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

**PLANNING COMMITTEE**

# Meeting held – 21st April 2016

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

Councillors Ash Davies, Mark Rowley, David Soans and Greg Titcombe

**15.PC.78 APOLOGIES**

Apologies were received from Councillors Linda Adams, Cliff Moreton, Lesley Thurland and Keli Watts.

**15.PC.79 DECLARATIONS OF INTEREST**

None

**\*15.PC.80 MINUTES**

**RESOLVED** that the minutes of the meetings of the Planning Committee held on 5th April 2016 be approved as a correct record and signed by the Chair

\***15.PC.81 ITEMS OF URGENT BUSINESS**

None

**\*15.PC.82 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. Seven 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 Development 5.4\* Full Application: Barn conversion to create 1 no. dwelling with two storey side and rear extension at 1 School Lane, Wilbarston for Mr M Wallis and Mrs D Brown    Application No: KET/2016/0081  Speakers:  Teresa Hilliard attended the meeting and spoke as a third party in favour of the application. She stated that the proposal was sympathetic to the surroundings and would bring a disused building back into use. Concern was noted over on-road parking, although there were no road markings or parking restrictions and Northants Police had no objections in relation to parking. Approval of the application would enable a family to continue to reside in the village in a sympathetic, economical house.  Peter Girling attended the meeting and spoke as a third party objector on behalf of a number of village residents who objected to the proposal. He noted that the existing dwelling had a sub-standard access with a narrow driveway that exited onto School Lane with no visibility splays. There had been a number of incidents including a fatality on this stretch of road. Any on-street parking outside 1 School Lane would compromise safety, not only during the school run, but for regular school meetings and other associated activities. Photographs were supplied to the meeting that detailed typical road scenes at the location. A large five-bed house with inadequate access and no permitted on-site parking forcing cars to be park on street would serious compromise highway safety and had been condemned by the Highways Authority.  Cllr Nick Richards attended and spoke behalf of Wilbarston Parish Council stating that the Parish Council was opposed to the application and was aligned with the 70 objecting residents who had chosen to respond to consultation. Cllr Richards raised issues regarding parking, high traffic and road layout problems on School Lane that would be exacerbated by the approval of the application.  Cllr David Howes attended and spoke as Ward Councillor. He raised the issue of the difference of opinion between the views of the KBC case officer and the strong objections from the Highways Authority. Cllr Howes highlighted that the proposal, if approved, would risk the highway safety of members of the public. He considered that there was nowhere near the property where parking would not cause highway issues. He concluded by stating that he believed there was no issue with the dwelling as proposed other than issues of highway safety as raised above, 70 objections to the application had been received from residents and he requested the Committee take those views into account when reaching a decision  Michael Wallis attended and spoke as the applicant. He stated that a flyer regarding the proposal had been distributed to residents in the village that contained a number of inaccuracies and had led to 63 objections being raised. Prior to distribution only seven objections had been received. Of the 70 objections, six were from a single family and three were in triplicate. A consultation with engineers specialising in highway safety and traffic issues had led the applicant to conclude that parking issues relating to school pick-up and drop-off times had no bearing on the application. Any increase in street parking as a result of the proposal would be minimal and could actually act as a traffic calming measure. Any application for development should only be refused on the grounds of having a severe impact and this was not proven to be the case in this instance. The applicant concluded by stating that he hoped the Committee would base its decision solely on material planning considerations and not the fact that objectors had been asked to voice an opinion based on misleading information contained within the distributed flyer. |  | Decision The committee received a report which sought full planning consent for the erection of a dwelling with a two storey side and rear extension.  The meeting received an update which outlined a further 5 letters of support received for the application and reconfirmed Wilbarston Parish Council’s objections to the proposal.  The Committee heard that should a separate dwelling be approved, additional vehicles could be generated, although it had to be considered that even if permission were not granted, the existing occupants of 1 School Lane could increase the number of vehicles on the site which would result in on street parking anyway.  The existing dwelling had an access point that had restricted visibility, although it was important to note that most of the built form of the village involved buildings that fronted directly onto the street. There were no parking restrictions on School Lane.  Officers had taken into account residents’ concerns, however they had to be weighed against the potential additional vehicles that would utilise the existing access point and whether his would unduly affect the balance that existed in the way the access and street was currently used. The case officer had come to a professional view, based on the rationale set out in report. The Highway Authority had taken a different view and was entitled to do so. Ordinarily, the Highway Authority and planning officers could reach agreement, but in a conservation area such as this application site and with buildings fronting the road, there could never be the same level of highway standards as would be achieved on new developments. This had to be recognised in situations such as this application, it was not that the view of the Highway Authority did not have merit but it had been weighed against all the factors.  In regard to the character of the building, the application was pleasant looking, with materials in keeping with character of the conservation area and overall was a well-designed scheme and fitted well with existing buildings satisfying the criteria to preserve and enhance the character and appearance of conserve area.  With regard to residential amenity, the proposal in relation to neighbouring properties was situation in such a way, with adequate separation distanced that result in no detrimental impact.  The Committee considered that the only element of the application for consideration was the highways issue.  It was agreed that planning permission 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. 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 D 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.

