

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held – 4th September 2018

Present: Councillor David Soans (Chair)
Councillors Ash Davies, Ian Jelley, Paul Marks Clark Mitchell, Cliff Moreton and Mark Rowley,

18.PC.28 APOLOGIES

Apologies for absence were received from Councillors Stanton, Thurland and Titcombe. It was noted that Councillors Jelley and Marks were acting as substitutes.

18.PC.29 DECLARATIONS OF INTEREST

Councillor Thurland declared an interest in item 5.2 as a ward councillor for the proposed development.

Councillor Moreton declared an interest in item 5.5 as a ward councillor for the proposed development.

***18.PC.30 MINUTES**

RESOLVED that the minutes of the meetings of the Planning Committee held on 31st July 2018 and 3rd July 2018 be approved as a correct record and signed by the Chair.

***18.PC.31 ITEMS OF URGENT BUSINESS**

None

***18.PC.32 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. One speaker attended the meeting and spoke on an application 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:-

(Planning No. 1)
04.09.18

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application: Partial demolition of retail unit and construction of 8 no. flats at 59 Montagu Street, Kettering for Messers D & A Draper, Draper's Furnishers</p> <p>Application No: KET/2017/0376</p> <p><u>Speakers:</u></p> <p>Martina Robinson, Third party objector to the proposed development attended the meeting and raised concerns on behalf of local residents. Mr Watts stated that there was a critical lack of parking provisions included within the proposed application and that the application would lead to local on road parking areas becoming crowded. It was also stated that the parking survey undertaken as part of the application was not adequate in ensuring that accurate representation was given.</p>	<p>Members received a report which sought Planning consent for the demolition of the rear of Drapers Furnishers retail/warehouse unit which faced onto Eden Street and to develop a block of 8 flats over 3 storeys with the third floor contained within the roof space.</p> <p>Members immediately raised concerns regarding the insufficient parking provisions that were being proposed within the development stating that the number of flats included within the application was too high compared to the lack of parking provisions proved.</p> <p>It was also stated by members that the bin store included in the application was insufficient to deal with the waste associated with 8 flats.</p> <p>Following debate it was proposed by Councillor Rowley and seconded by Councillor Marks that the proposed development be REFUSED on the grounds that the layout would result in an overdevelopment of the site leading to an adverse impact on local and residential amenities.</p> <p>It was agreed that the application be REDUSED for the following reasons:-</p>

(Members voted on the proposal to refuse the application)

(Voting: For Refusal; 5 Against 1)

The application was therefore
REFUSED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Outline Application: 3 no. dwellings at 44 Rushton Road (land adj), Desborough for Mrs S Baker</p> <p>Application No: KET/2017/0395</p> <p><u>Speakers:</u></p> <p>None</p>	<p>Members received a report which sought Planning consent for the construction of three two-storey detached dwellings on the site with associated vehicular access. The application was outline only and all matters were reserved.</p> <p>It was heard by members of the committee that during the course of the application process, the developer had agreed to construct a footpath alongside the development fronting onto Stanton Close and joining from Rushton Road south to the site.</p> <p>Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions;-</p>

1. Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in condition 1 above, shall include the position, size/scale and layout of the proposed dwellings and any ancillary buildings, the external appearance of any buildings to be erected, the means of access to the site and the proposals for landscaping of the site, which shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The plan form/layout of dwellings as shown on drawing number 4582/AG/18003B is not approved by virtue of this outline consent.
5. The total number of dwellings within the approved site shall not exceed 3.
6. The dwelling hereby approved shall be two-storey and contain no more than a ground and a first floor with no rooms or habitable accommodation in the roof.
7. 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,

(Planning No. 3)

04.09.18

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. Works audible at the site boundary will not take place at the following times: Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
9. Prior to the commencement of development a Construction Management Plan shall be 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.
10. 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.

11. The dwellings shall be constructed in accordance with a scheme that shall have been first submitted to and approved by the Local Planning Authority prior to erection of any dwelling to protect the residential units from railway vibration. Once approved the scheme shall be implemented prior to the first occupation of any of the residential units hereby approved and maintained in the approved state at all times thereafter. No alterations shall be made to the approved structure of the units including roof, doors, windows and external facades, layout of the units or noise barriers.
12. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved 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.

