B O R O U G H O F K E T T E R I N G

**PLANNING COMMITTEE**

# Meeting held – 8th March 2016

 **Present:** Councillor Shirley Lynch (Chair)

Councillors Linda Adams, Ash Davies, Mark Rowley, David Soans, Lesley Thurland, Greg Titcombe, Keli Watts

**15.PC.68 APOLOGIES**

 Apologies were received from Councillor Cliff Moreton

**15.PC.69 DECLARATIONS OF INTEREST**

 Councillor Soans declared an interest in item 5.7 as a member of Desborough Town Council.

**\*15.PC.70 MINUTES**

 **RESOLVED** that the minutes of the meetings of the Planning Committee held on 9th February 2016 be approved as a correct record and signed by the Chair

\***15.PC.71 ITEMS OF URGENT BUSINESS**

None.

**\*15.PC.72 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 and in writing at the meeting. Eleven 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:-

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| Proposed Development5.1\* Full Application: 5 no. units (B1, B1c, B2 and B8) with associated works at Old Cransley Iron Works, Northampton Road (and surrounding land), Broughton for St Francis Group (Kettering) Ltd Application No: KET/2015/0911Speakers:Wesley Cash attended the meeting and spoke as a third party against the application. He outlined concerns regarding mitigation of noise and light pollution that could affect local homes including Furnace Cottages, the impact of additional traffic movements and the lack of access to local homes. He also queried why sections of the conservation report had been redacted.Ward Councillor, Councillor Hakewill addressed the committee and raised concerns over a lack of applicant engagement with Furnace Cottages residents, the five-fold increase in warehousing since the outline application was agreed and the fact that planning permission was only being requested for half of the site, leaving the frontage of the site empty. He requested the application be refused in favour of an application covering the whole site that took into account the requirements of local residents and provided a development the town could be proud of.Andy Plant, agent for the applicant, attended the meeting and stated that the site had suffered from market decline and the 2006 approval would be unfundable in the current format. Investment had been secured and based on the commitment to develop the site; interest had risen significantly in the office/hotel gateway plots located at the front of the site. Work had been undertaken with stakeholders in relation to design, drainage and ecology of the site. Following discussions, Furnace Cottages would be connected to the Anglian Water fouling station, removing the need for a cess tank. There was also the potential for an alternative access for the cottages to be reviewed with a view to creating such an access as the site came forward. Mr Plant asked that the application be supported.  |  | DecisionThe committee received a report which sought full planning consent for 5 no. commercial units and associated works which fall within Planning Use Classes B1c, B2 and B8 at Old Cransley Iron Works, Northampton Road, Broughton.The committee noted that the application had been deferred at the meeting of 9th February where further discussions regarding the mitigation of noise pollution and consultation with Furnace Cottages were requested. Members considered the principle of development. The officer report identified current policies of the development plan and the NPPF that were supportive of sustainable development. The 2006 permission had been for a mixed use scheme, however due to market forces, that scheme was no longer viable. In broad terms, the form of industrial and commercial use before the committee was in line with current local and national planning policies.Transport issue were also considered by the committee. The number of proposed vehicle movements to and from the site in relation to the proposal had been re-examined by the Highways Authority and assurance had been received that information in the Traffic Impact Assessment had taken into account the type of proposal that was being considered. Additional technical assessments and modelling had taken place and in capacity terms the existing infrastructure could accommodate the level of additional traffic expected. In addition, there was a £15k contribution to the provision and maintenance of a bus shelter for the site.The committee considered the issue of noise pollution that had led to the application being deferred previously. Amended plans proposed acoustic fencing to be erected around open yard areas and along parts of the roadway. This would not alleviate all noise issues, but would render the impact on nearby residents satisfactory. It was noted that buildings themselves were of a standard designed to contain noise, although the site would be a 24hr operation and as such, some noise would be expected. The issue of rear access to Furnace Cottages had been raised by all three speakers, with an idea that as the site came forward, there would be provision for residents to access their properties from the rear. Officers would seek for this rear access provision to form part of the S106 obligation should the application be approved. Matters of drainage and flooding had been considered in accordance with the recommendations of the Lead Local Flood Authority, with matters of lighting addressed as part of the conditions attached to the officer report.It was explained that the reason the conservation report contained redacted sections was that there was a requirement to do so when publishing documents pertaining to sensitive protected species. The committee heard that if it could be satisfied that the development was in accordance with planning policies, all other issues could be dealt with by means of condition or as part of the S106 obligations.The committee raised queries regarding the lack of consultation with residents of Furnace Cottages, landscaping to screen the site and the specific tree mix, whether sufficient mitigation had been put in place to negate noise pollution and lighting for the site. It was agreed that the landscaping scheme that formed part of Condition 4 would have timescales increased from 5 to 7 years, with the scheme to be submitted for approval to the Chair and Vice Chair of the committee.It was agreed that planning permission be **APPROVED** subject to a S106 OBLIGATION being completed and 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 hereby permitted shall not be carried out other than in accordance with the following approved plans and details submitted with the application:

