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

**PLANNING COMMITTEE**

# Meeting held – 28th June 2016

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

Councillors Ash Davies, Cliff Moreton, Mark Rowley, David Soans and Greg Titcombe

**16.PC.01 APOLOGIES**

Apologies for absence were received from Councillor Thurland.

**16.PC.02 DECLARATIONS OF INTEREST**

Councillor Titcombe declared a personal interest in item 5.5 as a friend of the applicant and stated his intention to withdraw from the meeting whilst the item was discussed.

**\*16.PC.03 MINUTES**

**RESOLVED** that the minutes of the meetings of the Planning Committee held on 17th May 2016 be approved as a correct record and signed by the Chair

\***16.PC.04 ITEMS OF URGENT BUSINESS**

None

**\*16.PC.05 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. Three 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: 3 no. dwellings at Dairy Farm, Butchers Lane, Pytchley for Mr D Brown John Martin Associates    Application No: KET/2015/1000  Speakers:  Martin Bagshaw agent for the applicant attended the meeting and outlined his concerns regarding the negative recommendation despite close work with the applicant and the Local Planning Authority. |  | Decision The committee received a report which was first intended to be reported to Committee on 8 March 2016 but on the advice of the Development Manager it was agreed that the scheme be withdrawn from that Agenda to allow for an opportunity to amend the scheme further to address what the Officer considered to be aspects of the proposals, in particular the form, bulk, height and detailed aspects of development that raised planning concerns with the officer, such concerns also reflected by objections received from the Parish Council and local residents.  As a result of further discussion, changes had been made, albeit that significant planning objections had not been addressed in accordance with the Officer advice. These changes and the issues raised were identified in the report.  During discussions members raised concerns regarding the size and scale of the development.  It was agreed that planning permission be **REFUSED** for the following reason:- |

The site is on ground that is noticeably higher than the adjacent Orlingbury Road and forms the rural setting to this part of the edge of Pytchley. It is within the Pytchley Conservation Area a village that is characterised by its complex street pattern including one of which is centred on Butchers Lane.

The existing character of Butchers Lane includes scattered traditional buildings. The Dairy Farm House and its outbuilding have a strong linear form and are modestly proportioned.

The scale of development beyond the east side of Orlingbury Road is also modestly proportioned.

The overall size and bulk of the proposed dwellings would be significantly larger than the modest scale presented by existing adjacent or nearby development.

With the elevated position of this site, it is considered that the proposed built form would be incongruous and would overly dominate its surroundings, result in harm to the character and appearance of the conservation Area and the area that is part of the Conservation Area's setting.

For the reasons stated that proposal is considered contrary to the NPPF and Policy 13 of the Core Spatial strategy and the emerging JCS Policy 11

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

*(Voting For 5; Against: 0)*

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| Proposed Development \*5.4 Full Application: Siting of 15m monopole supporting 6 no. antennas, overall height to top of antennas 17.3m and ancillary development works at Ise Garden Centre, Warkton Lane (Land at), Kettering for CTIL and Telefonica UK Ltd  Application No: KET/2016/0295  Speakers:  Marilyn Wilson attended the meeting and spoke against the application. Concerns were raised regarding the size of this and future applications and health risks to nearby residents and the new primary school. |  | Decision A report was submitted which sought permission for the siting of 15m monopole supporting 6 no. antennas, overall height to top of antennas 17.3m and ancillary development works.  It was noted that a number of applications had been submitted since the mast was originally located, with the last application in 2015 being approved.  The mast was located adjacent to the David Wilson site 10m from the nearest dwelling. Members were reminded that the mast was in place when outline permission and detailed reserved matters were approved for the site.  It was noted that the mast was in a prominent position but the additional impact was not sufficient to refuse the application.  In response to the speaker’s comments regarding health risks, the planning officer stated that a declaration had been made which meets the public exposure guidelines.  It was agreed that the application be **APPROVED** subject to the following conditions: - |

1. The external materials used in the construction of the development hereby approved shall be Weinerberger Warnham Red stock bricks and Cembrit Jutland fibre cement slate tiles in Black. The walls of the south elevation bay above the brick plinth, the dormers above the eaves line on the east elevation and the gable wall on the north elevation adjacent to No.13 Bayes Street shall be cream render and the dormers on the west elevation shall be imitation lead sheet on wood cored rolls. All materials shall be permanently retained.

