**Full Planning Committee - 30 June 2015**

**Agenda Update**

5.1 **KET/2014/0591**

 Convent Of Our Lady, Hall Lane, Kettering

A letter has been received from local residents detailing drainage concerns which they have separately raised in a meeting with Anglian Water. Concerns are expressed about the capacity of the existing system to deal with the additional dwellings. Conditions are proposed requiring details of mains foul sewerage infrastructure and surface water drainage strategy to be submitted for approval, this adequately deal with residents' concerns.

The developer has confirmed that the foul and surface waters requirements are fully understood and that they have reached agreement with the affected neighbour to install new improved pipework.

Officer comment: This is not a new issue and has been considered previously and will be addressed. Indeed, Anglian Water have re-affirmed this afternoon that there is sufficient capacity within the foul drainage network to accommodate the flows from this development.

Footway and tactile paving improvements near 99 Northampton Road/ Hall Lane:

The technical details, including a detailed plan, of the footway changes that have been negotiated, will be conditioned or subject to S106 as appropriate.

5.2 **KET/2014/0592**

 Convent Of Our Lady, Hall Lane, Kettering

See above.

5.3 **KET/2014/0695**

10 The Old Willows, Old Northampton Road, Broughton

Additional Consultation Responses

Broughton Parish Council:
The Parish maintains their objection. Comments are as follows:

- Application is not clear. No new site notices have been posted advertising the amended plans.
- What will each pitch contain, will they be family pitches, will any business be run from the site?
- There is a fire risk to those within the site.
- There is no provision for an amenity block and no mention of drainage.
- There is no need for additional pitches. There are vacant pitches and no current requirement as KBC has provision of sites until 2021.
- The Parish has provided a copy of their response to the Gypsy and Traveller Policy Consultation and has asked that this be provided to members of the Planning Committee.
- Planning Policy advises that the existing site is of an optimum size. To go beyond this is not advisable.
- The Police responded negatively to the proposed Highcroft Farm site which is close by.
- The site specific policy did not look at existing sites. Why is the site now being considered? What is the progress with the Gypsy and Travellers Policy?

Officer Response:
The application has been revised to include 6 no. pitches and a play area. All those who commented on the original application, either in response to a consultation letter or a site notice, were notified of the amendments. There is no requirement to post additional site notices.

Condition 4 will limit the number of structures on each pitch. Should an amenity block be required details would need to be submitted for approval.

Condition 2 will ensure the site is only occupied by Gypsies and Travellers.

Condition 9 will ensure no business is operated from the site.

The Parish's response to the Policy consultation has already been considered by the Planning Policy Committee. The current application has been considered against Local and National Planning Policy.

The matters raised regarding policy progress, need, site layout and drainage are addressed in the Officer's Report.

Northamptonshire Police:
No objection. Suggest the following conditions/informatives.

The site shall not be occupied other than by Gypsies and Travellers as defined by National Policy.
- The application addresses local need.
- No business shall be conducted and there shall be no storage of waste or metals.
- The proposal should be in accordance with National Good Practice.

Officer Response:
These matters are addressed in the Officer's Report.

Northamptonshire Highways:
No objections subject to conditions/informatives. Comments are the same as previously made.

Environment Agency:
No objection.

Amended Condition and Informative
It is recommended that condition 9 be amended to ensure there is no storage of any commercial waste or materials.
Condition 9 will read as follows:

"The site shall not be used for any trade, industrial or business activity and there shall be no open storage of commercial waste or materials."

An informative is also recommended advising the applicant of the Environment Agency rules regarding the use of septic tanks and sewage treatment plant.

5.4 **KET/2015/0065**

The Paddocks, Park Hill, Braybrooke

The applicant's agent has submitted medical information confirming that Arthur Foster is under review for various conditions and that a settled address would help in facilitating these reviews.

5.5 **KET/2015/0177**

Ise Garden Centre, Warkton Lane, Kettering

In regard to the last sentence to the paragraph before the conclusion on page 14 of the Officer Report, the Chair of Planning has advised that there was no such meeting but an e-mail to them had been sent.