 Location plan 14-024-P01 received 06/11/15

 Development Master plan 14-024-P02 C received 29/02/16

 Unit 01 Floor plans 14-024-P03 received 06/11/15

 Unit 02 Floor plans 14-024-P04 received 06/11/15

 Unit 03A & 03B Floor plans 14-024-P05 received 06/11/15

 Unit 04 Floor plans 14-024-P06 received 06/11/15

 Unit 01 Elevations and Section 14-024-P07 received 06/11/15

 Unit 02 Elevations and Section 14-024-P08 received 06/11/15

 Unit 03A & 03B Elevations & Section 14-024-P09 received 06/11/15

 Unit 04 Elevations & Section 14-024-P10A received 17/11/15

 Existing & Proposed Sections 14-024-P11 received 17/11/15

 Fence & Cycle Shelter Details 14-026-P22 received 06/11/15

 Illustrative Sections 5755/ASP3/A received 06/11/15

 External Lighting Layout BSXX(63)4001(A) received 17/11/15

 Reptile Survey KET/2015/0911/5 received 06/11/15

 Flood Risk Assessment R/C151595/001.02 received 06/11/15

 Detailed Air Quality Assessment Report R151595.005 received 06/11/15

 Noise Impact Assessment REP-1006022-AM-211015-3 received 06/11/15

 Transport Assessment R/151595/03/Iss2 received 06/11/15

 Transport Assessment Addendum C151595/TN01 received 11/01/16

 Framework Travel Plan R/C151595/FTP/001 received 06/11/15

Summary Environmental Report GJ055 Cransley Environmental SI received 06/11/15

Geotechnical Interpretative Report GJ055 Cransley Geotechnical SI received 06/11/15

 Sustainability Statement KET/2015/0911/3 received 06/11/15.

 Acoustic Fence Details 14-024-P23 received 25/02/16.

3. 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 and where remediation is necessary a remediation scheme must be submitted to and approved in writing by 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.

4. Landscaping shall be provided in accordance with the following plans:

 Planting Plan Overview 5755/ASP.PP1.0/D

 Planting Plan 1 of 9 5755/ASP.PP1.1/D

 Planting Plan 2 of 9 5755/ASP.PP1.2/D

 Planting Plan 3 of 9 5755/ASP.PP1.3/D

 Planting Plan 4 of 9 5755/ASP.PP1.4/D

 Planting Plan 5 of 9 5755/ASP.PP1.5/D

 Planting Plan 6 of 9 5755/ASP.PP1.6/D

 Planting Plan 7 of 9 5755/ASP.PP1.7/D

 Planting Plan 8 of 9 5755/ASP.PP1.8/D

 Planting Plan 9 of 9 5755/ASP.PP1.9/D

 Landscape Master Plan 5755/ASP2/D

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation a building. Any trees or plants which, within a period of 7 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.

5. The development shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level ""very good"" (or the equivalent standard which replaces BREEAM). In the event that the BREEAM standard achieved for the actual building fall short of the ""very good"" standard (or the equivalent standard) a programme of remediation works shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable to be agreed.

6. Within 18 months of the first occupation of each building a copy of the Post Construction Final Certificate to confirm that the construction of each building has achieved at least a ""very good"" BREEAM rating shall be submitted to and approved by the Local Planning Authority.