13. 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 completed before the adjoining buildings are first occupied.
14. Prior to first use or occupation of the development hereby permitted, the means of access shall be paved with a hard bound surface for the first 5m from the highway boundary and such surfacing shall thereafter be retained. The maximum gradient over the 5m distance shall not exceed 1 in 15. No more than 11m of dropped kerb is permitted before a minimum of 1 full height kerb is provided.
15. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m by 2.0m shall be provided on each side of the vehicular access, and these splays shall thereafter be permanently kept free of all obstacles to visibility over 0.6m in height above the access/footway level.
16. Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway (Stanton Close) and shall be hung so as to open inwards into the site only.
17. All dwellings 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).
18. Prior to the commencement of the development hereby permitted, details of a means of drainage to ensure that surface water from each vehicular access point hereby approved does not discharge on to the highway (Rushton Road / Stanton Close) shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be retained.
19. No occupation shall take place on site until details of a scheme for the construction and finish of the proposed footway in accordance with the specifications of the Local Highway Authority has been submitted to and approved by the Local Planning Authority. Thereafter the approved details of a 2m wide footway for the extent as indicated on plan reference 23735_08_020_01 shall be fully implemented before the first occupation of any dwelling.

Members voted on the officers' recommendation to approve the application

(Voting: Unanimous)

The application was therefore

APPROVED

(Planning No. 6)

04.09.18

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 Full Application: Change of use from garden centre to indoor gymnasium and outdoor training area. Replacement shopfront, fencing, external lighting, installation of air conditioning units and bin storage area within service yard at the Vacant Garden Centre, Northfield Avenue, Kettering for Anytime Fitness.</p> <p>Application No: KET/2018/0399</p> <p><u>Speakers:</u></p> <p>None</p>	<p>Members received a report which sought consent for a change of use of the vacant garden centre to an indoor gymnasium and an outdoor strongman training area. The gym was to be opened 24hours a day, 365 days of the year. This was to be staffed on Monday to Friday 09:00 – 20:00, Saturday 09:00 – 17:00 and Sunday 10:00 – 16:00 and will accommodate health and fitness stations, studio, Cardio machines and changing rooms.</p> <p>It was heard the outdoor strongman training area was to be open every day during staffed hours only. The proposals also included the renewal of external lighting, replacement of broken shop front, renewal of external fencing, installation of air conditioning and outdoor bin storage area within the enclosed service yard and the inclusion of 26 car parking spaces, 3 of which will be dedicated for blue badge customers.</p> <p>The Planning Officer addressed the committee and provided an update which included an additional condition what stated that there shall be no external illumination on the site at any time other than in accordance with the detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority and maintained in that form thereafter.</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 documents as referenced as follows; 1102-31and 1102-11.
3. Use of the outdoor training area shall only be used between the hours of 09:00 to 18:00 hrs Monday to Saturday excluding bank holidays with no amplified

(Planning No. 7)

04.09.18

music or voices. Prior to holding public events including competitions that are open to the public or non-members approval shall be obtained in writing from the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Noise Mitigation Plan and this scheme shall be fully implemented before first use of the development.

4. Prior to the first occupation of the development full details of the approved cycle parking (as depicted upon approved plan 1102-11), to include weather protection, shall be submitted to and approved in writing by the Local Planning Authority; development shall be implemented in accordance with the approved details and retained at all times thereafter.
5. The parking area hereby approved (as depicted upon approved plan 1102-11) shall be provided prior to the first occupation of the building hereby permitted and shall be signed as dedicated parking for the facility and permanently retained and kept available for the parking of vehicles thereafter.
6. There shall be no external illumination on the site at any time other than in accordance with detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority and maintained in that form thereafter.

Members voted on the officers' recommendation to approve the application

(Voting: Unanimous)

The application was therefore

APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.4 Full Application: 4 no. interconnecting tipis, and associated development to create a temporary (5 year period ending 31 October 2023) event venue with activities between 1 March and 31 October at The Rickyard Suitem The Elmsm Isham Road, Pythley for Mr K Shapland</p> <p>Application No: KET/2018/0419</p> <p><u>Speakers:</u></p> <p>None</p>	<p>WITHDRAWN from the agenda – to be presented to a future Planning Committee for consideration.</p>

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.5 s.73 Application: Removal of condition 6 of KE/82/65 in respect of agricultural tie at Bowd Lodge Farm, Desborough Road, Stoke Albany for Mrs S Mason.</p> <p>Application No: KET/2018/0442</p> <p><u>Speakers:</u></p> <p>None .</p>	<p>Members received a report which sought planning approval for the removal of condition 6 of the original planning permission (KE/82/065) which tied the dwelling to agricultural farm workers.</p> <p>Members agreed that the proposed application was acceptable and that there were no concerns raised.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The existing provision for a garage and hardstanding together with space for the parking of at least one additional vehicle clear of the highway shall be kept permanently available for ancillary parking purposes at all times.

