

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 22/05/2012</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Michael Boniface Development Officer</b>	<b>Application No: KET/2012/0236</b>
<b>Wards Affected</b>	<b>Barton</b>	
<b>Location</b>	<b>Barton Seagrave Hall, Barton Road, Barton Seagrave</b>	
<b>Proposal</b>	<b>s.73 Application: Variation of Condition 7 of KET/2011/0258 in respect of noise control scheme</b>	
<b>Applicant</b>	<b>Mr Hazelton Hazelton Group / Wicksteed Trust,</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. The development hereby permitted shall not be carried out other than in accordance with the amended plan numbers 1061-24F, 1061-30F, 1061-25F, 1061-29C, 1061-43 and 1061-23B received by the Local Planning Authority on 16th November 2011.

REASON: To clarify the terms of the permission and to avoid detriment to the character and appearance of the listed buildings in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

3. The principal buildings shall not be occupied or the use hereby permitted commenced until the works to the Orangery have been implemented in full.

REASON: To ensure that the proposed Orangery is brought back into viable use and further damage and deterioration prevented in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

4. The proposed timber clad link building between the Dovecote and the Stable Buildings shall not be constructed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local

Planning Authority prior to the commencement of development. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period. The weatherboarding shall be finished in dark brown or black stain on all areas indicated on drawing 1061-30F. The boarding is to be no less than 180mm in total width along its vertical plane and 25mm in depth along its thickest edge. Shiplap and waney edge timber shall not be used. The weatherboarding shall be retained in this manner thereafter.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

5. No development shall commence on site until details of the materials to be used for all hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

6. No development shall take place on site until full details of the design, materials and method of fixing the proposed link between the spa building and principal buildings 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 these details.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

7. No development shall take place on site until a scheme for protecting adjacent occupiers from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consider but not be limited to potential impacts from the proposed function rooms, car parking area, any plant associated with the swimming pool/spa and the kitchen facilities. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be fully implemented before the use hereby permitted is commenced.

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

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

9. No development shall take place on site until details of a ventilation system for the extraction and disposal of cooking odours has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved details have been fully implemented.

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

10. No development shall commence on site until details of a scheme for the storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.

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

11. The existing vehicular access shall be extended to a width of 5m for the first 10m within the site (beyond the retained boundary wall) and surfaced with a hard bound material.

REASON: To allow vehicles to pass one another and avoid conflict in the interests of highway safety and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. No development shall take place until a scheme of road markings which avoid conflict between vehicles at the highway access to the site have been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the scheme has been implemented in full.

REASON: To avoid conflict between vehicles in the interests of highway safety and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. The submitted Travel Plan (July 2011) shall be implemented upon occupation of the development and thereafter the development shall not operate other than in accordance with the plan.

REASON: To promote a modal shift towards more sustainable modes of travel in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. No development shall take place other than in accordance with the conclusions and recommendations contained within the Protected Species Survey (July 2011) and the Protected Species Follow Up Survey (July 2011).

REASON: To protect ecological interests within the site in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained in Part 11 of the NPPF.

15. No development shall take place other than in accordance with the submitted Sustainability and Energy Efficiency Statement (July 2011).

REASON: In the interests of energy efficiency and sustainable construction in accordance with policy 14 of the North Northamptonshire Core Spatial Strategy.

16. No development shall take place other than in accordance with the recommendations contained within the Tree Survey (July 2011). The trees indicated as being retained shall be protected in accordance with BS 5837:2005 throughout the development.

REASON: To ensure appropriate tree protection in the interests of public amenity and in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

17. Prior to the commencement of development, a scheme detailing the security measures/standards to be incorporated within the development with reference to the

ACPO 'Secured By Design' scheme 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: To reduce the potential for crime in accordance with policy 13 of the Core Spatial Strategy for North Northamptonshire.

18. No development shall commence on site until a sample panel of all facing materials has been constructed on site and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period. The samples panel must demonstrate the proposed walling material, mortar type, bond, coursing and pointing.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

19. No development shall commence on site until details of the types and colours of all roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details. The samples shall include a minimum of 3 tiles and a ridge tile along with details of the source/supplier.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and advice contained within Part 12 of the NPPF.

20. No development shall take place on site until full details of all new timber finishes (including windows and doors), verge detailing and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out other than in accordance with the approved details.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and the advice contained within Part 12 of the NPPF.

21. No development shall take place on site until full details of all new windows and doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include window and door elevations at a scale of at least 1:10, horizontal and vertical cross sections at a scale of at least 1:5 and details of specific mouldings at a scale of at least 1:2. Window details shall also include proposals for the depth of reveal (to face Brickwork) and include opening method and sill. The works shall not be carried out other than in accordance with the approved details and shall be retained in that form thereafter.

