

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 30/03/2010</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Michael Boniface Development Officer</b>	<b>Application No: KET/2009/0770</b>
<b>Wards Affected</b>	<b>Burton Latimer</b>	
<b>Location</b>	<b>IVG White, Finedon Road, Burton Latimer</b>	
<b>Proposal</b>	<b>Full Application: Extension to industrial building</b>	
<b>Applicant</b>	<b>Mr J White IVG White</b>	

### **1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. 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, 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.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall take place other than in accordance with the submitted Flood Risk Assessment (Report K0214/1, Rev 1) undertaken by Hydrologic and dated March 2010. The mitigation measures outlined in regards to surface water run-off, maintenance, compensatory floodplain storage and foul flows shall be fully implemented prior to occupation of the development and shall thereafter be retained and maintained.

REASON: To reduce the risk and impact of flooding to the proposed development and future occupants, surrounding area and third parties and to prevent pollution of the water environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. No development shall take place until a plan prepared to a scale of not less

than 1:500 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.

REASON: To preserve the character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The landscaping scheme hereby approved and shown on drawings L-07 and L-08 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.

REASON: To improve the appearance of the site and provide screening in the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place until details and plans have been submitted to and approved in writing by the Local Planning Authority showing the permanent closure of the existing vehicular access as shown on drawing L-06. The details shall include reinstatement of the public footpath/verge. The development hereby approved shall not be occupied until these works have been completed in accordance with the approved details.

REASON: In the interests of highway safety and to protect the character of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Prior to occupation of the development hereby approved, the yard and parking areas shown on drawing L-07 shall have been constructed, hard-surfaced and marked out in accordance with the approved details and those areas shall be permanently retained for the purposes of parking, manoeuvring, loading and unloading of vehicles thereafter.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

8. No other development shall take place on site until the access has been constructed and lines of sight of 4.5 by 215 metres provided in accordance with the approved details. The sight lines shall thereafter be permanently retained and kept free of obstacles.

REASON: To provide satisfactory access in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The development shall not be carried out other than in accordance with the approved scheme.

REASON: To ensure that the buildings, structures and plant are adequately sound proofed in the interests of the amenities of the occupants of nearby premises in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall take place until a scheme for the control of noise during the construction phase of the development hereby approved has been submitted to

and approved in writing by the Local Planning Authority, the scheme shall include details of ambient noise levels, working hours, a noise monitoring programme and noise attenuation measures for the construction phase. The measures and monitoring shall operate throughout the construction phase in accordance with the details approved by the Local Planning Authority.

REASON: To protect neighbouring amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place until a scheme to address ecological interests within the site in accordance with the conclusions specified within section 5.2 of the submitted Ecological Survey Report conducted by RSK Carter Ecological and dated February 2010 has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. REASON: To protect ecological interests within the site in accordance with PPS9 and policy 13 of the CSS.

12. No construction materials, spoil, chemicals or heavy plant and machinery shall be stored within the site during construction except within the existing hard-surfaced areas.

REASON: To minimise potential impacts upon ecology and the adjacent water body in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and PPS9.

13. 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. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Notwithstanding the submitted information, 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. REASON: In the interests of the amenity of occupants of neighbouring properties in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

15. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and provision for water efficiency and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details. REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

### **Justification for Granting Planning Permission**

The proposal is in accordance with national and local policies as set out in Planning Policy Statements/Guidance Notes 1, 4, 7, 9, 13, 23, 24 and 25, Policy 2 of The East Midlands Regional Plan, Policy 8, 9, 11, 13 and 14 of the North Northamptonshire Core Spatial Strategy, and Policy 7 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Document 'Sustainable Design'. There are no material considerations that indicate against the proposal.

## **Officers Report**

### **3.0 Information**

#### **Relevant Planning History**

KET/2009/0330 – Extension to existing industrial building to provide chill store, loading dock and associated works – REFUSED 15/09/2009

KET/2006/0130 – Storage/distribution facility on the north side of the existing main building – APPROVED 20/06/2006

KET/2006/001 – Extension to existing electric plant room – APPROVED 06/03/2006

KET/2005/0964 – Extension to north side of existing building – APPROVED 25/11/2005

KET/2005/0592 – New fork truck storage and charging building – APPROVED 10/08/2005

#### **Site Description**

The site comprises an established industrial building outside the settlement boundary for Burton Latimer and to the south of the town. The buildings are functional in their appearance and set behind an established hedgerow which forms the highway boundary.

A residential development stands approximately 50 metres to the north of the existing building with more isolated properties to the south and east.

Land levels are relatively consistent surrounding the building though a slope downwards towards the Latimer Brook is evident to the west of the site.

#### **Proposed Development**

Extension to existing industrial building.

#### **Any Constraints Affecting The Site**

- Open countryside.
- Flood zones 2 and 3.

