

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held – 12th December 2017

Present: Councillor Shirley Lynch (Chair)

Councillors Linda Adams, Ash Davies, Anne Lee, Cliff Moreton, Mark Rowley, Lesley Thurland and Greg Titcombe

17.PC.33 APOLOGIES

Apologies for absence were received from Councillors David Soans and Keli Watts. It was noted that Councillor Anne Lee was acting as substitute for Councillor Watts.

17.PC.34 DECLARATIONS OF INTEREST

Councillor Lynch declared a personal interest in item 5.3 as a resident of the area.

***17.PC.35 MINUTES**

RESOLVED that the minutes of the meetings of the Planning Committee held on 14th November 2017 be approved as a correct record and signed by the Chair

***17.PC.36 ITEMS OF URGENT BUSINESS**

None

***17.PC.37 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. 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> |
|---|---|
| <p>*5.3 Full Application: Hotel and associated facilities at Kettering Conference Centre, Kettering Leisure Village, Thurston Drive, Kettering for Phoenix Leisure Management Limited</p> <p>Application No: KET/2017/0783</p> <p><u>Speaker:</u></p> <p>Michael Mansell attended the meeting and spoke as a third party against the application and raised concerns regarding overlooking, loss of amenity, parking issues and devaluation of the area.</p> <p>Councillor Ian Jelley attended the meeting and addressed the committee as ward councillor on behalf of the local residents and stated the amendments to the application had not overcome previous reasons for refusal and had, in fact, made the footprint larger. Other issues were raised including traffic flow, parking issues, other hotels in the area and the overbearing and out of character nature of the application.</p> <p>Mark Harris, the agent for the applicant attended the meeting and addressed the committee and stated the hotel would enhance the leisure and tourism offer in Kettering along with providing new employment opportunities and supporting economic growth and structure in the area. He stated the applicants wished to commence the development as soon as possible with an opening date of 2019.</p> | <p>Members received a report which sought permission for a 192 room hotel arranged in an L-shape over four storeys.</p> <p>Members heard that following the refusal of application KET/2017/0236, the Council had been involved in a number of pre-application discussions with the applicants and this application was submitted as a result of these discussions.</p> <p>The Planning Officer addressed the committee and outlined the changes made to the previous refusal.</p> <p>Members discussed the application and were not convinced the changes made to the application had addressed the first two issues for refusal.</p> <p>These included concerns regarding the impact on the character of the area.</p> <p>Members outlined issues that already existed within the area around parking and traffic flow during busy periods which (based on information in the application) the Committee were not satisfied that parking impacts arising from the development had been satisfactorily demonstrated.</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p> |

1. By reason of its mass, height, bulk, location, siting and design (including its regimented window composition) the proposal would result in a strident, dominant and imposing incongruous addition to the area with the provision of landscaping failing to mitigate its effects, particularly when taken together with the existing building and is more akin to a City or Town Centre hotel. Thereby the development fails to respect its surrounding residential context or otherwise result in the creation of locally distinctive form of high quality contemporary architecture. Therefore the proposal would be harmful to the visual amenities of the streetscape and the pleasant spacious and verdant character and appearance of the area. The proposal would therefore be contrary to Policy 103 of the

Local Plan (1995) and Policy 8 of the North Northamptonshire Joint Core Strategy (2016) and is inconsistent with Chapter 7 of the NPPF.

2. By reason of its proximity and orientation to nearby dwellings (particularly 2 Thurston Drive and 18 Settlers Fields) the proposal would have an adverse impact to the quality of life experienced at those dwellings especially in their private rear gardens as a result of loss of privacy and overbearing together with the amount of windows proposed having an oppressive sense of being overlooked. The proposal would also cause disturbances to surrounding dwellings as a result of the sites intensified use and the additional comings and goings. Thereby the proposal would have a harmful impact to residential amenity contrary to Policy 8 (e) of the North Northamptonshire Joint Core Strategy (2016) and inconsistent with Paragraph 17 (point 4) and paragraph 123 of the NPPF.
3. The proposal would lead to additional demand for parking including from Hotel customers not attending an event at the conference centre/ theatre.

