

BOROUGH OF KETTERING

PLANNING COMMITTEE

Meeting held – 29th July 2014

Present: Councillor Shirley Lynch (Chair)
Councillors Linda Adams, Maurice Bayes,
Terry Freer, Ian Jelley, David Soans and
Keli Watts.

14.PC.16 APOLOGIES

Apologies for absence were received from Councillors Steve Bellamy and Cliff Moreton.

It was noted that Councillor Ian Jelley was acting as substitute for Councillor David Howes.

14.PC.17 DECLARATIONS OF INTEREST

Councillor Ian Jelley declared an interest in Item 5.3 as a member of Rothwell Town Council.

***14.PC.18 MINUTES**

RESOLVED that the minutes of the meetings of the Planning Committee held on 1st July 2014 and 8th July 2014 be approved as a correct record and signed by the Chair.

***14.PC.19 ITEMS OF URGENT BUSINESS**

None.

***14.PC.20 APPLICATIONS FOR PLANNING PERMISSION**

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

The report 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:-

<u>Proposed Development</u>	<u>Decision</u>
*5.2 Full Application: Conversion of ground floor retail unit to 1 no. two bedroom flat including single storey front extension at 6 Grasmere Road, Kettering for Mr R Goodfellow, Cytring Ltd. Plan No: KET/2014/0346	That planning permission be granted subject to the following conditions:-

Speaker:

Robin Goodfellow attended the meeting and spoke on the application as the applicant.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Due to the previous potentially contaminative use of the site and the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out:

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 conditions A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the

unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground waters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

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.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.
4. The residential unit hereby approved shall not be first occupied until a scheme for limiting the transmission of noise between individual units of accommodation 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 scheme and the scheme shall be completed before unit of accommodation is first occupied.
5. 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 and 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 not be carried out other than in accordance with the approved details.
6. The residential unit hereby approved shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping the rear amenity space. The scheme

shall be carried out as approved in the first planting and seeding seasons following the occupation of the residential unit.

7. The residential unit hereby approve shall not be first occupied until a scheme for the storage of bins at the site 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 scheme and the scheme shall be completed before unit of accommodation is first occupied.
8. Prior to first occupation of the proposed accommodation, the two rear garages shall have been completely demolished, the debris removed to an authorised waste facility and the boundary behind the garages made good.

(Voting: For 5; Against 0)

(Application approved subject to Condition 8 being added)

*(Councillor Keli Watts attended the meeting at 7.15 pm and
Joined the Committee for Items 5.3, 5.4 and 5.1)*

- *5.3 Full Application: 3 no. dwellings and associated parking at 30-34 Scott Avenue (land at rear of), Rothwell for Mrs J Blundell
Plan No: KET/2014/0379
- That planning permission be refused for the following reasons:-

Speaker:

Michael Walker attended the meeting and spoke as a third party against the application.

1. The National Planning Policy Framework identifies an environmental role in protecting and enhancing the natural environment and Policy 13 of the North Northamptonshire Core Spatial Strategy states that development should conserve and enhance landscape character. The site lies in the open countryside where saved Policy 7 of the Local Plan for Kettering 1995 restricts development for its intrinsic value. There are no overriding material considerations to go against this policy. Therefore the proposed development is contrary to these policies and their purposes as summarised.
2. The application fails to address the impact of the proposed development on the biodiversity of the area and therefore is contrary to national planning guidance as set out in paragraphs 109, 118 and 121 of the National

Planning Policy Framework and Policy 13o of the North Northamptonshire Core Spatial Strategy.

- 5.4 Full Application: Two storey rear extension to create 3 no. one bedroom flats at 115 Wellington Street, Kettering for Mr P Thomason
Plan No: KET/2014/0394
- That planning permission be granted subject to the following conditions:-

Speaker:

Councillor Michael Brown attended the meeting and spoke on the application as Ward Councillor.

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

(Voting: For 6; Against 0)

- 5.1 Full Application: MOT and service garage at Belgrave Retail Park, Northfield Avenue (land within), Kettering for Burney Kettering Ltd.
Plan No: KET/2014/0183
- That planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development shall not be carried out other than in accordance with the approved plans, drawing numbers 3134-PL01, 3145-PL06b and 3145-PL09 received on 17.03.2014 and drawing numbers 3145-PL03h, 3145-PL04C, 3145-PL05b, 3145-PL07b and 3145-PL08a received on 17.06.2014 by the Local Planning Authority.
3. Notwithstanding the details shown on the approved plans, 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.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority which details how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
5. The development shall not be carried out other than in accordance with the approved landscape plan drg no 3145-PL08a received 17.06.2014. The approved scheme 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.
6. No development shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.
7. The premises shall not be open to the public other than between the hours of 08:00 and 19:00 Monday to Saturday, or between the hours of 10:00 and 16:00 on Sundays and Bank Holidays.
8. Deliveries to the premises shall not take place other than between the hours of 08:00 and 19:00 Monday to Saturday and at no time on a Sunday.
9. No development shall commence on site until details of the materials to be used for 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 building is first occupied.
10. 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. There shall be no external illumination outside of the hours of operation.
11. The development hereby permitted shall not be occupied until the access and vehicle parking area has been constructed, surfaced and marked out in accordance with the approved plan 3145_PL03h received 17.06.2014 and with give way lines at the entrance to the site, and that area shall thereafter be reserved solely for the parking, loading and unloading of vehicles.

12. No development shall commence on site until details of a scheme for the storage 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.
13. Notwithstanding the details shown on the approved plans, prior to the use hereby permitted commencing, cycle storage shall be provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall thereafter be retained as approved for that purpose in perpetuity.
14. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - the parking and turning of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
 - details of measures to prevent mud and other such material mitigating onto the highway from construction vehicles;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for waste minimisation and recycling/ disposing of waste resulting from the construction works;
 - design of construction access;
 - hours of construction work;
 - measures to control overspill of light from security lighting

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

15. No development shall take place until a plan prepared to a scale of not less than 1:500 showing details of the proposed 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.
16. No equipment, materials, products, parts, containers, waste or any other articles shall be stacked or stored on the site at any time except within the building.
17. Any external plant shall be acoustically insulated to a scheme submitted to and approved in writing by the Local Planning Authority before the

development commences. The scheme shall ensure that the background noise level at the boundary of the site or the nearest noise sensitive dwelling does not increase. For the avoidance of doubt calculated noise levels at the measurement point should be 0dBA below the existing background level during (7am - 11pm) and -3dBA during night time (11pm - 7am).

18. Prior to the commencement of development, a scheme demonstrating how the scheme incorporates sustainable construction and energy efficiency, waste reduction/ recycling and water efficiency/ recycling shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved scheme.
19. The premises shall be used only for the servicing, repair and MOT testing of vehicles and for no other purpose whatsoever (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt the premises shall not be used for the performance tuning or bodywork repair and refinishing of vehicles.

(Voting: For 5; Against 0; Abstained 1)

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

(The meeting started at 7.00 pm and ended at 7.45 pm)

Signed:
Chair

RP/JSM