5.6 **KET/2015/0253**

Millwinds, Harrington,

ADDITION TO SITE'S PLANNING HISTORY
There were planning refusals in 2001 and 2003 (under references KET/2001/0499 and KET/2003/0546) to use existing buildings at the site for light industry and craft workshops on the grounds of extensive alterations being required to redundant buildings in the open countryside.
The most recent application at the site was KET/2010/0133: Change of use of land to siting of 2no. mobile homes and 2no. traveller vans.
Temporary consent was initially granted on 28th May 2010, this was subsequently quashed via a Court Order following a Judicial Review of the decision. This was on the grounds of the approval reason referencing a local planning policy that had not in fact been satisfied and of the Council having not satisfactorily investigated the availability of traveller pitches on other private sites in the Borough. KET/2010/0133 was subsequently re-determined by the Council and refused on the grounds of its unsustainable location in the open countryside for use as a residential caravan site.
In this instance the proposal that comes before Committee represents a fresh approach to redeveloping the site. Unlike previous applications on this site, the proposed operations on site would promote a strong rural economy through the conversion of existing disused buildings and catering for a local rural need, which is reflected in the positive recommendation to Committee. The most recent planning history at the site is therefore considered to hold no direct relevance and very limited weight in this context.

In the interests of ensuring that appropriate controls are applied to the use of site it is considered that an additional condition should be added to specify the approved use. Furthermore, Conditions 5 & 6 should be revised to reference persons employed in the business use hereby approved (rather than the business occupying the land). Condition 6 is also proposed to be reworded to be more specific and reference a 'farrier' training course.

ADDITIONAL CONDITION 18
The site shall be used only for a farrier residential training facility and equine hospital and for no other purpose whatsoever (including any other purpose in Classes C2 or D1 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: To ensure that the site is occupied in full accordance with the submitted details.

REVISED CONDITION 5
The occupation of the 'vet's bungalow' as depicted on the approved site layout KET/2015/0253/4) shall be limited to a person solely or mainly employed in the business use hereby approved occupying the land edged red on the approved drawings and to any resident dependants.

REASON: The site is in an area where new dwellings are not normally permitted in accordance with Policy 1 of the North Northamptonshire Core Spatial Strategy.

REVISED CONDITION 6
The occupation of any residential element of the scheme contained within the 'farrier accommodation' or the 'equine clinic' as depicted on the approved site layout KET/2015/0253/4) shall be limited to persons either enrolled on a residential farrier training course held at the application site or employed at the time of their occupation in the business use hereby approved occupying the land edged red on the approved drawings.
REASON: The site is in an area where new dwellings are not normally permitted in accordance with Policy 1 of the North Northamptonshire Core Spatial Strategy.

In the interests of ensuring that the scheme does not cause visual amenity concerns during night-time hours and to control potential light pollution, an additional condition should specify the requirement for a lighting scheme to be agreed in the event of any external illumination.

ADDITIONAL CONDITION 19
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 amenity of occupants of neighbouring properties in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

The applicant, as detailed within the Committee Report, has referenced that foul drainage at the site is estimated to flow at 1.32 cubic metres per day and would be discharged to a soakaway within the site. It is recognised that, given the variety and extent of different activities that could be carried out on site, the 1.32 figure may represent an underestimate of the flow by the applicant. It is therefore considered that a note to the applicant should be added to the decision notice to make it clear of their responsibilities to attain an Environmental Permit from the Environment Agency should the discharge rate exceed 2 cubic metres per day. It could be the case, once percolation tests have been undertaken, that an alternative solution is required to store sewage effluent at the site. The details of which would be required to fully comply with Building Regulations.

ADDITIONAL INFORMATIVE FOR THE APPLICANT
Early consideration should be given to achieving a suitable system of foul water drainage at the site. Discharges of treated sewage greater than 2 cubic metres a day to ground require a permit under the Environmental Permitting Regulations 2010. The system to be installed is required to fully comply with the requirements of Approved Document H of the Building Regulations 2010. In the event that additional drainage infrastructure is required it is likely that further planning permission would be required.

As a further note, it has been commented that the area is not served by fast and reliable broadband services. It is felt that this does not merit a reason for not granting planning permission; many rural enterprises operate in similar circumstances.

