

**BOROUGH OF KETTERING**

**REGULATORY COMMITTEE**

**Meeting held – 28<sup>th</sup> May 2002**

Present: Councillor West (Chair)  
Councillors Brown, Buchanan, Civil, Coe, Fox,  
Freer, Gordon, M. Lynch, S. Lynch,  
Simons, Scrimshaw, Unwin, Watts and Whyte.

Also present: Councillor Royston.

02.REG.04

**APOLOGIES**

Apologies for absence were received from Councillors  
R. Groome, Hughes, Lamb and Marshall.

02.REG.05

**SUBSTITUTIONS**

The following substitutions were noted :-

Councillor Fox for Councillor Hughes  
Councillor Gordon for councillor Marshall  
Councillor Freer for Councillor Lamb

\*02.REG.06

**MINUTES**

**RESOLVED**

that the minutes of the  
meeting of the Committee  
held on 23<sup>rd</sup> April 2002, be  
approved and signed by  
the Chair.

02.REG.07

**DECLARATIONS OF INTEREST**

Councillor Watts declared a non-pecuniary interest as  
a High Street retailer.

Councillor Unwin declared an interest as a Council appointee to the Kettering Means Business organisation.

\*02.REG.08

PLANNING APPLICATION KE/01/491 –  
NORTHFIELD AVENUE, KETTERING

The above planning application, in respect of the erection of a retail park with replacement facilities for the existing Car Wash and teamwork Trust building, and the creation of an industrial plot with the demolition of existing buildings, and partial truncation of Stanier Close, was submitted for members consideration.

Prior to their deliberations on the application, members received an update which detailed minor revisions to the submitted plans.

Two members of the public were present and indicated that they wished to address the Committee under the Council's Right to Speak Policy in respect of the application.

Firstly, Mr Thompson, on behalf of local residents of Leicester Close, Kettering addressed the Committee opposing the development. Mr Thompson expressed surprise that the application was before the Committee at this time as, although initial discussions had taken place with residents in the autumn of 2001, no further details had been received until recently. Members of the former Planning Committee had been contacted in respect of the application by residents, but few replies had been received. It was recognised that the site needed re-generating, but it was felt by residents that the roads surrounding it would not cope with the increased traffic flow likely to be generated by this application. There was also likely to be a noise and light pollution impact on adjacent properties, particularly those facing the site entrance, the location of which should be reviewed. It was felt that Telford Way would be a better location for this development.

Secondly, Mrs Holt, on behalf of the applicants, spoke in favour of the application. Reference was made to the approval of the pre-application guidance by the Council's former Strategy Committee, and the potential benefits the development would bring to the town. Advice had been received that that the impact of the development on the Town centre would be minimal. Consultations in respect of the development had been undertaken, and the highway issues had been re-considered following discussions with the County Council. Members were appraised of the financial contribution that would be made to the infrastructure re-developments, and of the other benefits contained in the Section 106 agreement to the development. Further details were submitted in respect of access arrangements.

Prior to consideration of the application, members received details of the basis on which the officers recommendations had been formulated, particularly with reference to both local and national policy guidance. Details of discussions in respect of the traffic concerns were submitted, and also of the lack of alternative suitable sites for the development between the town centre and the planned location.

Members expressed their concern in respect of the impact of the development on traffic flows along Northfield Avenue and adjacent roads. Nevertheless, it was recognised that the site required regeneration, although the potential impact on residents of adjacent properties was recognised. It was considered that relocation of the access to the site could alleviate some of the problems envisaged, although members were informed that this would be likely to have an impact on delivery arrangements to the site, and was like to cause knock-on problems.

Further to this, members considered the potential impact on the Town Centre, and the likely effect of the sequential test principle on the development. The number of actual new jobs which the development would create was questioned, as was the level of consultation undertaken with local residents, and the adequate provision for of public transport facilities adjacent to the site. The principles of moving retail

trade areas out of town was highlighted, particularly in respect of changing views regarding retail provision in town centres.

At this point, a verbal altercation took place between two Councillors, and in order to restore calm, the Chair adjourned the meeting in accordance with his delegated powers.

