

BOROUGH OF KETTERING

Committee	Full Planning Committee - 30/03/2010	Item No: 5.4
Report Originator	Michael Boniface Development Officer	Application No: KET/2009/0775
Wards Affected	Burton Latimer	
Location	I V G White Ltd, Finedon Road, Burton Latimer	
Proposal	Full Application: Extension to industrial building to include chill store, loading dock and associated works	
Applicant	Mr J White I V G White Ltd	

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 for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development. REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

16. 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.

17. The development hereby permitted shall not be carried out other than in accordance with the amended plan number L-11-03 received by the Local Planning Authority 25th February 2010.

REASON: To clarify the terms of the permission and in the interests of visual amenity in accordance with policy 13 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 to include a new chill store, loading dock and associated works.

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.

Natural England

No objection subject to a condition requiring storage of all materials, spoil, chemicals and heavy plant within the existing hard surfaced areas in order to minimise impacts on the adjacent water body.

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.

Northants Bat Group

No comment or objection.

North Northants Badger Group

No comment or 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 submitted flood risk assessment contains a number of inaccuracies and is not adequate to comply with the requirements of PPS25. Concerns are also raised regarding foul water disposal. Objection at present although additional information is now being considered.

Neighbours

4 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.

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

Section 106 agreement needed to prevent implementation of the existing planning permission (KET/2006/0130) in addition to the current scheme.

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 similar planning application 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.

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. Furthermore, it is noted that an extant planning permission (KET/2006/0130) exists for a larger sized development to that now proposed. This proposal represents an alternative to that previously approved and the principle of development is therefore considered acceptable subject to the considerations set out below.

2. Design and Appearance

The proposed building would be located to the rear of the principal buildings existing on site, infilling an area of hard standing between a further building to the west. The height of the addition would be significantly above that of the existing structures and while much of the mass of the building would be screened from the public realm, the additions would remain visible. Concerns were raised regarding the proposals initially submitted and negotiations with

the applicant have resulted in a significant reduction in height (almost 2 metres). A condition could be used to secure accordance with the amended details.

The proposal would significantly increase the scale and mass of the buildings on site though the visual impact is somewhat reduced by the existence of a tall hedgerow to the highway boundary along with other landscape features. The detailed design of the proposal is functional in appearance and reflects the industrial nature of the site along with the existing buildings. In addition, the proposed scheme is well sited amongst existing buildings and is likely to result in less visual impact than the extant scheme which was to front the highway. 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 'l' 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 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.

Further consideration would be needed if traffic was to increase and it is therefore important to prevent the applicant from implementing the extant planning permission (KET/2006/0130) in addition to the current scheme. The

submitted scheme is submitted as a replacement and the cumulative impact of both schemes together has not therefore been considered. A legal agreement would be needed to prevent implementation of planning permission KET/2006/0130 and this must be signed and completed prior to this planning permission being granted.

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. Furthermore, commercial floor space exceeding 1000sq.m should demonstrate that at least 10% of on-site energy requirements can be provided by renewable or decentralised renewable or low-carbon energy supplies. 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 'i' 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

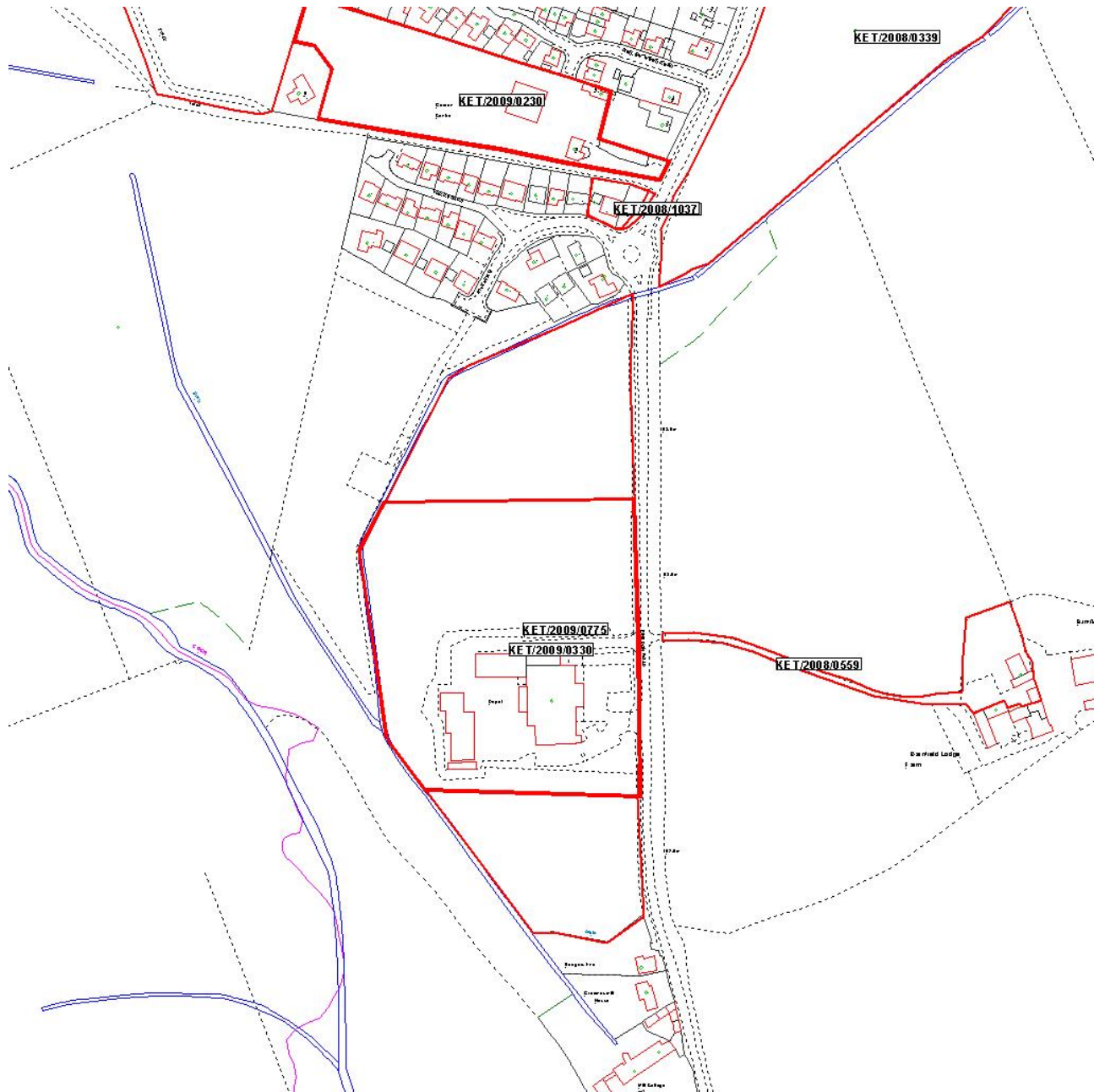
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Date:

Michael Boniface, Development Officer on 01536 534316

SITE LOCATION PLAN

I V G White Ltd, Finedon Road, Burton Latimer
Application No.: KET/2009/0775



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