REASON: In the interests of preserving the architectural and historic interest of the listed building in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy and the advice contained within Part 12 of the NPPF.

22. No development shall take place unless and until a full a programme of archaeological work has been implemented in accordance with a written scheme of investigation which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with Part 12 of the NPPF.

23. No development shall take place unless and until a scheme for servicing the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not operate other than in accordance with the approved details.

REASON: In the interests of residential 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.
- For the avoidance of doubt, the noise assessment submitted as part of the application for variation of condition - RandTech Consulting - Barton Seagrave Hall, Barton Road, Barton Seagrave, NN15 6SG - Proposed Change of Use - Noise Assessment, Reference MDR/J2107a/ dated 22nd March 2012 have been reviewed. The report is not accepted in full compliance with the proposed planning condition and further submissions will be required. Most significantly, the noise assessment makes reference to the design of services and plant for the building and the design of any necessary noise mitigation measures. As the development progresses, detailed submissions regarding the actual noise assessment and impact from the development will be required.
- The local authority Environmental Health Service expects that all appropriate noise standards are applied as appropriate to the specific design and management of noise sources, including but not limited to BS8233:1999 Sound insulation and noise reduction for buildings code of practice; BS4142:1997 method for rating industrial noise affecting mixed residential and industrial areas, and the World Health Organisation (1999) Guidelines for Community Noise.

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

The proposal is in accordance with national and local policies as set out in Parts 1, 2, 4, 7, 10, 11 and 12, Policies 2, 26 and 27 of The East Midlands Regional Plan, Policies 1, 8, 9, 13 and 14 of the North Northamptonshire Core Spatial Strategy and Policy 103 of the Local Plan for Kettering Borough. The proposal is also in accordance with adopted Supplementary Planning Documents, Biodiversity (July 2011) and Sustainable Design (February 2009). There are no material considerations that indicate against the proposal.

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

KET/2012/0258 – Change of use to hotel, wedding venue, conference centre with spa facility and associated works – APPROVED 01/03/2012

KET/2012/0260 – Listed Building Consent: Change of use to hotel, wedding venue, conference centre, and associated ancillary works – APPROVED 01/03/2012

KET/2007/0686 – Certificate of lawfulness sought to formalise use of the building for catering, lectures and meetings – REFUSED 05/10/2007

KET/2007/0685 – Internal alterations to upgrade Orangery – REFUSED 28/03/2008

KET/2006/0581 – Repair to Orangery including cathodic protection of buried ironwork – APPROVED 09/08/2006

KET/2006/0181 – Replace 3 dormer windows in west wing (casements only) – APPROVED 12/04/2006

KET/2006/0121 – Change of use from nursing home to NHS office suite (ground floor) and art studios with ancillary offices (first floor) – APPROVED 31/03/2006

KET/2002/0907 – Change of use from nursing home to NHS office suite (ground floor) and art studios with ancillary offices (first floor) – APPROVED 23/01/2003

#### **Site Description**

Officer's site inspection was carried out on 11/04/2012.

The site lies to the north of Barton Seagrave and accommodates a large stone built country house and associated outbuildings. Barton Seagrave Hall is a country house dating mainly from the 18th century, with an earlier core of the 16th century and later additions. It is listed Grade II\* which places it in the top 8% of listed buildings in England. It is on English Heritage's Heritage at Risk Register. The site includes the Grade I listed 18th century Orangery, also on the Heritage at Risk Register, and a Grade II listed stable block. It lies within Barton Seagrave Conservation Area and a Schedule Ancient Monument opposes.

A modern residential development adjoins the site to the east with the historic settlement of Barton Seagrave itself opposing on the south side of Barton Road. Open fields otherwise surround creating a rural setting for the building albeit with distant views of Kettering. The site generally slopes downwards to the west towards Kettering. Vehicular access is gained directly from Barton

Road.

### **Proposed Development**

Planning permission was recently granted under reference KET/2011/0258 for a change of use to a 52 bedroom hotel, wedding venue, conference centre and spa facility. The proposals involve an extension to the rear of the principal building, a new swimming pool and spa building on the site of existing dilapidated barns to the north of the site, creation of a car park within the walled garden, reinstatement of an existing conservatory and a series of both external and internal alterations to accommodate the proposed use. The existing Orangery is also to be brought back into use as an ancillary building.

This application seeks to vary condition 7 (noise mitigation) to remove the final sentence which prevents any increase in background noise levels at the nearest residential property.

