B O R O U G H O F K E T T E R I N G

**PLANNING COMMITTEE**

# Meeting held – 19th January 2016

 **Present:** Councillor Shirley Lynch (Chair)

Councillors Linda Adams, Anne Lee, Cliff Moreton, Mark Rowley, David Soans, and Lesley Thurland

**15.PC.57 APOLOGIES**

 Apologies for absence were received from Councillors Terry Freer, Ash Davies and Keli Watts. It was noted that Councillor Anne Lee would be acting as substitute for Councillor Keli Watts

**15.PC.58 DECLARATIONS OF INTEREST**

 Councillor Rowley declared a personal interest in item 5.6 as the applicant was a friend of the family.

 Councillor Soans declared an interest in items 5.3, 5.5 and 5.7 as a member of Desborough Town Council.

**\*15.PC.59 MINUTES**

 **RESOLVED** that the minutes of the meetings of the Planning Committee held on 8th December 2015 and 15th December 2015 be approved as a correct record and signed by the Chair

\***15.PC.60 ITEMS OF URGENT BUSINESS**

None.

**\*15.PC.61 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 and in writing at the meeting. Four 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:-

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| Proposed Development5.1\* s.73 Application: Variation of conditions 1, 6 and 7 of KET/2015/0528 in respect of increased depth of conservatory to plot 5, revised landscaping to all plots and erection of timber sheds to plots 3 and 5 at 11 Netherfield Road, Kettering for KA Development (Kettering) Ltd Application No. KET/2015/0810Speakers:Mrs Miller attended the meeting and spoke as a third party objector. The speaker outlined concerns regarding the access to plot 5 which could be resolved with an inward opening pedestrian gate and drainage issues which had recently become apparent.  |  | DecisionThe committee received a report for a retrospective application for the variation of conditions 1, 6 and 7 of KET/2015/0528 in respect of the increased depth of the conservatory to plot 5, revised landscaping to all plots and the erection of timber sheds to plots 3 and 5.The planning officer reported that this was a retrospective application where the details had already been implemented.The details regarding the conservatory and sheds were acceptable but the gated access caused concern as it could potentially create vehicular access to plot 5.Members proposed a condition be added to specify that the access would be limited to pedestrian access only and within three months the existing double gate should be removed and replaced with an inward opening pedestrian gate.It was agreed that the application be approved subject to the following conditions: - |

1. The landscaping scheme, excluding the new access and gates on the eastern site boundary of Plot 5 which propose access to London Road, shown on approved plan drawing number 1480/04 Rev J received by the Local Planning Authority on 5th October 2015 shall be carried out in the first planting and seeding seasons following the occupation of the dwellings. 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.

2. 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 Class A, B, C and E of Part 1 of Schedule 2 of the Order shall be erected on the application site.

3. The garages, parking spaces and turning area shown on the approved plans shall be retained at all times only for the parking of motor vehicles.

4. Notwithstanding the approved layout plan, the access to the rear of Plot 5 shall be used for pedestrian access only and shall not be used for vehicles at any time.

5. Within 3 months of the date of this permission the existing double gates to the rear of Plot 5 shall be removed and replaced by a pedestrian gate, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The pedestrian gate shall be retained at all times thereafter unless this is replaced by non-opening boundary treatment.

6. The access to plot 5 will be pedestrian access only. The existing double gate should be removed within three months and replaced with an inward opening pedestrian gate.

*Members voted on the officers’ recommendation to* approve *the application*

*(Voting For 6; Against: 0)*

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| Proposed Development\*5.5 Full Application : Two storey side and rear exetension at 109 Dunkirk Avenue, Desborough for Mrs D Ozdogan-Walker Application No: KET/2015/0913Speakers:Mrs Diane Williams attended the meeting as a third party objector and outlined concerns regarding loss of light to their property and amenity space and soak away issues. |  | DecisionThe committee received a report which sought approval for a two storey side and rear extension in an established residential area in the centre of Desborough.The planning officer reminded the committee that loss of light was not a planning consideration. The height and size of the application could be taken into consideration but these were considered to be acceptable.The soak away issues mentioned by the speaker were a technical issue and would be dealt with under building regulations.It was agreed 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. 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.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 at first floor level in the northeast elevation of the building.

*Members voted on the officers’ recommendation to approve the application*

 *(Voting, For 5; Against 1)*

*Councillor Rowley declared an interest in the following item and left the room during discussion*

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| Proposed Development\*5.6 Full Application: Two storey rear extension at 21 The Drive, Kettering for Mr & Mrs D Hargreaves Application No. KET/2015/0957Speakers:Councillor Don attended the meeting as Ward Councillor and spoke on behalf of an objector to the application. She requested that the application be deferred until a site visit had been carried out as the objector felt that the impact of application would be much greater than portrayed in the report.Mr Derek Hargreaves, the applicant attended the meeting and stated that the extension had been designed to be sympathetic and the lowest possible roof height had been used to prevent the application being over powering. |  | DecisionThe committee received a report which sought approval for the extension of an existing dwelling within its curtilage which was surrounded by similar residential units.The planning officer reported there would be no significant impact arising from the development therefore the application was recommended for approval.Members sympathised with the neighbour but as all measurements were within the legal limits nothing could be done.It was agreed 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. 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.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 north east and south west elevation at first floor in the extension hereby approved.