5.7 **KET/2015/0303**

58 Finedon Road (land to rear of), Burton Latimer

Burton Latimer Town Council has confirmed that they have no objection in relation to the proposal.

Members will be aware that the Highway Authority requested a new site plan be submitted to allow a full assessment of the proposal to be made. The Highway Authority has been consulted on the amended plan and has raised no further objection subject to the application of conditions relating to surfacing and gradient, drainage and control of mud on the highway.

Surfacing and gradient and drainage are addressed at Conditions 8 and 9. Control of mud on the highway will be dealt with via the following informative:

"The applicant is reminded that mud and other such loose material should not migrate onto the highway during the construction of the development hereby approved. All operational vehicles arriving at and leaving the site must be appropriately sealed so as to prevent material spillage, wind blow and dust nuisance".

Condition 2 will also be updated as follows:
The development hereby approved shall not be carried out other than in accordance with drawing number E0002-01-A received by the Local Planning Authority on 09/04/2015 and drawing number E0002-03-D received by the Local Planning Authority on 23/06/2015.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Following neighbour consultation on the amended site plan the occupier of No. 60 Finedon Road maintained the objection previously submitted.

Members will be aware from the Officer's Report that the proposed dwelling was to be accessed via the existing driveway serving No. 58 Finedon Road with access to No. 58 to be gained via a new dropped kerb to the north of this access. However, in providing a new site plan to address the Highway Authority's concerns this has been amended such that both the existing and proposed dwellings will share the existing access. As the access is in excess of 4.5 metres wide this arrangement is acceptable.

The agent for the application submitted a representation as he is unable to speak at Committee. This states that the development is acceptable in principle and raises no adverse impacts in respect of design and appearance, neighbouring amenity, highway safety or existing parking issues. Given the sustainable location of the development he requeste that the application is supported.

5.8 **KET/2015/0323**

107 Warkton Lane, Kettering

No update.

5.9 **KET/2015/0350**

101 Rushton Road, Rothwell

Revised plans have been received on this application which makes small amendments in regard to the garage dimensions and access drive and parking for 101 Rushton Road.

Consultation Response -

Environmental Health
No objection to the application subject to recommended conditions on land contamination and hours of work. However, considering the scale of the build it is not considered reasonable to add a condition of this nature which is adequately covered by Environmental Health Legislation.

Highways
No objection subject to recommended conditions.

Conditions-

Following revised plans condition 2 and 3 have been updated to reflect the revised plan numbers.
As revised plans show a positive mean of drainage condition 6 has been altered to read.

As part of the development hereby permitted access, including the drainage channel across the vehicular access shall be constructed in accordance with Plan 100/B received by the Local Planning Authority on 24/06/2015. The access shall be a hard bound surface for the first 5m from the highway boundary and a maximum gradient over the 5m distance shall not exceed 1 in 15. The access should be permanently retained in this form.

Following a consultation response from Environmental Health a suitably worded contamination condition has been added:

Condition 7
A - The development hereby permitted shall not be carried out other than in accordance with the details submitted in the Preliminary Investigation Report ref. STL2908A-P01 received by the Local Planning Authority on 24/04/2015. All garden and landscaped areas shown on the approved plans shall have a capping layer of soil (top and/or sub soils) (to a minimum depth of 600mm in private residential gardens and 300mm in general landscaped areas\*). 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.

B - 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, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

5.10 **KET/2015/0361**

The Dales, Green Lane, Ashley

5.11 **KET/2015/0431**

135 Rothwell Road (land at), Desborough

Desborough Town Council response: no objection subject to the following amendment: only trees which cause problems for neighbouring properties should be considered for removal. Removing well-established trees just because 'they are of a lower amenity value' is not a good reason for spoiling a pleasant view of the approach to the town.

The case officer has considered the response of Desborough Town Council and concludes that all the trees to be removed will cause problems due to the difference in land levels between the trees and the dwellings being constructed. In addition, these trees are not visible from Rothwell Road. All of the trees that are visible are to be retained. These trees are to the rear (north) of the site and are only visible from neighbouring rear gardens. As such they are not visible from the public realm.