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

**PLANNING COMMITTEE**

# Meeting held – 9th February 2016

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

Councillors Linda Adams, Ash Davies, Cliff Moreton, Mark Rowley, David Soans, Lesley Thurland and Greg Titcombe

**15.PC.63 APOLOGIES**

None

**15.PC.64 DECLARATIONS OF INTEREST**

Councillor Soans declared an interest in items 5.3, 5.6 and 5.7 as a member of Desborough Town Council.

Councillor Moreton declared an interest in item 5.1 as Ward Councillor.

**\*15.PC.65 MINUTES**

**RESOLVED** that the minutes of the meetings of the Planning Committee held on 19th January 2016 be approved as a correct record and signed by the Chair

\***15.PC.66 ITEMS OF URGENT BUSINESS**

None.

**\*15.PC.67 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 Development 5.1\* Full Application: 5 no. units (B1, B1c, B2 and B8) with associated works at Old Cransley Iron Works, Northampton Road (and surrounding land), Broughton for St Francis Group (Kettering) Ltd  Application No: KET/2015/0911  Speakers:  Wesley Cash attended the meeting and spoke as a third party against the application. He outlined concerns regarding noise and light pollution, sewers, contaminated land and the impact of traffic.  Ward Councillor, Councillor Hakewill addressed the committee and raised concerns regarding the five-fold increase in warehousing compared to what was agreed in the outline application. Concerns regarding the impact on Furnace Cottages were also raised. A deferral was requested to give the applicant a chance to create a design brief of the whole site.  Andy Plant agent for the applicant attended the meeting and stated that the site had suffered from the market decline and the limited use of B8 made a fundamental difference. Investment had been secured which could be compromised if the application was not approved. |  | Decision The committee received a report which sought full planning consent for 5 no. commercial units and associated works which fall within Planning Use Classes B1c, B2 and B8 at Old Cransley Iron Works, Northampton Road, Broughton.  The committee received an update which outlined concerns regarding the noise impacts not being fully assessed. The current assessment was based on 1HGV in each service yard. Clearly, more vehicles than this were anticipated. There were ways to potentially mitigate noise but this would affect the form and positioning of the proposed buildings which was a fundamental part of this application for which approval was being sought. It was therefore recommended that the application be deferred.  Members raised concerns regarding the potential noise pollution and lack of consultation with Furnace Cottages.  It was agreed that the application be deferred: - |

*Members voted on the officers’ revised recommendation to* defer *the application*

*(Voting For 8; Against: 0)*

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| Proposed Development \*5.4 Full Application: 1 no. dwelling at 19 Bridge Road (land adj), Desborough for Mr M Dearing  Application No: KET/2015/0999  Speakers:  Councillor Dearing, the applicant attended the meeting and stated that the application was identical to the one passed in 2013 |  | Decision The committee received a report which sought planning permission for a 2 storey detached dwelling with off road parking to the front at Bridge Road Desborough.  It was reported that the permission granted in 2013 had now lapsed and now needed to be considered under the current policies. Changes policy and the emerging Joint Core Strategy had gone through the public examination process and a statement had been published, therefore the policy must be given weight.  The overall character of the street was made up of paired semi-detached houses, therefore the application was contrary to policy 13 of the Core Spatial Strategy for North Northamptonshire, the Council's Sustainable Design SPD, emerging policy 8 of the JCS and the aims and objectives of sustainable development contained within the NPPF and NPPG.  Members felt that it was unfair that the application was recommended for refusal as it was identical to the application previously passed.  Members were advised that although the application had not changed the policy had and was now sufficiently advanced to consider it. The street had a significant character meaning the application was a contravention of the policy.  The majority of members felt the application would not harm the character of the street scene and 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. Notwithstanding references on the submitted plans to proposed render which is not hereby approved, 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 submitted plans, prior to commencement of development, plans/ sections of the following at a scale of not less than 1:5 shall be first submitted to and approved by the Local Planning Authority: traditional eaves detail; proposed window cills; and all windows recessed within the elevations. Furthermore, the proposed rooflights shall be fitted to be flush with the surface of the roofing material which is to be approved. The development shall not be carried out other than in accordance with the approved details.

4. Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out.

Development on land affected by contamination:

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.

5. A scheme for the sound insulation of the dwelling to mitigate the impact of noise, including vibration, from the nearby railway line shall be submitted and approved before development commences. The scheme shall include proposals for ensuring that the guideline levels set out in British Standard 8233:1999 for residential accommodation are complied with.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and other surfacing for the site's open areas including any planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme 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.

7. 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 and thereafter retained in accordance with the approved details.

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 permeable and completed before the adjoining buildings are first occupied.

9. No other development shall commence until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the access road with the public highway, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.9 metres in height above carriageway level.