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 5; Against 0)*

*Following the decision Councillor Rowley returned to the meeting room.*

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| Proposed Development\*5.2 Full Application: 1 no. wind turbine (small Scale) with a 24 metre high hub and 27.75 metre tip at Mawsley Lodge Farm, Harrington Road, Loddington for Mr I RhodesApplication No: KET/2015/0857Speakers: None |  | DecisionThe Committee received a report which sought to erect one single wind turbine with a 24 metre high hub and 27.75 metre blade at Mawsley Lodge Farm.It was reported that national policy statements were still promoting renewable energy and strong weight would need to be given to that.Members expressed concerns regarding the visual impact on the open countryside and felt strongly that the application would not enhance the area.It was agreed that the application be refused for the following reason: - |

The site lies in an area of countryside which is characterised by an open, relatively flat landscape. Despite the presence of an existing turbine close to the application site the cumulative impact of the additional turbine would begin to degrade the landscape character of the area and result in harm to visual and rural amenity. If the proposal were allowed it would also set a precedent for further similar development which would be harder to resist if the current balance of development and openness were altered through the presence of an additional turbine.

The effect of this incremental approach to such development is therefore considered to be contrary to the policies of the Development Plan, including Policy 13 of the North Northamptonshire Core Spatial Strategy, which requires landscape character to be conserved or enhanced and (in the wider context) to respect the character of its surroundings, which in this case still remains significantly open in nature. Saved Policy 7 of the Local Plan for Kettering does not support new development within the open countryside unless provided for elsewhere within the Plan. The emerging policy of the Joint Core Strategy Policy 26 requires the landscape impact of development to be minimised or mitigated against.

For the reasons stated the proposal is contrary to these policies.

All other material considerations as identified through the Officer report and in Committee were considered but none outweigh the harm identified.

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 2; Against 4)*

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| Proposed Development\*5.3 Full Application: Construction of granny annexe in rear garden at 127 Union Street, Desborough for Mr D Stafford D.T. & P.M. StaffordApplication No: KET/2015/0858Speakers:None |  | DecisionThe committee received a report which sought approval for a single storey annexe to be constructed from pre-fabricated panels around a timber frame to be located in the rear garden area of 127 Union Street, Desborough.The Committee received an update and a presentation from the planning officer which outlined the main issues which were overlooking and appearance.Members expressed concerns regarding the floor level of the annexe, which would essentially be a mobile home, thus creating overlooking over the fence in to the neighbours property.Members also felt that the appearance would not be in keeping with the character of the area and this application would be contrary to the North Northamptonshire Policy Framework, Policy 7. Requiring good design they would not be able to support the application.It was agreed that the application be refused for the following reason: - |

1. The proposed development, by virtue of its temporary pre-fabricated appearance, would fail to respect and enhance the character of its surroundings to the detriment of the visual amenity of the area in non-compliance with Policy 13 (h) of the North Northamptonshire Core Spatial Strategy and Section 7 of the National Planning Policy Framework

The proposed development would fail to safeguard the amenities of neighbouring residential occupiers at 125 Union Street by virtue of its overbearing relationship and its potential to create close-proximity overlooking opportunities in non-compliance with Policy 13 (l) of the North Northamptonshire Core Spatial Strategy and Section 7 of the National Planning Policy Framework

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 0; Against 6)*

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| Proposed Development\*5.4 Full Application: Two storey side extension at 29 Lomond Drive, Kettering for Mr S Thompson Application No: KET/2015/0878Speakers:None |  | DecisionThe committee received a report which sought approval for a two storey side extension at 29 Lomond Drive, Kettering.It was agreed 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. 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.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 eastern elevation or roof plane of the building.

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 6; Against 0)*

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| Proposed Development\*5.7 Full Application: Demolition of garage and lean-to. Construction of dwelling, garage and garden room at 20 and 24 Ise View Road(land between), Desborough for Mr K Miller Application No. KET/2015/0968Speakers:None |  | DecisionThe committee received a report which sought to demolish two existing garages and the construction of a dwelling, garage and garden.The heard that the application was in a street with a varied street scene and although the application site was narrow, it was wide enough to accommodate the application.Members felt the application would improve the character of the area.It was agreed 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. 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 D 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.

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.

3. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used in the construction of the dwellinghouse hereby permitted, 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. The materials to be used in the construction of the external surfaces of garden room hereby permitted shall be Olive Green box profile sheet steel.

5. The dwellinghouse hereby approved shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme indicating the positions, design, materials and type of screen walls and fences to be erected. The scheme shall be fully implemented in accordance with the approved details.

6. 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 E shall be made in the northwest or southeast elevations of the dwellinghouse, garden room and garage hereby permitted.

7. The windows at ground floor level on the northwest elevation shall be non-opening and glazed with obscured glass and thereafter shall be permanently retained in that form.

8. The development hereby approved shall be carried out in accordance with the sustainable construction and energy efficiency techniques detailed in the Sustainability and Energy Conservation section of the Design and Access Statement KET/2015/0968/1, received by the Local Planning Authority on 27th November 2015.

9. The development hereby permitted shall not be first occupied until the two vehicle parking spaces have been constructed, surfaced and marked out in accordance with the approved details, and that area shall thereafter be reserved for the parking, loading and unloading of vehicles.

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 6; Against 0)*

**\*15.PC.62 APPLICATIONS FOR PLANNING PERMISSION**

A report was submitted to committee on enforcement monitoring, covering the period of 1st October 2015 to 31 December 2015.

It was reported that since the report was published, the number of cases on hand had fallen from 94 to 75.

**RESOLVED** that member note the content of the report and provide any feedback they may have relating to the reporting of the information to Development Services.

*\*(The Committee exercised its delegated powers to*

*act in the matters marked \*)*

*(The meeting started at 7.00pm and ended at 8.30pm)*

Signed: ..........................................................

Chair