

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held – 1st July 2014

Present: Councillor Shirley Lynch (Chair)

Councillors Linda Adams, Maurice Bayes, Steve Bellamy,
Terry Freer, David Howes, Cliff Moreton, David Soans
and Keli Watts

14.PC.07 **APOLOGIES**

None.

14.PC.08 **DECLARATIONS OF INTEREST**

Councillor Terry Freer declared a personal interest in Item 5.1 and chose to withdraw from the meeting from this item

Councillor David Soans declared an interest in Item 5.2 as a member of Desborough Town Council

Councillor Cliff Moreton declared an interest in Item 5.4 as member for Slade Ward

Councillor David Howes declared an interest in Item 5.9 as the owner of a nearby property on the same road

Councillor Keli Watts declared an interest in Item 5.10 as the applicant was known to her

***14.PC.09** **MINUTES**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 3rd June 2014 be approved as a correct record and signed by the Chair.

***14.PC.10 ITEMS OF URGENT BUSINESS**

None

***14.PC.11 APPLICATIONS FOR PLANNING PERMISSION**

The Committee considered the following applications for planning permission which were set out in the Head of Development Control's Report and which were supplemented verbally at the meeting. Six speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

The report included details of applications and, where applicable, results of statutory consultations and representations which had been received from interested bodies and individuals, and the Committee reached the following decisions:-

<u>Proposed Development</u>	<u>Decision</u>
*5.1 Outline Application: Erection of 3 no.2 storey detached dwellings and 4 no.2 storey semi-detached dwellings at 116 London Road, Kettering for Mr P Bannell	That the application be REFUSED for the following reason:-

Plan No: KET/20132014/0098

Speaker:

Mr Adrian Ringrose attended the meeting and spoke on the application as agent for the applicant

Councillor Maggie Don attended the meeting and spoke on the application as ward member

1. 116 London Road has significance as a non-designated heritage asset and the existing dwelling-house benefits from a history that relates strongly to that of Kettering through its association with the Dryland family. By virtue of the loss of the dwelling-house and its gardens, the proposed scheme would adversely and unjustifiably impact on the character and appearance of the surrounding area. As such, this is contrary to Section 12 of the National Planning Policy Framework which requires the significance of a non-designated heritage asset to be taken into account. It is also contrary to policy 13 of the North

Northamptonshire Core Spatial Strategy which requires new development to conserve and enhance distinctive historic elements within the townscape.

*(Voting on officer recommendation to refuse the application:
For 8; Against 0)*

- 5.6 Full Application: Change of use from residential to day care nursery with garage conversion and single storey rear extension to link to the swimming pool at 30 Warkton Lane, Kettering for Abeona Day Care
- That the application be REFUSED for the following reasons:-

Plan No: KET/2014/0256

Speakers:

Samantha Feeley attended the meeting and spoke on the application as a third party objector.

Chris Akrill attended the meeting and spoke on the application as agent for the applicant

Councillor Russell Roberts attended the meeting and spoke on the application as ward member

The site is located within an area predominantly residential in character, with domestic properties to the north, east and west. The site also fronts onto Warkton Lane a main route which is heavily trafficked. The Highway Authority emphasise that "absolutely no parking can occur on Warkton Road" for reasons of highway safety.

The National Planning Policy Framework (NPPF) acknowledges within its core principles (paragraph 17) that in order for new development to be sustainable, "account is to be taken of the roles and character of (the) area" and "provide a good standard of amenity for all existing and future occupiers of land or buildings". North Northamptonshire Core Spatial Strategy (CSS) Policy 13 requires that development should not to result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking" (and) "not have an adverse impact on the highway network and will not prejudice highway safety. Saved Policy 58 of the Local Plan for Kettering states that

"industrial or commercial development proposals within areas of residential or other non industrial/commercial character will not normally be granted planning permission except where they involve an extension to, redevelopment of, or a re-organisation of existing industrial or commercial operations and provided that there would be no significant adverse effect on the amenity, the environment or the highway network of the surrounding areas, and there would be operational, amenity or environmental benefits."

The proposed 40 children nursery is considered inappropriate for this site due to its scale and erodes the primary residential character of the area. The proposal would lead to a detrimental impact on adjacent residential amenity in respect of noise or disturbance from comings and goings, and arising from up to 40 children playing in the open areas. Furthermore, despite the proposals for on site parking and the applicant's intentions to manage travel habits through a travel plan, it is considered that in practice the dropping off or collecting of children, would result in significant adverse impact from vehicles waiting, or being left parked in the immediate area.

For the above reasons the proposal is considered to be contrary to these policies.