10. Prior to the commencement of development, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste and water recycling and provision for water efficiency and recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

*(Voting, For 2; Against 6)*

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| Proposed Development \*5.2 Full Application : Change of use of office to 5 no. two bedroom flates including alterations to car park at 42 Headlands, Kettering for Trustees of Berrys SIPP  Application No: KET/2015/0907  Speakers:  None |  | Decision The committee received a report which sought approval to convert an existing property without external alteration to provide 5 x 2 bed flats over three floors at 42 Headlands, Kettering  An update was provided to members, which recommended two further conditions to safeguard the character and appearance of the Kettering Conservation Area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.  It was noted that the property had previously been used for commercial use and the current occupiers were considering a change of use to residential.  Members stated that it was the best use of an important building and a fantastic scheme.  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. Prior to first occupation of the development hereby approved a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the building, unless these works are carried out earlier. 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.

3. Prior to the first occupation of the development hereby approved details of the design and location of the waste bin storage area serving the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be provided in full before the first occupation of any flat hereby approved and retained as approved at all times.

4. Prior to the first occupation of any of the flats hereby approved the existing front boundary wall to the north of the existing vehicle access shall be reduced to a maximum height of 0.6m and thereafter retained at that height or less at all times.

5. The windows to all the bathroom/wc's to Flats 1 and 4 in the north elevation shall be glazed with obscured glass in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority and thereafter shall be permanently retained in that form.

6. Prior to any alteration to an original window or any replacement sash window, details of any proposed alterations shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented.

7. Prior to the first occupation of any flat hereby approved details of a management scheme for the maintenance of all areas of shared responsibility including the grounds and parking area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved management scheme shall be implemented in full from the date of the first occupation of any flat and remain in place in perpetuity.

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

*(Voting, For 8; Against 0)*

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| Proposed Development \*5.3 Full Application: Single storey side extension, detached single garage and radio antenna to rear at 86 Federation Avenue, Desborough for Mr Roberts  Application No. KET/2015/0983  Speakers:  None |  | Decision The committee received a report which sought approval for a single storey extension with a mono-pitched roof to the southwest (side) elevation, a single storey detached single garage and workshop with a dual pitched roof located in the rear garden, and a telescopic radio antenna to be located at the bottom of the rear garden.  The committee were provided with an update which recommended an additional condition to protect the amenities of surrounding occupiers in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.  The committee heard that the antenna would only be fully extended for 30 calendar days of the year and would be removed from the property if the occupiers left.  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 location and construction of the aerial mast hereby approved shall not be carried out other than in accordance with the approved plans and details shown on site layout plan KET/2015/0983/2, received on 15th December 2015, the Design and Access Statement KET/2015/0983/3 and the structural details shown on KET/2015/0983/4, both received on 21st December 2015.

3. The aerial mast hereby approved shall have a galvanised finish, and thereafter be maintained in that form.

4. The aerial mast hereby approved shall be at its fully extended height on no more than 30 days in any calendar year. On all other days (i.e. at least 335 days in any calendar year), it shall be retracted so its height does not exceed 8.5 metres when measured from ground level. For the purpose of this condition, the word 'day' includes the hours of darkness.

5. The materials to be used in the construction of the external surfaces of the single storey side extension and the garage here by approved shall match, in type, colour and texture, those on the existing building.

6. The permission hereby granted for the radio antenna shall enure for the benefit of Mr Ian Robert only and shall not enure for the benefit of the land. When Mr Ian Roberts ceases to occupy the land the radio antenna shall cease to be used, the antenna and associated base plate post shall be removed from the site and the land reinstated to its former condition.  
REASON: In the interests of the amenities of surrounding occupiers in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

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

*(Voting, For 8; Against 0)*

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| Proposed Development \*5.5 Full Application: First floor side extension at 18 Playford Close, Rothwell for Mr C Dobbins  Application No: KET/2015/1008  Speakers:  None |  | Decision The committee received a report which sought approval for a first floor extension above the existing attached single garage at Playford Close, Rothwell.  The committee were informed that the neighbour objection regarding loss of light was not a material consideration as the extension would be to the North of the neighbouring property so would not affect the light.  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 in the south elevation of the building.

4. The window at first floor level on the west elevation shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

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

*(Voting, For 8; Against 0)*

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| Proposed Development \*5.6 Full Application: First floor rear extension at 30 Millholm Road, Desborough for Mr & Mrs T Dennett  Application No: KET/2015/1016  Speakers:  None |  | Decision The Committee received a report which sought approval for a first floor extension at Milholm Road, Desborough.  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 development hereby permitted shall not be carried out other than in accordance with the approved plans and details referenced as follows: 15/033.1; 15/033.3; 15/033.4.

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.

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

*(Voting, For 8; Against 0)*

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| Proposed Development \*5.7 Full Application: Two storey rear with two storey and first floor side extensions at 7 Millholm Road, Desborough for Mr M Almond  Application No. KET/2015/1041  Speakers:  None |  | Decision The committee received a report which sought approval for a two storey rear with two storey and first floor side extension at Milholm Road, Desborough.  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. The window at first floor level on the northwest (rear) elevation of the side extension hereby approved shall be glazed with obscured glass and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter shall be permanently retained in that form.

4. 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 (side) and southwest (side) elevations of the rear extension hereby approved.

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

*(Voting, For 8; Against 0)*

*\*(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