

**BOROUGH OF KETTERING**

**PLANNING COMMITTEE**

**Meeting held: 1<sup>st</sup> December 2020**

**Present:** Councillor Mark Rowley (Chair)  
Councillors Linda Adams, Scott Edwards, Mark Dearing,  
Clark Mitchell, Jan O'Hara, Cliff Moreton, Lesley Thurland  
and Greg Titcombe,

**20.PC.70**      **ELECTION OF CHAIR**

It was proposed by Councillor Lesley Thurland and seconded by Councillor Greg Titcombe that Councillor Mark Rowley be elected as Chair

**RESOLVED** that Councillor Mark Rowley be elected Chair of the Planning Committee.

**20.PC.71**      **APPOINTMENT OF DEPUTY CHAIR**

It was proposed by Councillor Lesley Thurland and seconded by Councillor Linda Adams that Councillor Scott Edwards be appointed as Deputy Chair

**RESOLVED** that Councillor Scott Edwards be appointed Deputy Chair of the Planning Committee.

**20.PC.72**      **APOLOGIES**

Apologies for absence were received from Councillor David Howes  
It was noted that Councillor Mark Dearing was acting as substitute for Cllr Howes.

**20.PC.73**      **MINUTES**

**RESOLVED** that the minutes of the meetings of the Planning Committee held on 20<sup>th</sup> October 2020 be approved as a correct record.

**20.PC.74**      **DECLARATIONS OF INTEREST**

None

**20.PC.75**      **ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

None.

**20.PC.76**      **PLANNING APPLICATION REPORTS**

The Committee considered the following applications for planning permission, which were set out in the Head of Development Control's Reports and supplemented verbally and in writing at the meeting. Two speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.

The reports 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:-.

**20.PC.76.1 KET/2020/0035**

<u>Proposed Development</u>	<u>Decision</u>
<p>*6.1 Full Application: 12 no. dwellings with associated landscaping and access at Hill Street (land at), Kettering for Ms S Feely, Elm Park Homes Ltd</p> <p>Application No: KET/2020/0035</p> <p><u>Speaker:</u></p> <p>Jack Appleton attended the meeting and addressed the committee as an agent on behalf of the applicant. Mr Appleton stated that the proposed development met local and national planning policies and through amendments to the design and route had resulted in an adoptable strategy. It was also stated that the application met space standards and also met the principal for residential use.</p>	<p>Members received a report which sought planning permission for a residential development of 12 no. dwellings comprising 1 no. x 2-bed and 11 no. x 3-bed units (of 2 or 2.5 storey)</p> <p>Members raised concerns regarding the detrimental effect the proposed development would have on local ecological areas including concerns regarding the increased chances of local flooding as a result of the proposed development and surface water drainage concerns.</p> <p>Members also questioned the lack of S106 contribution as a result of the proposed development and also raised concerns surrounding the lack of capacity at local healthcare facilities and educational sites.</p> <p>Following debate it was proposed by Councillor Thurland and seconded by Councillor Edwards that the application be <b>REFUSED</b> contrary to the officers recommendation due to the detrimental overdevelopment of the site and concerns raised regarding flooding, however the motion fell following a vote.</p> <p><i>(For Refusal: 4, Against Refusal 5) The Chair used their casting vote</i></p> <p>Following the motion members then voted on the officers recommendation to approve the application.</p> <p>It was agreed that the application be <b>APPROVED</b> 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 ground floor slab level shall commence on site until details of the types and colours of all external facing, roofing materials 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 submitted details, no development above ground floor 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 submitted scheme shall not include the provision of any closed-board fencing visible within the front garden/access areas to the north of the plots as set out on approved site layout plan. The scheme shall include solid rear garden boundary treatments of at least 1.8m in height. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.
5. No development above ground floor slab level shall take place until details of the materials to be used for hard paved surfacing and drainage have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining dwellinghouses are first occupied, in accordance with the approved details.
6. Prior to first occupation of the development a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained 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 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.
7. Notwithstanding submitted details, prior to the commencement of development on site a scheme for achieving noise attenuation to the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.
8. No construction shall take place on site until plan(s)/cross sections prepared to a scale of not less than 1:500 showing details of existing ground levels and proposed ground and finished floor levels both within the site and to show the relative levels of the ground and buildings heights existing on adjacent land, including at Carlton Street, 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.
9. Prior to occupation a detailed scheme of external illumination within the shared access road and parking area within the application site shall be submitted to and approved in writing by the Local Planning Authority. Development shall not proceed other than in accordance with the approved details.