The application identifies parking survey information at the conference centre and at the adjoining sports arena. This information is limited to one day (26 January 2017) when an unspecified event was occurring at the conference centre. The information does not clarify the assessment of 'worse case' for parking demand in relation to the number of people attending the conference event and the capacity of the venue to demonstrate, for example whether the event was full.

Consequently, it has not been sufficiently demonstrated that the additional demand for parking at the site arising from the proposed development can be accommodated without adding undue pressure for parking on the neighbouring roads to the detriment of amenity.

Members voted on the officers' recommendation to approve the application

(Voting, For 0; Against 7)

*The recommendation to approve was therefore overturned and the application **REFUSED***

| <u>Proposed Development</u> | <u>Decision</u> |
|---|---|
| <p>*5.1 Full Application: Change of use from A1 to A5 hot food takeaway and erection of external flue at 103A Rockingham Road, Kettering for Mrs O Aytac</p> <p>Application No: KET/2017/0618</p> <p><u>Speaker:</u></p> <p>James Burton attended the meeting and spoke as a third party objector on behalf of local residents and raised concerns regarding parking issues, waste storage, opening hours and the character of the area.</p> <p>Ibrahim Aytac, the applicant, attended the meeting and addressed the committee outlined the measures taken in the application to deal with all aspects of the objections in the report.</p> | <p>Members received a report which sought permission for a change of use from an A1 retail shop to an A5 hot food takeaway. The application also sought permission for an external flue fronting onto Duke Street.</p> <p>In response to objectors comments the Planning Officer stated the following: -</p> <ul style="list-style-type: none"> • Environmental Health had no objections regarding the effect of the flue. • Waste storage would be dealt with by a condition within the permission. • The opening hours were restricted by condition due to the nature of the area. • Parking was considered acceptable. • The application site was in a mixed residential and commercial area. <p>During discussion members expressed serious concerns regarding waste disposal at the application site. This, along with other issues relating to hours of business, odours, impact on the street scene and parking issues were raised.</p> <p>It was agreed that the application be REFUSED for the following reasons:-</p> |

1. The application site does not contain an external amenity area that could be used for the storage of waste. It has not been adequately demonstrated that acceptable internal arrangements can be made for waste storage in order to provide for the site's amenity needs arising from the proposed use as well taking account of the amenity of the immediate area. The proposal would therefore be non-compliant with Policy 8 of the North Northamptonshire Joint Core Strategy and the policy guidance contained within the National Planning Policy Framework, particularly given the odour arising from and the extent of the waste that could realistically be expected to be generated by a hot food takeaway use.

2. The proposed external flue, by virtue of its scale, prominent position and appearance would fail to respect the character of the area and would have an unacceptable visual impact in non-compliance with Policy 8 of the North Northamptonshire Joint Core Strategy and the policy guidance contained within the National Planning Policy Framework.

3. The application site does not provide off-street car parking or servicing opportunities in an area typified by restricted on-street car parking opportunities. The proposed hot food takeaway use would require servicing and would undoubtedly attract custom by way of private car trips during evening hours when on-street car parking in this residential area is in highest demand. The proposals therefore prejudice highway safety in non-compliance with

Policy 8 of the North Northamptonshire Joint Core Strategy and the policy guidance contained within the National Planning Policy Framework.

Members voted on the officers' recommendation to approve the application

(Voting, For recommendation 3; Against 4)

*The recommendation to approve was therefore overturned and the application **REFUSED***

| <u>Proposed Development</u> | <u>Decision</u> |
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| <p>*5.2 Full Application: 1 no. dwelling at 62-66 Stanley Street (land to rear), Rothwell for Mr J Tilley</p> <p>Application No: KET/2017/0653</p> | <p>Members received a report which sought approval for 1 new dwelling, a mix of 2 1.5 and single storeys with an integral garage and additional on plat parking for 2 cars.</p> |
| <p><u>Speakers:</u></p> | <p>Members heard that objections had been overcome by the amended plans and the proposal was considered to satisfy national and local planning policy.</p> |
| | <p>It was agreed that the application be APPROVED subject to the following conditions:</p> |