*(Voting on officer recommendation to approve the application:
For 0; Against 8)*

*(Voting on whether to refuse the application:
For 8; Against 0)*

*5.10 Full Application: Conversion of a workshop to 1 no. dwelling at 87 King Street, Kettering for Mr R Medhurst That the application be APPROVED subject to the following conditions:-

Plan No: KET/2014/0329

Speakers:

Richard Lewis attended the meeting and spoke on the application as agent for the applicant

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

3. Notwithstanding the approved plans no development shall commence on site until details of all windows and doors hereby approved, 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.
4. 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 building, structure or other alteration permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 or Class A of Part 2 of Schedule 2 of the Order shall be made on the application site.
5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C have been complied with. If unexpected contamination is found after development has begun, development must 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 condition 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, must 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 (or any model procedures revoking and replacing those model procedures with or without modification)'.

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 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 condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition C.

6. No development shall commence on site until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.
7. Notwithstanding approved plan number A01/1.3/108 Rev B received 15 May 2014 by the Local Planning Authority there shall be no doors, gates or other form of enclosure on the southern boundary of the terrace.

*(Voting on officer recommendation to refuse the application:
For 2; Against 5; Abstention 1)*

*(Voting on whether to approve the application:
For 5; Against 2; Abstention 1)*

- *5.2 Full Application: Change of use from dwelling house to mixed use of dwelling house and canine spa, fitness and grooming centre and erection and use of canine spa to rear garden at 74 Federation Avenue, Desborough for Mrs B Moore. That the application be APPROVED, subject to the following conditions:-

Plan No: KET/2014/0102

Speakers:

None

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The use of the canine spa, fitness and grooming centre hereby permitted shall not be carried out before 09.00 hours or after 17.00 hours on Mondays to Saturdays (excluding Thursdays when the business will remain open until 20.00), nor open at any time on Sundays or any recognised public holidays.
3. Prior to the commencement of the canine spa, fitness and grooming centre hereby approved a scheme for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. Development shall not proceed other than in accordance with the approved details, and these facilities shall be retained at all times thereafter.
4. In accordance with the details specified on the document dated 3rd March 2014 except no commercial kennelling shall occur on site, this permission shall enure for the benefit of Mrs Beverly Moore only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Beverly Moore ceases to occupy the premises.
5. 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 use hereby permitted shall not commence until the approved scheme has been fully implemented in accordance with the approved details.

*(Voting on officer recommendation to approve the application:
For 8; Against 0)*

5.3 Full Application: MOT and service garage at Belgrave Retail Park, Northfield Avenue (land within), Kettering for Burney Kettering Ltd

Plan No: KET/2014/0183

Speakers:

None

That the whole application be deferred subject to a request being put to the applicant to consider re-orientating the building by 180 degrees in order to minimise the impact of noise on neighbouring properties. The application is to be reported back to the Planning Committee for a decision after a response has been received.

(Voting on whether to defer the application: For 6; Against 2)

5.4 Full Application: 2 no. dwellings to second floor at Barnwell Court, Mawsley for Mr B Fox, City and County Developments

Plan No: KET/2014/0201

Speakers:

None

That the application be APPROVED, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. No development shall commence until full details of the new window to be inserted into bedroom 2 of flat 1 have been submitted to and approved in writing by the Local Planning Authority. The window details shall be provided on a plan of not less than 1:20 and shall include all glazing bar, frame and cill details, together with materials and finishing colour. The development shall not be carried out other than in full accordance with the approved details and retained thereafter.
3. No development shall commence on site until full details (including sample) of the obscuring treatment to be applied to the existing window serving bedroom 2 of flat 1, together with a scheme specifying measures to permanently fix shut the same window have been submitted to and approved in writing by the Local Planning Authority. The approved scheme to fix shut the window together with

treatment to obscure the window shall be fully implemented prior to occupation of flat 1 and retained thereafter.

4. No development shall commence until a scheme detailing measures to restrict the window serving the bathroom of flat 1 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify a top opening window mechanism and the degree of restriction applied to the window. Flat 1 shall not be occupied until the approved scheme has been fully implemented, and obscure glazing film [to no less than privacy level 4 Pilkington Standard, or equivalent] has been applied to cover the whole of the existing glazing. The privacy film and scheme for restricting the top opening window shall be permanently retained thereafter.
5. Prior to occupation of the 2 no. flats hereby approved, the 2 no. allocated parking spaces shown on drawing no. 4110/010 P3 received by the Local Planning Authority on 14th May 2014 shall be permanently set aside and made available for the occupiers of the residential flats and shall be permanently marked as reserved on the parking space surface, allocating 1 parking space per flat.
6. The residential flats hereby approved shall not be occupied unless and until a scheme specifying how waste arising from the occupation of the dwellings will be stored and managed. The scheme shall specify measures taken to recycle elements of those waste arising, method of storage and containment, and frequency of collection. Occupation of the dwellings shall only commence in full accordance with the approved waste management scheme.