10. No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.
11. 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 Classes A,B,C, D, E of Part 1 of Schedule 2 of the Order shall occur.
12. In the event that the access, common areas including parking are not presented to the LHA/ LA for adoption, the management/ maintenance of these areas shall be undertaken in accordance with proposals first submitted to and approved by the LPA. Proposals shall make clear the body or company who are to look after these areas through an approved Legal set up of a management company document and also make clear the means by which concerns raised by residents are to be addressed.
13. 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.
14. The parking areas hereby approved shall be provided as set out on approved site layout plan and be fully accessible prior to the first occupation of the dwellings hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
15. Prior to first occupation of any properties bin stores and collection points that shall accord with details first submitted to and approved by the LPA, shall have been provided for each dwelling. Bins shall not be left within the collection points on any day other than collection day.
16. Prior to the commencement of the development hereby permitted a CTMP (Construction and Traffic Management Plan), shall be submitted to and be approved in writing by the local planning authority. Thereafter development shall not proceed other than in accordance with approved details: The Plan is to include the following elements:
  - a. Detailed work programme / timetable.
  - b. Proposed hours for operation including HGV and other vehicles delivery.
  - c. Detailed routeing for demolition, excavation, construction and abnormal loads.
  - d. Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.

- e. Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
  - f. Breakdown of number, type, size and weight of vehicles over demolition & construction period.
  - g. Details of debris management including location of wheel wash, programme to control debris spill and prevent mud onto the highway, to also include sheeting/sealing of vehicles and dust suppression/ management.
  - h. Details of public impact and protection, signage, barriers and remediation.
  - i. name, contact details for public consultation/liaison.
  - j. Route details as required
  - k. Details of any temporary construction accesses and their remediation post project.
  - l. Provision for emergency vehicles.
17. The development shall be carried out in accordance with the submitted flood risk assessment (ref 3700 Rev 2 Dated September 2020, compiled by Scott Hughes) and the following mitigation measures it details:
- (i) Finished floor levels shall be set no lower than 69.750 metres above Ordnance Datum (AOD).
  - (ii) There shall be no increase in ground levels of the car park area which is shown in appendix A - Site Layout drawing.
  - (iii) The car park area must include bollards or fencing, which can withstand the weight of vehicles, up to the predicted 1% plus climate change flood height, and suitable signage installed to advise users of the risk of flooding.
  - (iv) These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
18. Before any above ground works commence at the site, full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 3700-SHD-00-ZZ-RP-C-0001 rev 2 dated 8th September 2020 prepared by Scott Hughs will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures and soakaways (if required).
  - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which demonstrate no surcharging for the 1 in 1 year storm, no flooding for the 1 in 30 year storm and any flooding for the 1 in 100 year plus climate change storm event is within areas safe to flood.
  - iii) Cross sections of control chambers and manufacturers hydraulic curves for the control device.
19. No development shall take place on site until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required

20. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment and Drainage Strategy ref 3700-SHD-00-ZZ-RP-C-0001 rev 2 dated 8th September 2020 prepared by Scott Hughs has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.  
The details shall include:
- a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) CCTV Confirmation that the system is free from defects, damage and foreign objects.
21. Any proposed lighting shall not occur unless proposals that take measures to safeguard wildlife using the Slade Brook corridor have been first submitted to and approved by the LPA. Proposed lighting on the parking area shall be hooded so as not to illuminate the watercourse along Slade Brook corridor. The lighting proposals should not illuminate areas where bats which are likely to commute along the Slade Brook corridor. Any lighting at the plots adjacent the western perimeter site boundary of the development should be directional and operate on sensors so they are only on when necessary. the watercourse.
22. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a statement demonstrating how the scrub will be removed sensitively, and avoiding bird nesting season and reptile hibernation season and once the scrub has been removed a check for badgers should be done to confirm they are not using the site.
23. Prior to commencement of works on site, a landscape and ecological management plan (LEMP) shall be agreed in writing with the Local Planning Authority. The agreed details shall be implemented as approved before first occupation of the development and be retained thereafter. The content of the LEMP shall include the following:
- (i) Description and evaluation of features to be managed (a suite of bird boxes should be provided to mitigate the loss of trees and scrub; bat boxes should also be provided as outlined in the ecological survey report. Ideally these would be integral bat/bird bricks, which do not require maintenance once installed. Fences should include holes to allow the movement of hedgehogs which are likely using the site; these should be indicated on the boundary plan).

- (ii) Ecological trends and constraints on site that might influence management.
- (iii) Aims and objectives of management.
- (iv) Appropriate management options for achieving aims and objectives.
- (v) Prescriptions for management actions.
- (vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (vii) Details of the body or organization responsible for implementation of the plan.
- (viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

24. All rear facing roof lights shall be fitted so as to be above eye level taken from the floor level at the second floor, in accordance with a section first submitted to and approved by the LPA prior to insertion of such windows.

