondary growth area within the Borough. The planning committee also considered that the proposed development would improve the existing character of the area. The planning committee therefore decided that the application should be approved subject to a S106 to secure a Travel Plan and conditions. The application was deferred for officers to provide a list of recommended conditions and to negotiate the S106.*

*The officer's recommendation remains to refuse the applications for the reasons set out in the previous update to the Planning Committee dated 27<sup>th</sup> August 2013, which is included at Appendix A. In addition to the concerns about the design of the proposed buildings, it should be noted that the application site does not lie within Desborough, it lies in an unsustainable location in the open countryside to the north west of Desborough and the scale of the buildings proposed is significantly greater than the scale of the existing buildings on the site.*

*Notwithstanding the officers recommendation the S106 has been negotiated and a list of conditions has been drawn up for the Planning Committee to consider. The Planning Committee have indicated that the overall design, massing and scale of the buildings are acceptable, however officers advise that further consideration is given to the materials to be used and the overall appearance of the buildings. The use of materials traditionally found in the rural area would minimise the visual impact of the buildings. It is therefore recommended that consideration is given to conditioning the use of slate for the roof and timber cladding on the elevations.*

### **4.0 Consultation and Customer Impact**

*See the update to committee dated 27<sup>th</sup> August at Appendix A and previous committee reports at Appendix B.*

### **5.0 Planning Policy**

*See the update to committee dated 27<sup>th</sup> August at Appendix A and previous committee reports at Appendix B.*

### **6.0 Financial/Resource Implications**

*A S106 is required to ensure the implementation of a suitable Travel*

*Plan. A Travel Plan framework has been agreed with the applicant.*

*The S106 should also include financial contributions for the provision of 2 bus stops close to the site and a footway along Harborough Road between the site and the existing footway at Brampton Wood Lane. The contributions required for these are as follows:*

- *2 no. bus stops - £10,000 (£5,000 per stop)*
- *Footway improvements - £75,000 (£200 per metre)*

*The applicant has confirmed that the contributions above are acceptable.*

## **7.0 Planning Considerations**

*See the update to committee dated 27<sup>th</sup> August at Appendix A and previous committee reports at Appendix B.*

### **Conclusion**

*The proposed development is contrary to the development plan, however if members decide that other factors outweigh the provisions of the development plan it is recommended that a S106, as set out is above, and the conditions in this report are imposed on the planning permission.*

#### **Background Papers**

*Title of Document:*

*Date:*

*Contact Officer:*

#### **Previous Reports/Minutes**

*Ref:*

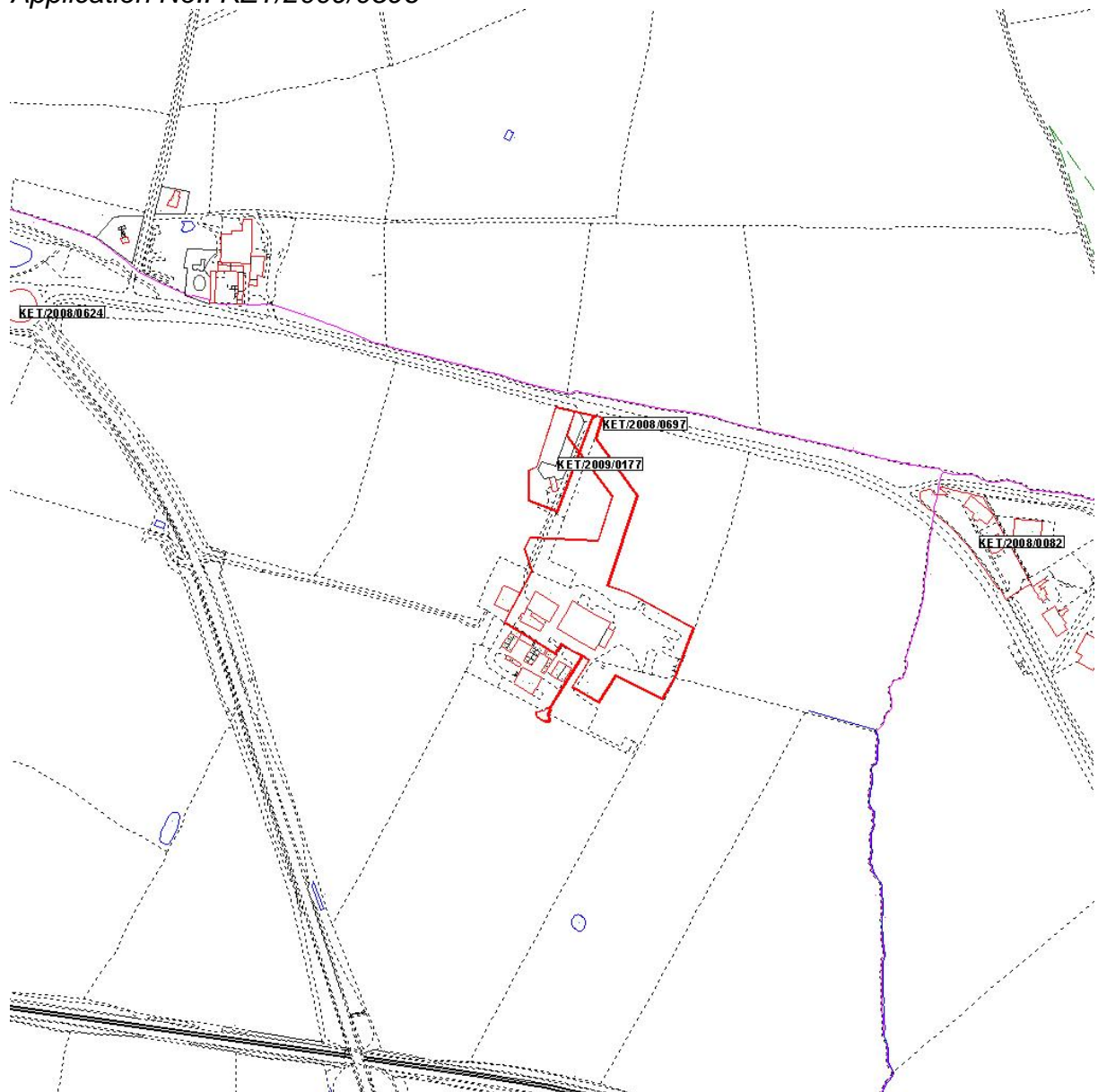
*Date:*

*Fjola Stevens, Development Officer on 01536 534316*

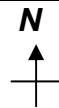


## SITE LOCATION PLAN

Eckland Lodge Business Park, Desborough Road, Braybrooke  
Application No.: KET/2009/0596



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