2. The hard surfacing materials shall be Bradstone Peak 600mm x 600mm riven paving slabs and are to be laid out in the locations shown on the planting layout received on 7th December 2015 and approved by the Local Planning Authority on 10th December 2015.

3. The final ground and finished floor levels shall be as shown on plan 15-056-20A received by the Local Planning Authority on 3rd May 2016.

4. The boundary treatment details shall be as shown on plan 15-056-01A, received on 6th October 2015 and approved by the Local Planning Authority 6th November 2015.

5. The site shall be landscaped in accordance with the planting layout received on 7th December 2015 and approved by the Local Planning Authority on 10th December 2015.

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.

6. Due to the previous potentially contaminative use of the site and 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.

The development hereby approved shall be carried out in accordance with the Wesson Environmental Phase 1 Site Investigation report 001AODU110 dated June 2015, and approved 24th September 2015.

Remediation of the site shall be carried out in accordance with the proposed remediation strategy contained in Chapter 7.0 'Conclusions and Recommendations' and this part of the condition may be discharged on receipt of a validation report confirming that all works have been completed in accordance with the proposed strategy.

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 Wesson Environmental Phase 1 Site Investigation report 001AODU110 dated June 2015, approved 24th September 2015, and where remediation is necessary Remediation of the site shall be carried out in accordance with the proposed remediation strategy contained in Chapter 7.0 'Conclusions and Recommendations'. 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.

7. A scheme for insulating the residences from noise sources both within and outside the properties shall be carried out in accordance with the recommendations of the RandTech Consulting initial noise assessment report MDR/J2698a dated 31st July 2015, and approved by the Local Planning Authority on 24th September 2015.

8. The development hereby approved shall be carried out in accordance with the techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling detailed in the Site Waste Management Plan dated 28th September 2015, received and approved on by the Local Planning Authority on 16th December 2015.

9. 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.

10. The provision of bin and cycle storage facilities shall be provided prior to first occupation in accordance with the details shown on plan 15-056-01A, received on 6th October 2015 and approved by the Local Planning Authority on 6th November 2015, and shall be retained in that form thereafter.

11. The pedestrian access gate on Northall Street shall be hung open inwards only and should be capable of being locked when not in use and shall be retained in that form thereafter.

12. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers 15-056-20A (Proposed Site Plan and Site Section) and 15-056-21B (Proposed Elevations) received by the Local Planning Authority on 3rd May 2016, and drawing number 15-056-22A (Proposed Floor Plans) received by the Local Planning Authority on 23rd May 2016.

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

*(Voting, For 5; Against 0)*

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| Proposed Development \*5.7 Full Application: Detached single storey ancillary annex to rear at 54 Meadow Road, Rothwell for Mr & Mrs Sibley  Application No. KET/2016/0327  Speakers:  Ashley Stokes, agent for the applicant attended the meeting and advised members of the family history which was the reason for the application. |  | Decision Members received a report for a freestanding granny annex to be constructed to the rear of the main dwellings garden.  It was noted that the site was within the residential boundary and would provide annex accommodation, which could not operate as an individual dwelling due to access.  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 referenced as follows: 16-032-1-OS; 16-032-1-03; 16-032-1-01A; 16-032-2-01C; 16-032-2-02B; 16-032-2-04.

3. The building hereby permitted shall not be occupied other than as part of the single residential use of the dwelling known as 54 Meadow Road.

4. 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 main dwellinghouse.