7. Prior to first occupation of the development, a scheme for the provision of bat, bird and insect boxes, based on the recommendations of the Protected Species Survey, 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 details.

8. No part of the development shall be occupied until the highway works as shown on IMA drawing IMA-05-051-006 Rev C (received 25th January 2010) with respect to application KET/2006/0193 are complete and open to traffic.

9. The development shall not be carried out other than in accordance with the following details submitted with application KET/2010/0717 which relate to the phasing, methodology and duration of the A43 access works.

 i. Cransley Park Construction Method Statement - Cransley Park Section 278 Works A43 (with Appendices 1 - 5) received 25th January 2011.

 ii. Programme of Works (appendix 1 of the above document) received 25th January 2011.

 iii. NCC Letter (dated 1st June 2009) ""Section 278 Works, Cransley Park, near Kettering, Northants"" received 25th January 2011.

 iv. Section 278 Works Signing and Lining Plan: P599/401K received 25th January 2011.

 v. Section 278 Works Speed Restriction and Gateway Plan: P599/410G received 25th January 2011.

 vi. Section 278 Works Pavement Details Plan: P599/402H received 25th January 2011.

 The works detailed on the above drawings shall be completed prior to the first occupation of any building.

10. Within six months of the commencement of development, details of pedestrian and cycle accessibility and associated improvement works from the site up to the junction of Northampton Road and Lake Avenue (northeast of Junction 8) shall be submitted to and approved in writing by the Local Planning Authority. No building on site shall be occupied until the approved works have been carried out in full.

11. 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:

 i. Overall strategy for managing environmental impacts which raise during construction;

 ii. Measures to control the emission of dust and dirt during construction;

 iii. Control of noise emanating from the site during the construction period;

 iv. Hours of construction work for the development

 v. A daily log of all vehicles attracted to the site shall be kept and made available for inspection at the request of the local planning authority.

 vi. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site;

 vii. Designation, layout and design of construction access and egress points;

 viii. Directional signage (on and off site);

 ix. Provision for emergency vehicles;

 x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials solely within the site

 xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;

 xii. Details of measures to prevent mud and other such material migrating onto the highway from construction or demolition vehicles;

 xiii. Storage of plant and materials used in constructing the development within the site;

 xiv. The erection and maintenance of security hoardings;

 xv. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

12. The development shall not be carried out other than in accordance with the reptile translocation protocol detailed within the Reptile Survey reference KET/2015/0911/5 received 06/11/2015 by the Local Planning Authority.

13. Prior to the commencement of development a badger survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.

14. Prior to first occupation a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

15. 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.

*Members voted on the officers’ recommendation to approve the application*

*(Voting For 4; Against: 3)*

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| Proposed Development\*5.3 Full Application : Change of use from mixed retail and residential to create 1 no. two-storey dwelling at 13 High Street, Broughton for Mr A West Application No: KET/2015/0937Speakers:Hazel Doran attended the meeting and spoke as a third party against the application and raised the matter of “reasonable access” for the proposed dwelling that would inevitably make use of her access gates.Pat Scouse attended the meeting and spoke on behalf of Broughton Parish Council, raising issues of lack of parking and loss of a commercial premises that could impact on village sustainability.Val Coleby attended the meeting and spoke as agent for the applicant. She noted the application, if approved, would bring a dilapidated and vacant property back into use, enhancing the street scene within the conservation area of the village. The issue of right of access was a legal matter and was not an impediment to granting planning consent.  |  | DecisionThe committee received a report which sought approval to convert a former post office unit with residential accommodation above to a single, two-storey dwelling. The committee heard that the building concerned lay within Broughton village Conservation Area and had been vacant for a number of years and was in a parlous state of repair. The proposal would see the retention of the appearance of the shop front to maintain the character of the area. In terms of principle of development; the property was within the village and usage of such a property for residential purposes was acceptable. Officers understood the point regarding loss of a commercial facility, but this had been weighed against the long-term vacant nature of the property. Two shops remained within the village, so it was not a case of losing a sole facility.The proposal sought to undertake internal alterations to the building to facilitate the change of use and required an access down the side of the property that was in a neighbour’s control. It was not a planning matter as to whether the applicant could build over the top of such an access.A bin store had been proposed to the rear of the property and it was recommended that if approved, the installation of such a store be conditioned. The committee considered that an additional condition was necessary regarding bin access to the road and that if this could not be secured then the development would not proceed. It was agreed that the application be **APPROVED** 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. 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. These materials shall be both traditional and natural. The development shall not be carried out other than in accordance with the approved details.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the rear (east) elevation and south elevation of the outbuilding or roof plane of both elevations/out building.