1. 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:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o ground waters and surface waters,

o ecological systems,

o 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'.

1. 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.

1. 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.

1. 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. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, have been submitted to and approved in writing by the Local Planning Authority. Natural slate and stone shall be used where indicated on the submitted plans. The development shall not be carried out other than in accordance with the approved details.

4. The proposed solar panels are not hereby approved. No development shall commence on site until details of the solar panels 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.

5. Prior to first occupation of the development hereby permitted, a scheme for boundary treatment shall be 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.

6. 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.

7. 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, E and G of Part 1 of Schedule 2 of the Order shall be constructed, erected or made on the application site.

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

*(Voting For 2; Against: 2)*

*The Chair used her casting vote in favour of the application and therefore the application was approved*

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| Proposed Development \*5.5 s.73A Retrospective Application: Replacement air condensing unit at 42 High Street, Burton Latimer for Rishy Ltd.  Application No: KET/2016/0127  Speakers:  Ian Wren attended the meeting and spoke as a third party objector raising issues of noise and vibrations from the ill-fitting industrial unit that was detrimental to the character of the area and had a negative impact on his family’s amenity.  Robert McCracken attended and spoke as agent for the applicant. He stated that the property had been a retail unit for over 50 years, with the current owners in place since November 2015. The old unit had been noisy and inefficient and had been replaced with a newer unit. |  | Decision The committee received a report which sought retrospective permission for the installation of a replacement air condensing unit to the rear of a retail unit located at 42 High Street, Burton Latimer.  An update was submitted which recommended an additional condition relation to the removal of the existing air condensing unit and associated pipework.  Environmental Health Officers had examined the application with no objections, subject to the inclusion of Condition 1 requiring a noise assessment to be carried out within 28 days. Any mitigation that might be necessary as a result of this assessment would be required to be completed. It was noted that from a technical standpoint, screening of the unit would not be possible.  The Committee recognised the need to mitigate both noise in vibrations of the unit to protect neighbouring amenity, and requested that this was reflected in Condition 1.  It was agreed that the application be **APPROVED** subject to the following conditions: - |

1. Within 28 days of the date of this permission, an assessment of noise and vibration effects from the unit shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the likely impacts of noise and vibration affecting any noise sensitive property including 44 High Street, Burton Latimer and any mitigation measures necessary to ensure that noise or vibration does not adversely affect the local amenity of residents. The assessments shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014 or as otherwise advised by the LPA.  Any required mitigation measures shall be implemented within 14 days of the above noise and vibration assessment being approved, unless otherwise agreed in writing by the Local Planning Authority. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this form.
2. Within 28 days of the date of this permission, the existing air condensing unit and all attached pipework at first floor level on the western elevation shall be removed from the property and any apertures filled in with material matching the existing building.

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

*(Voting, For 4; Against 0)*

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| Proposed Development \*5.1 Full Application: Redevelopment of land for supported housing scheme, involving the reaction of 42 no. one bedroom apartments for young adults at Former Factory Site, Carey Street, Kettering for Seagrave Developments Ltd.  Application No. KET/2015/0756  Speakers:  None |  | Decision An application was submitted which sought permission to provide a supported housing scheme which would allow young people the opportunity to live independently with the safety net of 24 hour care.  The Committee noted the site had been formerly occupied by a boot and shoe factor and currently stood vacant. The development would have various access points for residents and the ground floor would be taken up by offices, staffed 24 hours a day.  There was strong support for the scheme from KBC Housing Officers and a letter of support had also been received from a third party. No objections had been received from any of the statutory consultees.  The principle of residential use on the site was supported and would make use of a brownfield site in a sustainable urban location. The design was for a simple, functional building. A key consideration for the application was the potential impact on St Mary’s Church, however it was noted that the development would mask some of the existing views of nearby industrial units. Officers considered the significant public benefits of the proposal to outweigh any potential harm. There was sufficient onsite parking given the terms of use of the proposal, with Condition 12 preventing change of use under permitted development rights as parking would be inadequate for market housing.  The Committee were extremely supportive of the application, noting that it would improve the area and meet a demand for such accommodation.  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 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.

3. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. 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.

4. No gates shall be erected on site until full details have been submitted to and approved in writing by the Local Planning Authority. The gates shall be installed as approved and retained thereafter.

5. 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 adjoining buildings are first occupied.

6. The development hereby approved shall not be occupied until details of a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented as prior to first occupation and shall be retained as approved thereafter.

7. 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.