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

*(Voting, For 5; Against 0)*

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| Proposed Development \*5.2 s.73 Application: Variation of condition 13 of KET/2012/0646 in respect of approved plans, as amended by KET/2015/0948 (insertion of roof lights) at 1-9 Bayes Street, Kettering for Mr Odunaiya PlayNest Ltd  Application No. KET/2016/0230  Speakers:  None |  | Decision An application was submitted which sought to amend a condition from a previous approval as the building had not been constructed in accordance with the approved plans.  Members raised concerns about the safety of a wall at the application site. It was confirmed that the wall had been inspected by a structural engineer and building control and was considered safe.  It was agreed that the application be **APPROVED** subject to the following conditions: - |

1. The external materials used in the construction of the development hereby approved shall be Weinerberger Warnham Red stock bricks and Cembrit Jutland fibre cement slate tiles in Black. The walls of the south elevation bay above the brick plinth, the dormers above the eaves line on the east elevation and the gable wall on the north elevation adjacent to No.13 Bayes Street shall be cream render and the dormers on the west elevation shall be imitation lead sheet on wood cored rolls. All materials shall be permanently retained.

2. The hard surfacing materials shall be Bradstone Peak 600mm x 600mm riven paving slabs and are to be laid out in the locations shown on the planting layout received on 7th December 2015 and approved by the Local Planning Authority on 10th December 2015.

3. The final ground and finished floor levels shall be as shown on plan 15-056-20A received by the Local Planning Authority on 3rd May 2016.

4. The boundary treatment details shall be as shown on plan 15-056-01A, received on 6th October 2015 and approved by the Local Planning Authority 6th November 2015.

5. The site shall be landscaped in accordance with the planting layout received on 7th December 2015 and approved by the Local Planning Authority on 10th December 2015. 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.

6. Due to the previous potentially contaminative use of the site and 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.

The development hereby approved shall be carried out in accordance with the Wesson Environmental Phase 1 Site Investigation report 001AODU110 dated June 2015, and approved 24th September 2015.

Remediation of the site shall be carried out in accordance with the proposed remediation strategy contained in Chapter 7.0 'Conclusions and Recommendations' and this part of the condition may be discharged on receipt of a validation report confirming that all works have been completed in accordance with the proposed strategy.

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 Wesson Environmental Phase 1 Site Investigation report 001AODU110 dated June 2015, approved 24th September 2015, and where remediation is necessary Remediation of the site shall be carried out in accordance with the proposed remediation strategy contained in Chapter 7.0 'Conclusions and Recommendations'. 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.

7. A scheme for insulating the residences from noise sources both within and outside the properties shall be carried out in accordance with the recommendations of the RandTech Consulting initial noise assessment report MDR/J2698a dated 31st July 2015, and approved by the Local Planning Authority on 24th September 2015.

8. The development hereby approved shall be carried out in accordance with the techniques of sustainable construction and energy efficiency, provision for waste reduction and recycling and provision for water efficiency and recycling detailed in the Site Waste Management Plan dated 28th September 2015, received and approved on by the Local Planning Authority on 16th December 2015.

9. 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.

10. The provision of bin and cycle storage facilities shall be provided prior to first occupation in accordance with the details shown on plan 15-056-01A, received on 6th October 2015 and approved by the Local Planning Authority on 6th November 2015, and shall be retained in that form thereafter.

11. The pedestrian access gate on Northall Street shall be hung open inwards only and should be capable of being locked when not in use and shall be retained in that form thereafter.

12. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers 15-056-20A (Proposed Site Plan and Site Section) and 15-056-21B (Proposed Elevations) received by the Local Planning Authority on 3rd May 2016, and drawing number 15-056-22A (Proposed Floor Plans) received by the Local Planning Authority on 23rd May 2016.