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 shown on amended plans KET/2017/0653/1b received 03/11/17 and KET/2017/0653/2d, KET/2017/0653/3c, KET/2017/0653/4c, KET/2017/0653/5c and KET/2017/0653/6c received 22/11/17.
3. No development shall commence on site until details of the types and colours of all external facing, roofing and hard standing material 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.
4. 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. This scheme shall include 2m closed boundary treatment on the north and west boundaries of the site. The building shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

5. 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 south, north or west elevation at first floor level or roof plane of the building.
6. 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 (extension and alteration), D (porches) and E (outbuildings) of Part 1 of Schedule 2 of the Order shall be constructed on the application site.
7. The parking area hereby approved and depicted on approved plan KET/2017/0653/5c shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
8. 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.
9. The dwelling shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

Members voted on the officers' recommendation to approve the application

(Voting, For 7; Against 0)

| <u>Proposed Development</u> | <u>Decision</u> |
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| <p>*5.4 Full Application: Single storey side extension and rear extensions with door, bay window and canopy to front elevation at 8 Lawrence Close, Barton Seagrave for Mr K Smith</p> <p>Application No: KET/2017/0836</p> <p><u>Speakers:</u></p> <p>Dave Bazely attended the meeting as a third party objector and addressed the committee raising concerns regarding loss of light and the effect on the street scene.</p> | <p>Members received a report which sought partially retrospective consent for the erection of a single storey rear extension, a single storey side extension (bringing the garage forwards), front bay window and canopy across the front of the building.</p> <p>Members heard the proposed extensions due to their size and positions were not considered to cause unacceptable adverse impact on the amenity of nearby residential properties. In the absence of strong local distinctiveness, the design of the alterations to the building whilst different to the current situation, did not adversely impact on the appearance of the area to the extent that justified refusal.</p> <p>Members raised concerns regarding the boundary hedge. They were advised that the hedge was the responsibility of the neighbour and arrangements for the footings would need to be agreed with them.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p> |

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.

Members voted on the officers' recommendation to approve the application

(Voting, For 4; Against 2; Abstained 1)

| <u>Proposed Development</u> | <u>Decision</u> |
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| <p>*5.5 Full Application: Outbuilding to rear (retrospective) at 42 Gordon Street, Rothwell for Mr J Holt</p> <p>Application No: KET/2017/0838</p> <p><u>Speakers:</u></p> | <p>Members received a report which sought retrospective permission for an outbuilding to the rear of the property.</p> <p>Members heard the application was invited by the Local Planning Authority (LPA) following an enquiry from a member of the public questioning whether the structure required planning permission. The LPA investigations confirmed that the structure was not permitted development.</p> <p>Members requested an ancillary condition be added to the approval.</p> <p>It was agreed that the application be APPROVED subject to the following conditions: -</p> |

1. Within a period of 1 (one) month following the date of this consent the two external doors contained within the south-facing rear elevation of the outbuilding along with the remainder of the elevation shall be treated to ensure they match the colour of the surrounding timber cladding, as it appeared at time of the application (light brown). The external walls and doors of the building shall be maintained in the approved and matching timber finish.

2. The development hereby approved shall be only for purposes incidental to the enjoyment of the dwelling house to which it relates and shall not be used for any other purpose.

Members voted on the officers' recommendation to approve the application

(Voting, For 7; Against 0)

| <u>Proposed Development</u> | <u>Decision</u> |
|---|--|
| <p>*5.6 Full Application: Garage conversion to habitable room and single storey rear extension at 99 Braybrooke Road, Desborough for Mr D Mitchell</p> <p>Application No: KET/2017/0882</p> <p><u>Speakers:</u></p> | <p>Members received a report which sought approval to partially rebuild the existing garage, to further extend it to the rear, and convert in to a habitable room.</p> <p>It was agreed that the application be APPROVED subject to the following conditions: -</p> |

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 shown on drawing number 17024/01.
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.
4. The 2no. windows hereby approved on the side (western) elevation shall be non-opening and 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 7; Against 1)

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

(The meeting started at 6.30pm and ended at 8:20pm)

Signed:

Chair

AN