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

- Barton Segrave Hall – Grade II\* listed
- Orangery – Grade I listed
- Stable block - Grade II listed
- Conservation Area
- Public Footpath adjacent

## **4.0 Consultation and Customer Impact**

### **Barton Seagrave Parish Council**

No objection. Efforts have been made to minimise noise and the Parish Council is keen to see the proposed restoration come to fruition.

### **Environmental Health**

Removal of the final sentence of the original condition is acceptable. It is preferable to leave the remainder of the condition unaltered so as to require the submission of appropriate noise assessments and mitigation measures in line with the relevant standards at the time when an application is made to discharge the condition. The submitted noise assessment is not sufficient to meet the requirements of the condition as further noise monitoring and mitigation measures will be required dependent on the actual services and plant proposed. An informative note should be added to any new permission which refers to the recognised standards that should be referenced.

### **Neighbours**

1 letter of objection for the following reasons:

- Original application granted in accordance with policy 13 of the CSS.
- Nothing has changed since the original decision.
- The submitted noise assessment is inaccurate.
- Application seeks an increase in noise levels and may result in nuisance.
- Existing noise levels are already at the limit allowed under British Standards.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

- Part 1 – Building a strong, competitive economy
- Part 2 – Ensuring the vitality of town centres
- Part 4 – Promoting sustainable transport
- Part 7 – Requiring good design
- Part 10 – Meeting the challenge of climate change, flooding and coastal change
- Part 11 – Conserving and enhancing the natural environment
- Part 12 – Conserving and enhancing the historic environment

### **Development Plan Policies**

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

- 2 – Promoting Better Design
- 27 – Regional Priorities for the Historic Environment

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

- 1 – Strengthening the Network of Settlements
- 8 – Delivering Economic Prosperity
- 9 – Distribution and Location of Development
- 13 – General Sustainable Development Principles
- 14 – Energy Efficiency and Sustainable Construction

#### **Local Plan**

- 103 – Leisure: Hotel Accommodation

#### **Supplementary Planning Documents**

- Biodiversity SPD (July 2011)
- Sustainable Design SPD (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. Condition 7.

### **1. Principle of Development**

Planning permission was granted on 1<sup>st</sup> March 2012 under reference KET/2011/0258 and the principle of development for a change of use to a 52 bedroom hotel, wedding venue, conference centre and spa facility and associated works is therefore firmly established.



S.73 of the Town and Country Planning Act 1990 allows applications for the development of land without compliance with a condition previously attached to a planning permission. In accordance with this provision, this application now seeks to vary conditions 7 (noise mitigation) of planning permission KET/2011/0258 in order to allow an increase in background noise levels at the nearest residential property. Only the material impacts of the proposed changes to the condition can be considered as part of this application.

The National Planning Policy Framework has been published since the original grant of planning permission and this is now a material consideration. The document does not introduce any significant changes from previous national policy in relation to this proposal and continues to support economic development along with the effective protection and viable use of heritage assets. The development plan remains unaltered and the proposals therefore continue to be supported in policy terms.

## 2. Condition 7

Condition 7 states “No development shall take place on site until a scheme for protecting adjacent occupiers from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consider but not be limited to potential impacts from the proposed function rooms, car parking area, any plant associated with the swimming pool/spa and the kitchen facilities. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be fully implemented before the use hereby permitted is commenced. Background noise levels at the nearest residential dwelling shall not be increased as a result of the development.

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

The application raises concerns that the final sentence which prevents any increase in background noise levels makes it impossible to implement the planning permission granted. It is inevitable that the proposed development will result in some degree of noise by nature of the increased activity within the site and its proximity to neighbouring properties. It is difficult to gain a true picture of the background noise levels associated with the office and gallery use associated with the extant planning permission as this has now ceased however this remains a material consideration. A revised noise assessment has been provided which concludes that the development would not result in adverse impacts to neighbouring properties and that recognised standards can be achieved in terms of the noise levels generated.

The Council’s Environmental Health Service accept that it would be very difficult to ensure that no increase in background noise levels would result and are satisfied that the remainder of the condition would still ensure that a suitable noise impact assessment and mitigation measures were secured. Whilst background noise levels are likely to increase, this would not amount to a significant detrimental impact to neighbouring amenity and the scheme remains compatible with the neighbouring residential land use.

An informative note should be added to any planning permission granted suggesting that the details submitted in line with condition 7 (as amended) should ensure all appropriate noise standards are applied as appropriate to the specific design and management of noise sources, including but not limited to BS8233:1999 Sound insulation and noise reduction for buildings code of practice; BS4142:1997 method for rating industrial noise affecting mixed residential and industrial areas, and the World Health Organisation (1999) Guidelines for Community Noise. However, the wording of the amended condition will allow any future assessments to have full

regards to all available noise control criteria and best practice at the time of submission.