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

*(Voting, For 5; Against 0)*

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| Proposed Development \*5.3 Full Application: Single storey rear extension at 77 Polwell Lane, Barton Seagrave for Mr Johnson  Application No: KET/2016/0283  Speakers  None |  | Decision Members received an application which sought approval for a single storey rear extension across the full width pf the existing building.  Members discussed the application 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. The development hereby permitted shall not be carried out other than in accordance with the amended plan number Existing and Proposed Layout & Elevations PL/01A received by the Local Planning Authority on 26 May 2016.

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 5; Against 0)*

*(Councillor Titcombe declared a personal interest in the following application and left the room during discussion)*

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| Proposed Development \*5.5 Full Application: Single storey rear extension at 173 Kingsley Avenue, Kettering for Mr D Lane  Application No: KET/2016/0313  Speakers  None |  | Decision Members received an application which sought permission for a single storey rear extension.  It was noted that the application was before the committee as the applicant was a member of staff. No objections had been received.  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 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 shall be made in the north east elevation of the extension hereby permitted.

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

*(Voting, For 4; Against 0)*

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| Proposed Development \*5.6 Full Application: 1 no. dwelling at 24 Durban Road (land adj), Kettering for Mr T Bale  Application No: KET/2016/0322  Speakers  None |  | Decision An application was submitted which sought approval for a single three bed L-shaped dwelling attached to the side/west elevation of 28 Durban Road to be constructed of matching reclaimed brick under slate roof with a rendered side elevation and including a chimney and dormer windows.  It was reported that two representations had been received, one of which was in support of the application and one which objected to application for reasons set out in the report.  It was noted that although the proposed dwelling would obstruct a side window to the neighbouring properties lounge the room had other windows to the front and rear.  Windows on the side of the proposed dwelling were positioned so as not to overlook or impact the neighbouring bungalow.  Although no parking provision was provided it was considered that this was in keeping with the character of the area.  Members raised concerns regarding the proposed rendered gable end and requested a condition be added that the gable end be finished in red brick with Flemish band to be in keeping with the character of the area.  Members also raised concerns regarding the dormer window being out of keeping with the character of the area but were advised this caused co harm to the amenity 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. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.

3. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The Statement shall detail the following:

* the parking and turning of vehicles of site operatives and visitors;
* loading and unloading of plant and materials;
* storage of plant and materials used in constructing the development;
* the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
* details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
* wheel washing facilities;
* measures to control the emission of dust and dirt during construction;
* a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
* design of construction access
* hours of construction work
* measures to control overspill of light from security lighting

The approved method statement shall be adhered to throughout the construction period.

4. No development shall commence on site until details of the types and colours of the roofing materials to be used, together with samples, and details of the render, its finish and precise extent 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.

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 and shall include details of a lockable gate to the shared access. The dwelling shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

6. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall 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 scheme.

7. No development shall take place on site until full architectural details of all windows and doors (and their surrounds), verge, eaves, chimney and other brick 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. The new brickwork shall match the brickwork to 28 Durban Road in terms of colour and texture and the method of bonding.

9. 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 building, structure or other alteration permitted by Class A-E of Part 1 of Schedule 2 of the Order shall be built on the application site.

10. 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 upper floor side elevations or roof planes of the dwelling.

11. The hall way window within the shared access corridor shall be glazed with obscured glass and shall also be non-opening as shown in approved drawing 2674/4 Rev. E and thereafter shall be permanently retained in that form.

12. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

13. Notwithstanding the approved drawings no development shall commence until a brickwork sample panel has been constructed on site and approved in writing by the Local Planning Authority. The materials to be used in the construction of the sample panel shall match the brick and mortar, in type, colour, texture and bonding (Flemish) evident on the adjacent dwelling at 28 Durban Road and shall be used on the external elevations shown on the approved plan and the western/side elevation of the development hereby permitted. The development shall be implemented in accordance with the approved panel and which shall be retained on site and kept available for re-inspection throughout the construction period.

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

*(Voting, For 4; Against 1)*

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

*act in the matters marked \*)*

*(The meeting started at 6.30pm and ended at 8.05pm)*

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

Chair

*AN*