*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: 5, Against 4)*

*(The Chair used their Casting vote)*

*The application was therefore*  
**APPROVED**



**20.PC.69.2 KET/2020/0216**

<u>Proposed Development</u>	<u>Decision</u>
<p>*6.2 Full Application: Erection of residential block comprising of 25 flats with parking and associated works at The Yard, Northfield Avenue, Kettering for Mr Takhar</p> <p>Application No: KET/2020/0216</p> <p><u>Speaker:</u></p> <p>Cllr Cedwien Brown attended the meeting and addressed the committee as a third party objector to the proposed development on behalf of residents at Cleaver Court. Cllr Brown stated that the application would have a detrimental impact on the mental health and wellbeing of neighbouring residents as a result of the loss of visual amenity and overshadowing caused by the proposed development.</p>	<p>Members received a report which sought full planning permission for a 25 unit one- and two-bedroom apartment block arranged over five floors.</p> <p>Members raised concerns regarding the loss of light for neighbouring properties and the detrimental impact on amenity. Concerns were also raised in relation to overshadowing and safety associated with the access to the proposed development.</p> <p>It was stated by officers to members that due to the North facing stature of the proposed development that there would be minimal impact on the amenity of neighbouring properties.</p> <p>Following debate it was proposed by Councillor Dearing and seconded by Councillor Mitchell that the application be approved in line with the officers recommendation</p> <p>It was agreed that the application be <b>APPROVED</b> 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 information detailed below.
3. The noise mitigation measures (glazing and ventilation) outlined in the executive summary of the approved report BA NS265 dated 22/5/2019 by Blue Acoustics shall be carried out in full prior to the first occupation of the residential units hereby approved. Where the development is phased any residential units identified as providing a noise barrier for other units shall be completed first. Following completion, 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.
4. The development hereby permitted shall not be carried out other than in accordance with the approved Energy Statement, referenced 8090 Version 1, dated 17/05/2019 as compiled by EPD Group and retained in that form for the duration of the development.

5. Work associated with the construction of the proposal shall only be carried out during 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.
6. 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.
7. In accordance with the approved Technical Report - Walkover and Desk Study referenced M3350 dated May 2019 as compiled by Sub Surface Midlands Limited and 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 B to C have been complied with.

#### 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.

8. Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the local planning authority.  
The fire hydrants, sprinkler system and associated infrastructure shall be installed and fully functional prior to first occupation and shall thereafter be provided in accordance with the approved scheme and timetable.
9. No earthworks or groundworks shall take place until a plan showing details of existing and intended final ground and finished floor levels has 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.

10. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Drainage and SuDS Design, The Yard Kettering ref 1795-C-R01 rev B dated 28th September 2020 prepared by Arcelle will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
  - i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures and soakaways (if required).
  - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which demonstrate no surcharging for the 1 in 1 year storm, no flooding for the 1 in 30 year storm and any flooding for the 1 in 100 year plus climate change storm event is within areas safe to flood. The critical storm duration for each element of the drainage network should be determined by considering a full range of summer and winter storm durations from 15 minutes up to the 10080 minute (7 day) duration
  - iii) Cross sections of control chambers and manufacturers hydraulic curves for the flow control device.
11. 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 development shall not be occupied until the approved scheme and provision of the 'Metal Visual and Privacy Screens' to the balconies shown on the approved plans has been fully implemented in accordance with the approved details.
12. Before any above ground works commence a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required.
13. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials 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 and shall be retained in that form thereafter.

14. Prior to construction above slab level 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. In addition, details of how the 'roof garden' and 'green wall' shall be maintained shall also be provided for approval. The approved scheme 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.
15. Prior to construction above slab level a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and be retained in that form thereafter.
16. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage and SuDS Design, The Yard Kettering ref 1795-C-R01 rev B dated 28th September 2020 prepared by Arcelle has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority.  
The details shall include:
  - a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) CCTV Confirmation that the system is free from defects, damage and foreign objects.
17. Prior to first occupation of the development hereby approved, refuse and cycle storage facilities and the Swift and Bat boxes shown on the approved plans and security arrangements stated at Section 5.7 of the approved Design and Access Statement shall be made available for use and operational. These facilities shall be retained at all times thereafter.
18. The parking spaces together with the hatching (associated with the disabled spaces) and the Electric Vehicle facilities shown on the approved plans 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 and remain available.
19. The windows on the north-east elevation of the building hereby approved shall be glazed with obscured glass and thereafter shall be permanently retained in that form. In addition, the roof of the building (including the first floor 'roof garden') hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
20. Any gates provided at the point of access to the site shall be hung so as to open inwards into the site only, provision of positive means of drainage provided at the site access to prevent surface water flow from the site draining onto the highway shall be provided and the vehicular gates shall be automated. The development shall be retained in those forms for thereafter.

*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: 5, Against 4)*

*(The Chair used their Casting vote)*

*The application was therefore*  
**APPROVED**

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

*(The meeting started at 6.00 pm and ended at 7.50 pm)*

*Signed.....*

*Chair*

CG