### **4.0 Consultation and Customer Impact**

#### **Parish/Town Council**

No objection.

#### **Highway Authority**

No objection subject to conditions requiring details of visibility splays and minor access changes.

### **Local Wildlife Trust**

No objection subject to a condition securing the recommendation for retention, protection, enhancement and mitigation identified within the submitted Ecological Survey Report.

### **Environmental Health**

The proposed development proposed a chilled store and vehicular access near to residential properties. A condition should secure a noise impact assessment and appropriate mitigation along with a scheme for the control of noise during construction in the interests of amenity.

### **Northamptonshire Police**

No objection.

### **Environment Agency**

The development is classified as 'less vulnerable' and falls within flood zones 2 and 3. The sequential test has been applied and passed. The development will not be at undue risk of flooding or result in flooding elsewhere subject to the mitigation measures proposed. The FRA suggests that the surface water run-off rates should not exceed existing rates, that a maintenance regime is followed, compensatory floodplain storage is provided and no additional foul flows are introduced.

### **Neighbours**

5 letters of objection received for the following reasons:

- Increased heavy traffic
- Highway safety.
- Noise and disturbance (including at unsociable hours).
- Will there be operating restrictions?
- Light pollution.
- Will there be additional tree planting?
- Original access has not been closed.
- Increased storage.
- Recent traffic accident near site.
- Highway width varies along Finedon Road.
- No screening of the development has been considered.
- Height of the proposed structures and visual impact.
- Loading bays face residential properties.
- Premises operate 24/7.
- No consultation has taken place.
- Adjacent area is a Woodland Conservation Area.
- Proposed lighting seems excessive.
- Impact on adjacent water bodies.
- Flooding and drainage issues.
- Existing roads and footpaths should be repaired.
- Speed limit should be reduced.
- Overdevelopment.

## **5.0 Planning Policy**

### **National Policies**

PPS1 – Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity and Geological Conservation  
PPG13 – Transport  
PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise  
PPS25 – Development and Flood Risk

### **Development Plan Policies**

#### **East Midlands Regional Plan**

2 – Promoting Better Design

#### **North Northamptonshire Core Spatial Strategy**

8 – Delivering Economic Prosperity  
9 – Distribution and Location of Development  
11 – Distribution of Jobs  
13 – General Sustainable Development Principles  
14 – Energy Efficiency and Sustainable Construction

#### **Local Plan**

7 – Environment: Protection of the Open Countryside

#### **Supplementary Planning Documents**

Sustainable Design (February 2009)

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development;
2. Design and Appearance;
3. Neighbouring Amenity;
4. Parking and Highways;
5. Flood Risk;
6. Ecology;
7. Sustainable Construction and Energy Efficiency;
8. Trees and Landscaping;
9. Lighting.



### 1. Principle of Development

A planning application for a large industrial extension was submitted in June 2009 under reference KET/2009/0330. This application was refused under delegated powers as an inadequate Flood Risk Assessment had been provided in support of the proposals. The applicant has sought to address this concern in the current application which is submitted in conjunction with another application (KET/2009/0775) for a larger extension.

Both PPS1 and PPS4 recognise the important role of employment sites in creating sustainable communities and a strong economy; it therefore suggests that planning applications for such development should be viewed favourably unless they would result in demonstrable harm. Policy 8 of the CSS also suggests that developments that would create employment opportunities will be encouraged within the Borough.

PPS4, PPS7 and local plan policy 7 seek to restrict development in open countryside in order to maintain its intrinsic quality and rural character and to support more sustainable forms of development. The site in question falls outside of the settlement boundary for Burton Latimer defined by the local plan and therefore falls in open countryside. While significant new development should normally be directed to designated sites or within existing towns and settlements, the proposed site accommodates an established business and its growth should be supported in line with the policy objectives identified above.

The proposed development is relatively small, involving a floor area of 199.5sq.m and it is considered that limited additional impacts would be generated by this addition which would be used as a loading dock. The addition has been considered in conjunction with application KET/2009/0770 (also to be considered by the Committee). It should be noted that the additional floor space of the two extensions now proposed remains less than that already approved under extant planning permission (KET/2006/0130).

### 2. Design and Appearance

The proposed addition would provide a loading dock facility to the north side of the existing buildings. The addition would be functional and industrial in appearance, reflecting the nature of the site. The building would be clad with metal sheets under a mono-pitched roof and would stand taller than the existing building to which it would adjoin. While this is so, the addition is set back within the site and would be screened partially by the existing hedgerow boundaries and existing buildings. The extension would be visible from the public realm, but would not result in such adverse visual impact as would warrant refusal of the application. Subject therefore to appropriate landscaping, the visual appearance of the proposed development is considered acceptable and in accordance with criteria 'h' of policy 13 within the North Northamptonshire Core Spatial Strategy.