*(Voting on officer recommendation to approve the application:
For 8; Against 0)*

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| 5.5 Full Application: 1 no. dwelling and formation of new vehicular access at Teal House, Duck End (land adj), Cranford for Cranford Management | That the application be APPROVED, subject to the following conditions:- |
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Plan No: KET/2014/0249

Speakers:

None

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

2. a) The development hereby permitted shall not be commenced until details of a contaminated land investigation have been submitted to and approved by the Local Planning Authority. This submission shall be made to the Local Planning Authority in the following sequence:-
 - (1) a desk top study, and, if required by the Local Planning Authority following this submission
 - (2) a site investigation, and, if required by the Local Planning Authority following (1) and/or (2)
 - (3) a remediation strategy setting out the measures to be carried out on site to mitigate against any unacceptable risk or risks to all potential receptors
- b) If required, the remediation of the site shall be carried out fully in accordance with the approved details and timetable contained therein. Within one month of completion of the remediation works, two copies of a closure report shall be submitted to the Local Planning Authority
- c) If during the development of the site, contamination not previously considered is identified, no further work shall be carried out until the Local Planning Authority has been notified in writing of the discovery and a method statement detailing a scheme for dealing with the contamination has been submitted to and approved by the Local Planning Authority. The remediation shall be carried out in accordance with the approved detail.
3. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
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, which shall be traditional and natural materials, have been submitted to and approved in writing by the Local Planning Authority. The proposed roof lights shall be fitted so as to be flush with the external roof surface. The development shall not be carried out other than in accordance with the approved details.
5. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction and 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 not be carried out other than in accordance with the approved details.
6. All external walls shall be constructed in natural stone and shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

7. No development shall take place on site until full details of all windows, doors, timber finishes, verge and eaves detailing and rainwater goods 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.
8. 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 building shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.
9. 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 additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the east and west elevations or roof planes of the building.
10. The access and layout shall be provided in accordance with the details shown on Drawing No: 13/840L/05A dated 12th June 2014 and shall be surfaced with a bound surface/paving from the edge of the carriageway known as Duck End and the line of the existing stone wall. The gradient of the drive shall not exceed 1:15 to a point 10m of the edge of the carriageway of the adjoining highway. The access shall have suitable drainage facilities to prevent surface water discharging over the highway. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only. The access shall be provided prior to the occupation of the dwellings and thereafter retained.

*(Voting on officer recommendation to approve the application:
For 8; Against 0)*

- 5.7 Full Application: Demolition of porch, garage and conservatory. Two storey side extension. Single storey side, rear and front extensions at 1 The Lane, Weston by Welland for Mr P Tomlinson
- That the application be APPROVED, subject to the following conditions:-

Plan No: KET/2014/0260

Speakers:

None

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

(Planning No. 11)

1.7.14

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building and the rendered parts shall be rendered with Thermal Render in Gardinia RAL 1013.
4. 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 additional openings permitted by Schedule 2, Part 1 Class A shall be made in the north west elevation of the two storey side extension hereby permitted.

*(Voting on officer recommendation to approve the application:
For 8; Against 0)*

- 5.8 Full Application: Erection of stable block at Croft Barns (land to the rear of), Queen Street, Geddington for Mrs D Holland
- That the application be APPROVED, subject to the following conditions:-

Plan No: KET/2014/0286

Speakers:

None

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The stables hereby approved shall not be used for any commercial purposes.
3. 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. Thereafter only the approved scheme shall be implemented.
4. At no time shall the burning of animal waste take place on the site.
5. Prior to the storage of any manure on the site details of the precise location shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter only the approved locations shall be used.

6. Prior to the commencement of the development hereby approved a programme of archaeological work shall be undertaken in accordance with a written scheme of investigation that shall first have been submitted to and approved in writing by the Local Planning Authority.

*(Voting on officer recommendation to approve the application:
For 8; Against 0)*

- 5.9 s.73A Retrospective Application: That the application be APPROVED, subject to the following conditions:-
Change of use from dwelling house to mixed residential and bed and breakfast at Brooklyn House, 28 Kingsley Avenue, Kettering for Mrs A Driver

Plan No: KET/2014/0298

Speakers:

None

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans shown on drawing numbers 517 2, 517 3 and 362 17 providing a maximum of 3 no bedrooms for bed and breakfast use, received 15 May 2014 by the Local Planning Authority.
2. Approved screening measures shall be installed along the balcony (between points A - B on plan) by not later than 15 July 2014. The screening shall thereafter be permanently retained in this form.

*(Voting on officer recommendation to approve the application:
For 8; Against 0)*

**(The Committee exercised its delegated powers to
act in the matters marked *)*

(The meeting started at 7.00 pm and ended at 9:14pm)

Signed:
Chair

DJP