Members voted on the officers' recommendation to approve the application

(Voting: Unanimous)

The application was therefore
APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.6 s.73 Application: Variation of condition no. 2 of KET/2017/0600, in respect of approved plans at the Paddocks, Rushton Road, Pipewell for Mr Nelson.</p> <p>Application No: KET/2018/0478</p> <p><u>Speakers:</u></p> <p>None</p>	<p>Members received a report which sought Retrospective planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) to vary condition no.2 of planning permission KET/2017/0600, as the agricultural building that has not been built in accordance with the plans approved under this permission.</p> <p>Members heard that the agent has reiterated (23/08/18) that the agricultural building was required for use in association with a non- commercial agricultural use of the land.</p> <p>The Planning Officer addressed the committee and provided an update which stated that It was recommended by the Development Manager, and in agreement with the Applicant, that the proposed wording of Condition No. 2 of KET/2018/0478, as presented in the published Committee Report, be amended to "The use of the building hereby approved shall be only for purposes incidental to agricultural uses at The Paddocks and ancillary storage to the residential use at The Paddocks but not permitting any domestic accommodation, commercial or business purposes."</p> <p>It was heard that the Agent wrote to confirm the building was being used in accordance with the original condition [of KET/2017/0600] as it was being used for the storage of items associated with residential use and it was not being used for business or commercial uses..</p> <p>It was agreed that the application be APPROVED subject to the following conditions;</p>

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers SK01 Rev E, received by the Local Planning Authority on 20th August 2018, and SK06 Rev A received by the Local Planning Authority on 24th July 2018. The development shall be retained as constructed thereafter.
2. The use of the building hereby approved shall be only for purposes incidental to agricultural uses at the Paddocks and ancillary storage to the residential

use at The Paddocks but not permitting any domestic accommodation, commercial or business purposes.

3. The materials to be used in the construction of the external surfaces of the building hereby approved, shall be dark stained Waney-edge horizontal timber cladding and slate roof tiles to match those on the south elevation of the existing dwellinghouse which faces into the internal courtyard area at the Paddocks. The materials used are to be retained as constructed thereafter.

Members voted on the officers' recommendation to approve the application

(Voting: Unanimous)

The application was therefore

APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.7 s.73A Retrospective Application: Construction of greenhouse / potting shed at the Paddocks, Rushton Road, Pipewell for Mr Nelson.</p> <p>Application No: KET/2018/0480</p> <p><u>Speakers:</u></p> <p>None</p>	<p>Members received a report which sought retrospective planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) to retain an outbuilding not built in accordance with condition no.4 of planning permission KET/2007/0589. Condition no.4 removed householder permitted rights to construct outbuildings.</p> <p>Members heard that the development applied for consisted of a detached single storey part brick under slate roof and part brick with glass conservatory located immediately due east of the dwellinghouse.</p> <p>Members were in agreement that the proposed development was satisfactory and that no concerns were raised.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:-</p>

1. The development hereby approved shall be only for purposes incidental to the residential uses at The Paddocks.

Members voted on the officers' recommendation to approve the application

(Voting: Unanimous)

The application was therefore

APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.8 Full Application: Demolition of existing garage and construction of 1 no. one bedroom flat and 1 no. studio flat at 49 St Michaels Road (Land adj), Kettering for Mr J White.</p> <p>Application No: KET/2018/0522</p> <p><u>Speakers:</u></p> <p>None</p>	<p>Members received a report which sought planning permission for the demolition of the existing detached garage and the erection of a two storey building to provide 1 one-bed flat and one studio flat with two parking spaces to the front and rear amenity space for bin and cycle storage.</p> <p>Members were in agreement that the proposed development was satisfactory and that no concerns were raised.</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 listed below.
3. No development above slab level shall commence on site until details of the types and colours of materials for all external facing, roofing and hard standing areas to be used 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. 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 rear (south) or side (east and west) elevations or roof planes of the building.
5. The windows within the rear roof slope shall be glazed with obscured glass below 1.7m above internal floor level and thereafter shall be permanently retained in that form.
6. No development above slab level 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 building shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details. The development shall be maintained in accordance with the approved details.
7. 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.

Members voted on the officers' recommendation to approve the application

(Voting: Unanimous)

The application was therefore

APPROVED

***18.PC.33 ENFORCEMENT ACTION MONITORING**

The committee received a report on enforcement monitoring covering the reporting quarter of 1st April 2018 to 30th June 2018

Following discussions it was

RESOLVED that the committee noted the report

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

(The meeting started at 6.30pm and ended at 7.45 pm)

Signed:

Chair

CJG