4. The windows on the first floor rear(east) and rear (south) elevations shall be glazed with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be permanently retained in that form.

5. No development shall take place on site until a scheme for boundary treatment defining the rear boundary of the site has been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme shall have a minimum height of 1.8m measured from ground level. The dwelling shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details and thereafter retained at all times.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D and E of Part 1of Schedule 2 of the Order shall be erected or constructed on the application site.

7. Notwithstanding the submitted proposal details of the alterations to the shop front which are NOT hereby approved, there shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, a scheme of repair or where necessary replacement joinery for all parts of the shop-front, and details of the paint finish for all external surfaces. The proposal shall replicate the existing shop front design. Thereafter only the approved scheme shall be implemented. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and/ or re-enacting that Order with or without modifications, no alterations to the shop front shall occur apart from those approved.

8. Notwithstanding the submitted details prior to the commencement of development details of a scheme demonstrating in detail how the approved scheme will incorporate techniques of sustainable construction and energy efficiency, make provision for waste reduction and recycling and water efficiency and water recycling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures agreed shall be provided in full in the delivery of the approved development.

9. Prior to the first occupation of the dwelling hereby approved details demonstrating unimpeded access to the bin store at the rear of the dwelling via the gated entrance to the south of the dwelling shall be submitted to and approved by the Local Planning Authority. In the event that this is unavailable to the applicant's property, occupation shall not occur unless and until an alternative means of access for moving bins between the rear where they are to be stored and to the pavement on waste collection day has been first provided in accordance with details that shall have been first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved means of access shall be kept available at all times whilst the property remains in use as a dwelling.

*Members voted on the officers’ recommendation to approve the application*

 *(Voting, For 7; Against 0)*

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| Proposed Development\*5.7 Full Application: Conversion of barn to create 2 no. dwellings at Marlow House, Harborough Road, Desborough for The Vine Community Trust. Application No. KET/2016/0077Speakers:Cllr Mike Tebbutt attended the meeting and spoke in favour of the application. He noted that Desborough Town Council was strongly supportive of the application and that the proposal met a number of core planning principles contained within the NPPF.David Lashley attended the meeting and spoke as a third party against the application. He raised concerns regarding overlooking and parking issues that would be exacerbated by approval of the proposal.Cllr Mark Dearing attended the meeting and spoke as Ward Councillor in favour of the application, noting that it would be a positive step to return this heritage building in to use.Val Coleby attended the meeting and spoke as agent for the applicant. Approval of the application would see the retention and reuse of a heritage asset providing two small starter homes located in a highly sustainable setting.   |  | DecisionThe committee received a report which sought approval for the conversion of an existing barn to create two dwellings. The committee heard that conversion of historic buildings needed to be sympathetic, with so many modern roof-lights not something that would be expected on a building of this age. The site was extremely cramped and units themselves were very small. The ground floor of the units would measure less than 7.5m by 6m. Upstairs would feature two very small bedrooms and a bathroom. Although there would be a window on the landing, bedrooms would only have Velux windows. This factor had to be considered as future amenity concern. Gardens would measure 8m by 5m and would be entirely overlooked by the neighbouring property. There was insufficient information available to ensure parking spaces were big enough and had sufficient space to manoeuvre in order to exit the site. The committee believed that a development could be achieved at the property, but the scheme before them was unsuitable with two dwellings of the proposed dimensions along with issues of parking and amenity to overcome. It was agreed that the application be **REFUSED** for the following reasons:- |

The proposal would result in a cramped form of development and overdevelopment of the application site, which would have a negative impact on the amity of future occupants. The application also fails to demonstrate that there is adequate car parking and manoeuvring space within the application site. The proposal is therefore considered contrary to policies contained within the NPPF and Development Plan.