8. The development shall not be carried out other than in accordance with the amended Flood Risk Assessment - Flood Risk Assessment for Proposed Residential Development at Carey Street, Kettering, Prepared by BCAL Consulting, document reference number 5433R001B FRA dated January 2016 received by the Local Planning Authority on 25th February 2016.

9. Prior to first occupation of the development all garden and landscaped areas shown on the approved plans shall have a capping layer of soil (top and/or sub soils) (as outlined in report ref. STM3285A-G01 dated October 2015) (to a minimum depth of 600mm in private residential gardens and 300mm in general landscaped areas) and a verification report that demonstrates that the required depth of cover has been achieved shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include a topographic survey or a visual inspection at numerous points across the site supported by photographic evidence and details of the supplier and confirmation of the source(s) and total quantity of imported soil material. The soil should be free from asbestos, metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils and otherwise comply with the requirements of BS 3882:2007 - Specification for topsoil and requirements for use. Occupation of the development will only be permitted on approval of the verification report.

10. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

11. The development shall not be carried out other than in accordance with the Sustainability Appraisal and Energy Statement prepared by A. J. Cleaver Consulting Ltd dated September 2015 and received by the Local Planning Authority on 15th September 2015.

12. Notwithstanding the provisions of the Town and Country Planning Use Classes Order or changes of use allowed under permitted development, the units hereby approved shall only be used for Supported Housing as described in the application proposal.

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

*(Voting, For 4; Against 0)*

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| Proposed Development \*5.6 Full Application: Change of use of first floor from office space to 2 no. two bedroom flats and 2 no. one bedroom flats at 26A-30A Rockingham Road, Kettering for Miss R Cefai, Gold Leaf Property Investments  Application No. KET/2016/0168  Speakers:  None |  | Decision The committee received a report which sought approval for the creation of flats in former office space above existing retail units.  The Committee heard that the building had limited means of access. Following consultation with Building Control, fire safety works including fire doors would be required along the corridor on the first floor. Timber sash windows currently in place would be retained (via condition) and would form exits if required in an emergency. The retention of the style of window was important in relation to the character of the building.  The proposal, if approved would provide town centre accommodation that would appeal to certain parts of the housing market, and re-use of such space was encouraged in government policy statements.  The Committee considered the limitations of the building, but believed that the proposal would make good use of the building.  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 windows and doors on the front elevation shall be retained. None shall be replaced unless this is done in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

3. No development shall commence on site until details of a scheme for the secure storage of cycles 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 permanently be retained in that form for the secure storage of cycles.

A number of Notes on related matters were to be added to the Decision notice. These were to include a reminder of the need to comply with Approved Document B of the Building Regulations with regards to Fire Safety. These measures to be undertaken whilst fully abiding by the requirements of Condition 2, to retain the existing windows.

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

*(Voting, For 4; Against 0)*

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| Proposed Development \*5.7 Full Application: Single storey front and rear and first floor side extensions. Partial garage conversion to habitable accommodation at 6 Langdale, Desborough for Mr and Mrs A Bott.  Application No: KET/2016/0169  Speakers:  None |  | Decision The Committee received a report which sought approval for extensions to an existing dwelling.  The Committee noted that the application was acceptable in amenity terms.  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 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 4; Against 0)*

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| Proposed Development \*5.8 Full Application: First floor side extension at 67 Beatrice Road, Kettering for Mr I Griffiths  Application No: KET/2016/0191  Speakers:  None |  | Decision The Committee received a report which sought approval for a first floor side extension to an existing dwelling.  The Committee noted that the application was acceptable in amenity terms. The street scene comprised a number of different building styles, so the proposal would not look out of place with its surroundings.  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 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 4; Against 0)*

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| Proposed Development \*5.3 s.73 Application: Variation of Condition 18 of KET/2013/0695 in respect of Code Levels for Sustainable Homes in relation to parcels R1 to R6; R15 to R18; R20 to R22; R24 to R25; R27 to R42; DC 1 to 3 and LC 1 and 2 to remove the code level requirements at Hanwood Park, Barton Road, Warkton Lane & Cranford Road (land off), Barton Seagrave for Mr A Wordie on behalf of Hanwood Park LLP.  Application No: KET/2015/0967  Speakers:  None |  | Decision This item was withdrawn from the agenda prior to the meeting |

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| Proposed Development \*5.2 Full Application: Demolition of disused clinic. Erectio of 6 no. dwellings with associated access and garaging at (Former) Stockburn Memorial Clinic, Southlands, Kettering for Craneview Ltd & NHS property Services Ltd  Application No: KET/2015/0895  Speakers:  None |  | Decision This item was withdrawn from the agenda prior to the meeting |

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

*act in the matters marked \*)*

*(The meeting started at 7.00pm and ended at 8:36pm)*

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

Chair

*DJP*