### **Conclusion**

The proposed variation to condition 7 represents a very minor change which seeks to ensure that the planning permission can be implemented. The proposed variation does not in fact alter the development previously approved and no unacceptable impacts would therefore result. The proposed development remains in accordance with both national and local planning policy. No new material planning considerations have been raised and the development should therefore be approved again with the varied condition suggested above.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

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

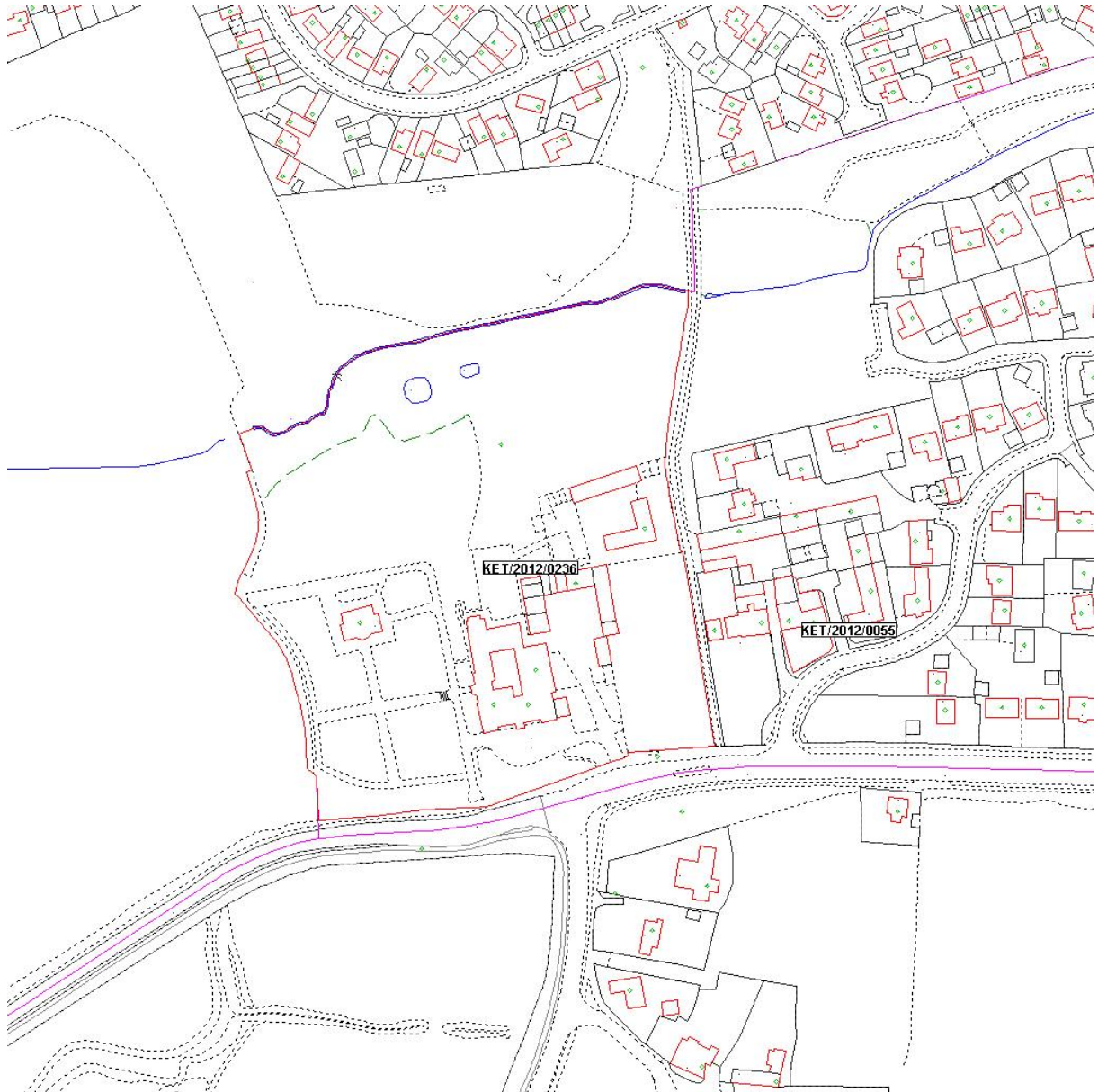
Ref:

Date:

Michael Boniface, Development Officer on 01536 534316

## SITE LOCATION PLAN

Barton Seagrave Hall, Barton Road, Barton Seagrave  
Application No.: KET/2012/0236



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