*Members voted on the officers’ recommendation to refuse the application*

 *(Voting, For 7; Against 0)*

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| Proposed Development\*5.2 s.73 Application: Variation of Condition 11 of KET/2003/0771, cration of habitable accommodation within roofspace at 28 Midland Cottages, Rushton for Mr D Seabourne. Application No: KET/2015/0935Speakers:None |  | DecisionThe committee received a report which sought to remove Condition 11 which prohibited the creation of habitable accommodation within the roof space of the dwelling proposed under application KET/2003/0771.The committee heard that the existing single storey dwelling had already had works undertaken to convert to the additional roof accommodation. Usually this would be acceptable under permitted development, but the previous permission included conditions restricting use of the roof space and the insertion of first floor windows. Obscured glazing and opening restrictors were suggested for the proposed windows. Given separation distances between neighbouring properties the application was acceptable in amenity terms. It was agreed that the application be **APPROVED** subject to the following conditions: - |

1. The development shall be begun not later than the expiration of five years beginning with the date of this permission.

2. No gates shall be erected between the boundary with the access track adjacent and the front elevation of the proposed garage.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation apart from that hereby approved, there shall be no development under Schedule 2 Part 1 Class A, B, C, D, E, Part 2 Class A, B, unless consent has first been granted in the form of a separate planning permission.

4. The first floor south facing rear bedroom window should be obscurely glazed and restricted opening to 100mm in accordance with the details submitted on KET/2015/0935/8 and KET/2015/0935/9 received on 17/02/16 and to a level of obscurity of at least level 3 within the Pilkington Range of Textured Glass or equivalent. The window shall thereafter be maintained in that form.

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 7; Against 0)*

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| Proposed Development\*5.4 s.73 Application: Variation of Condition 3 of KET/2011/0652 in respect of opening hours for gymnasium at 55 Northall Street, Kettering for Mr P James, JLL Application No. KET/2015/0952Speakers:None |  | DecisionThe committee received a report which sought approval for the extension of operating hours for the gymnasium located on Northall Street.The Committee heard the current condition limited opening hours to 0600-2130 Monday to Friday, 0800-1800 on Saturdays and 0900-1800 on Sundays and Bank Holidays.Hours proposed would be 24 hours a day Monday-Friday (but opening at 0600 on Mondays, closing 2100 on Fridays) and 0800-1800 on Saturdays, Sundays and Bank Holidays. It was considered that the net increase in visitors as a result of the variation to opening hours would not present any significant amenity concerns. It was agreed that the application be **APPROVED** 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 building shall be used only as a gymnasium and for no other purposes whatsoever (including any other purposes in Class D2 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).

3. The use hereby permitted shall not be carried out before 06:00 hours on Mondays, nor after 2100 hours on Fridays, nor before 08:00 hours or after 18:00 hours on Saturdays, Sundays or any recognised public holidays.

4. The use hereby permitted shall at all times be operated in full compliance with the list of 'key issues' contained within the approved 'Impact Statement' (received 5th February 2016).

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 7; Against 0)*

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| Proposed Development\*5.6 Full Application: First floor side extension with installation of solar panels to side and 2 no. roof lights to rear at 4 Salen Close, Barton Seagrave for Mr C Burns  Application No: KET/2016/0037Speakers:None |  | DecisionThe Committee received a report which sought approval for a first floor extension, solar panels and two roof lights.It was noted that there was no significant impact on neighbouring amenity and the proposal was not out of character with the surrounding areaIt was agreed that the application be **APPROVED** 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 hereby permitted shall not be carried out other than in accordance with the approved plans and details submitted with the application.

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.

*Members voted on the officers’ recommendation to approve the application*

*(Voting, For 7; Against 0)*

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| Proposed Development\*5.5 Full Application: 3 no. dwellings at Dairy Farm, Butchers Lane, PytchleyApplication No: KET/2015/1000Speakers:None |  | Decision***This item was withdrawn following the publication of the agenda but prior to the Committee meeting.*** |

*\*(The Committee exercised its delegated powers to*

*act in the matters marked \*)*

*(The meeting started at 7.00pm and ended at 8:55pm)*

Signed: ..........................................................

Chair

*DJP*