### 3. Neighbouring Amenity and Noise

The site already accommodates a significant commercial property although it is

noted that the proposed extensions would intensify the use within the site and bring operations closer to residential properties. Having considered the proposal the Council's Environmental Health department are satisfied that significant adverse impacts to residential amenity could be satisfactorily mitigated and an appropriate noise impact assessment and scheme of mitigation measures could be secured by way of conditions if planning permission were to be granted.

A scheme for the control of noise during the construction period should also be secured in order to minimise impacts upon neighbouring occupants.

The scheme is considered to be in accordance with criteria '1' of policy 13 within the North Northamptonshire Core Spatial Strategy.

#### 4. Parking and Highways

The proposed layout and alterations to the highway access would improve vehicular movements and circulation within the site.

A Transport Statement has been submitted in support of the application, considering the impact of this extension in addition to that proposed within application KET/2009/0770 and suggests that the development would not result in a significant increase in vehicular movements. It is expected that the extension would generate no more than one additional vehicle movement every 10 minutes during the morning and evening peak hours, and up to one additional goods vehicle movements every 20 minutes during the morning peak hour. This increase in vehicular movements will not result in a significant additional impact compared with the existing situation. Furthermore, the additional floor area now proposed is less than that approved under the extant planning permission and a lesser impact is therefore anticipated.

A condition would need to be attached to this decision requiring closure of the existing access illustrated on the submitted layout plan so as to avoid multiple accesses onto Finedon Road. Further conditions should secure vehicular visibility splays of 4.5m x 215m and ensure that the access is constructed in accordance with the submitted plan in line with advice from the Highway Authority. Subject to these conditions, the development complies with criteria 'd' and 'n' of policy 13 within the North Northamptonshire Core Spatial Strategy.

#### 5. Flood Risk

The site falls within flood zones 2 and 3 and the development is therefore at risk of flooding. The sequential test dictated by PPS25 has been applied in considering this application and that previously considered (KET/2009/0330); alternative sites outside of the flood zones have been investigated however it is considered expansion would only be viable within the site itself. Expansion of the business elsewhere would present logistical problems for the business requiring a significant amount of travelling between the two sites, this in itself is contrary to sustainability objectives and should be discouraged. Furthermore, the applicant submitted a significant amount of evidence to suggest that alternative sites would not provide an economically viable alternative. It is therefore accepted that development should take place within the existing site.

PPS25 further requires that a sequential approach be adopted to the siting of development within the site. It is noted that the proposed building would fall within flood zone 2 and 3 and it would appear that some of the site falls within flood zone 1. The applicant has again demonstrated however that this alternative location within a lower risk flood zone is unviable for the business due to its operational requirements and this is accepted. The sequential test is therefore passed.

The Environment Agency has considered the submitted Flood Risk Assessment (FRA) and is satisfied that the development will not be at undue risk of flooding or result in flooding elsewhere subject to the mitigation measures proposed. The FRA suggests that the surface water run-off rates should not exceed existing rates, that a maintenance regime is followed, compensatory floodplain storage is provided and no additional foul flows are introduced. A condition should be used to secure accordance with the FRA in accordance with criteria 'q' of policy 13 within the North Northamptonshire Core Spatial Strategy.

#### 6. Ecology

It is noted that the majority of the proposed buildings would be located across an existing hard standing and the site is therefore unlikely to result in adverse impact to wildlife or habitats. An Ecological Assessment has been submitted and while this confirms that no significant ecological interests would be impacted, a number of precautionary mitigation and enhancements measures are suggested. A scheme in accordance with these recommendations should be secured by way of condition. A further condition should be used to ensure that all storage of materials, spoil, chemicals and heavy plant is confined to the existing hard surfaced areas in order to minimise impacts on the adjacent water body. The proposals accord with criteria 'o' of policy 13 within the North Northamptonshire Core Spatial Strategy.

#### 7. Sustainable Construction and Energy Efficiency

The applicant has submitted details relating to sustainable design and energy efficiency as required by the Council's Sustainable Design SPD and the overall design and layout is considered acceptable as set out above. Policy 14 of the CSS further requires that developments incorporate techniques of sustainable construction and energy efficiency, provision for waste reduction/recycling and water efficiency and water recycling. This has not been adequately demonstrated and conditions should therefore be used to secure further information.

#### 8. Trees and Landscaping

The tree survey submitted with the application demonstrates that no significant trees or planting will need to be removed in order to facilitate development. A landscaping plan has been submitted with the application demonstrating tree planting along the edge of the new access road along with a tree belt on the edge of the site and adjacent to residential properties to the north. It is considered that these proposals would significantly reduce the visual impact of the development upon neighbouring residents and upon exiting Burton Latimer from Finedon Road and the landscaping scheme should therefore be secured

by condition in accordance with criteria 'h' of policy 13 within the North Northamptonshire Core Spatial Strategy.