(Councillor Simons left the meeting at 8.03pm)

(The meeting was adjourned at 8:04pm and recommenced at 8.12pm)

Members continued their deliberations in respect of the application, and discussed provision of finance for alleviating any traffic flow problems which the development might produce. It was noted that a Traffic Impact Assessment (TIA) was planned to be undertaken should the application be approved, which was scheduled to take place within one year of the planned store opening. However members considered that the TIA need not be delayed for that length of time. Whilst accepting that there was likely to be erratic levels of trading at the time that the store might be opened, and also seasonably, it was felt that the TIA should be commenced as soon as reasonably practicable. Further to this, Councillor Watts proposed, Councillor Freer seconded and it was

RESOLVED

that the Traffic Impact Assessment relating to the proposed development should be undertaken as soon as reasonably practicable in the judgement of the Planning Officer, in a period not greater than eighteen months after the opening of the store.

Consequent to this, members considered the imposition of a car parking charging regime being imposed as a condition on the development, but did not pursue this. Additionally, opening hours were discussed, but it was noted that a condition was included in the officer's recommendation in this respect. The provision of screening for properties in Leicester Close opposite the proposed entrance to the retail park was also noted.

Further to the above, Councillor Whyte proposed, Councillor Coe seconded and it was

RESOLVED

that planning permission be granted subject to the completion of a Section 106 agreement, and the following planning conditions :-

1. The development shall be begun not later than the expiration of five years beginning with the date of this permission.
2. Representative samples, or details, of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. The premises shall not be used for the purpose hereby permitted otherwise than during the hours of 07.00 – 21.00 Mondays to Saturdays, 10.00 - 16.00 on Sundays and 08.00 – 21.00 on publicly recognised Bank Holidays.
6. The premises hereby permitted shall be used for the following purposes only:-
  - (a) a DIY retail warehouse with ancillary offices and coffee shop
  - (b) a garden centre ancillary to the retail warehouse
  - (c) a builders yard adjacent and ancillary to the retail warehouse
  - (d) a non-food retail warehouse retailing electrical goods with ancillary storage and offices,and for no other purposes in Class A1 of the schedule to the town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification.
7. Before any of the units are occupied, a scheme for the external lighting of the car park and buildings shall be submitted to and approved in writing by the District Council and shall be implemented in accordance with those details.
8. Before the development hereby permitted is commenced details of boundary treatment and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details to be implemented prior to the use of the building(s)/land.
9. The parking areas, shown on the approved plans and a means of securing those areas when not in use, shall be suitably surfaced, laid out and drained in accordance with details to be submitted to and approved in writing by the District Council. The approved details shall be implemented prior to the use of the buildings commencing.
10. No deliveries shall be undertaken outside the hours of 07.00 – 19.00 Mondays to Saturdays and 09.00 – 16.00 on Sundays and publicly recognised Bank Holidays.

11. The development hereby permitted shall be carried out in accordance with the amended plans received by the Local Planning Authority on 9<sup>th</sup> and 22<sup>nd</sup> April 2002.
12. Before any of the units are occupied details of any sound amplifying equipment which is audible outside the units shall be submitted to and agreed in writing with the District Council.
13. Prior to the bringing into use, for the purpose hereby permitted, of any part or parts of the development hereby permitted, a 'Green Travel Plan' containing proposals for minimising use of the private cars by employees at and customer/visitors to the premises comprised in the development, including provisions for the setting of targets for modal split for journeys and, the monitoring of the achievement of such targets, together with fallback measures to rectify any failure to achieve the said targets, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Strategic Planning and Highway Authority.
14. The proposed site access shall be constructed and completed prior to the occupation of any of the buildings on the site.
15. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
16. Prior to the commencement of any development, a detailed DRAINAGE STRATEGY shall be carried out and submitted to the Local Planning Authority. This strategy should include details of surface water drainage and any Sustainable Drainage Systems (SuDS), and should include an appropriate implementation and maintenance strategy, undertaken fully in accordance with both PPG25 and the submitted flood risk assessment.

*(For the motion 8; Against 5; Not Voting 1)*

*(Councillor Brown voted against the motion)*

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

*(The meeting started at 7.00pm and ended at 8.40pm)*

Signed \_\_\_\_\_  
Chair