#### 9. Lighting

Details of various options for external lighting have been submitted in a 'Lighting Design Statement' although this does not give specific detail as to the lighting to be installed or its location and a condition would therefore be needed in order to secure appropriate information to ensure accordance with criteria 'l' of policy 13 within the North Northamptonshire Core Spatial Strategy.

#### **Conclusion**

The proposed development accords with both national and local planning policy and there are no material planning matters that indicate against the scheme; as such, planning permission should be granted.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

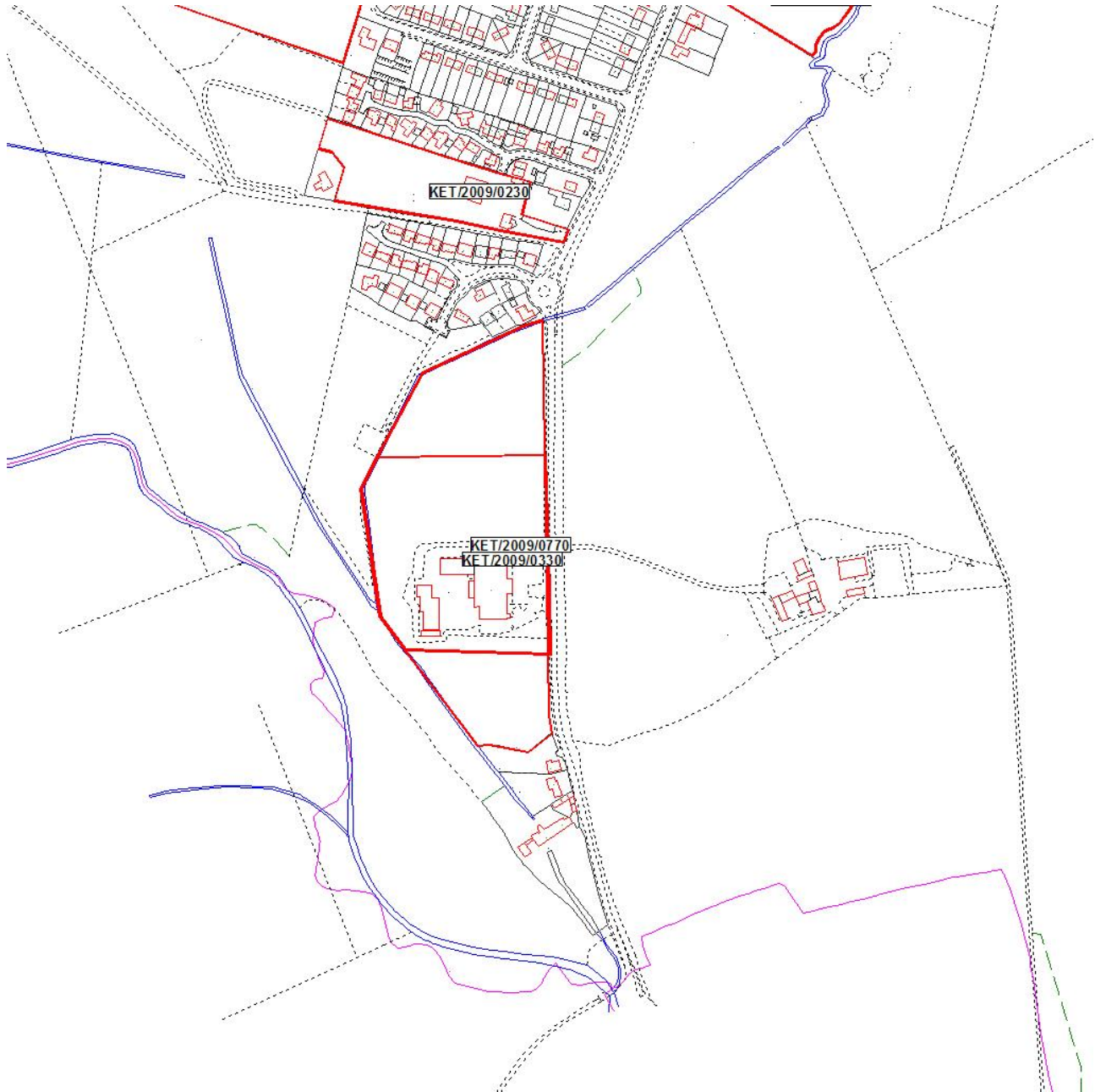
Ref:

Date:

Michael Boniface, Development Officer on 01536 534316

## SITE LOCATION PLAN

IVG White, Finedon Road, Burton Latimer  
Application No.: KET/2009/0770



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