## BOROUGH OF KETTERING

## PLANNING COMMITTEE

# Meeting held - 30th October 2018

# **Present:** Councillor Shirley Stanton (Chair)

Councillors Linda Adams, Ash Davies, Paul Marks Clark Mitchell,

Mark Rowley, Lesley Thurland and Greg Titcombe

# 18.PC.39 APOLOGIES

Apologies for absence were received from Councillors Cliff Moreton and David Soans. It was noted that Councillor Paul Marks would be acting as substitute.

## 18.PC.40 MINUTES

The minutes of the meeting held on 16<sup>th</sup> September 2018 were deferred to a future meeting due to amendments being required.

# 18.PC.41 <u>DECLARATIONS OF INTEREST</u>

Councillor Paul Marks declared an interest in item 5.5 and indicated he would be leaving the room during discussion.

Councillor Lesley Thurland declared an interest in item 5.6 and indicated she would be leaving the room during discussion.

# \*18.PC.42 ITEMS OF URGENT BUSINESS

None

# \*18.PC.43 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. Nine 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:-

\*5.1 Full Application: 4 no. bungalows renovation and of existing bungalow at 5 Church Street, Broughton for Mr D Patel

Application No: KET/2018/0255

#### Speakers:

Eric Ellis, the agent for the applicant addressed the committee and confirmed that all access options had been investigated. The bungalows had been designed specifically with mobility in mind.

#### Decision

Members received a report which sought full planning permission for four bungalows and refurbishment of the existing bungalow including one bungalow adjacent to the existing fronting Church Street and the other three proposed bungalows to the rear. Vehicular access would be taken off Church View to the rear by creating a gap in an existing stone wall.

The Planning Officer reported that the development was consistent with Development Plan. The development was in the Conservation Area which had been taken into account and it related well to its surroundings.

The proposed development would not have an adverse impact on residential amenity and the highway safety issues had been addressed.

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 development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.
- 3. No development shall take place until a plan 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.
- 4. Prior to the commencement of development a scheme for the provision of the surface and waste water drainage shall be 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.
- 5. No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 6. 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 (Planning No. 2)

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 arise during the demolition and construction;
- ii. Measures to control the emission of dust and dirt during demolition and construction;
- iii. Control of noise emanating from the site during the demolition and construction period;
- iv. Hours of construction work for the development
- v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure within the site:
- vi. Designation, layout and design of construction access and egress points;
- vii. Details of measures to prevent mud and other such material migrating onto the highway from construction or demolition vehicles;

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.

- 7. The development shall not progress above slab level until details of the types and colours of all external facing and roofing materials to be used (including those to the existing property) and details of the hard-surfacing materials 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. No works shall proceed above slab level until full details of all windows, doors (including their surrounds), chimney, verge detailing and rainwater goods 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.
- 9. The development shall not proceed above slab level until a scheme for boundary treatment (including details of materials) has been submitted to and approved in writing by the Local Planning Authority. The dwelling to which the boundary treatment relates shall not be occupied until that element of the scheme has been fully implemented in accordance with the approved details.
- 10. The development shall not be occupied until a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 newly approved 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.
- 11. Prior to the first occupation of the development hereby permitted, the new vehicular access shown on the approved 'Site Layout Plan' referenced 2137.05.D shall be provided and thereafter permanently retained. There shall be no obstruction to visibility within the area identified as 'visibility splays', there

shall be no gates, barrier or means of enclosure erected within 5.5m of the access and a positive means of drainage shall be provided to prevent surface water draining onto the highway from the site in perpetuity.

- 12. The parking and turning spaces and the refuse collection and storage area shown on approved drawing 2137.05.D shall be provided prior to the first occupation of the bungalows hereby permitted and shall be permanently retained and kept available for those purposes.
- 13. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
- 14. All dwellings shall be constructed to achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G Sanitation, hot water safety and water efficiency (2015 edition).
- 15. All new dwellinghouses shall be constructed to meet M4(2) Accessible and Adaptable Dwellings of schedule 1 part M of the Building Regulations 2010 (as amended).
- 16. 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 Class A-F of Part 1 of Schedule 2 of the Order shall be constructed on the application site.

(Members voted on the proposal to approve the application)

(Voting: For 7; Against 0)

\*5.2 Full Application: install 2 no. bifold doors, replacement windows, 2 no. fire escape doors to front elevation. Erection of 2 no. raised decking areas and gates to Soouth side. Istall double doors and single door to rear with fencing to service yard at The Beeswing, 226 Rockingham Road, Kettering for Everards Of Leicestershire

Application No: KET/2018/0523

#### Speakers:

Mr Robin Reeves a third party speaker against the application addressed the committee regarding his concerns relating to loss of privacy, noise disturbance, and the area towards the back of the property.

Shaun Acaster attended the meeting and addressed the committee and assured members that the works to the rear of the property were now omitted from the application.

#### Decision

Members received a report which sought permission for various refurbishment improvements to the public house. As originally submitted, the proposal included an outdoor smoking shelter, external freezer/refrigeration units and a covered outdoor dining area to the rear. In response to local objections these elements have been removed from the proposal. A revised car parking layout was also submitted to address other local objections and concerns raised by the Local Highway Authority.

The Planning Officer addressed the Committee with an update which stated several of the cited objection reasons by local residents, such as noise, lighting, odours and general nuisance were better addressed and controlled through the premises licencing regulations matters such as live music, entertainment, ventilation. operating hours. abatement measures, use of outdoor areas etc. can be conditioned, as indeed was the case for an earlier premises licence issued this facility by this council's Environmental Health Department under the Licensing Act 2003.

Members heard that the Highways Authority original objection had now been satisfied with the conditions included in the report.

In response to comments made by third parties the Planning Officer drew members' attention to condition 4 which would prevent the land at the back of the Beeswing being used as amenity space for customers.

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. Prior to the first use of the development hereby permitted, the car parking areas shall be laid out in accordance with the approved details shown on Plan Number: 7695-00 Rev C received on 4th October 2018 by the Local Planning Authority and shall be retained thereafter and kept available for such purposes.

- 3. The materials to be used in the construction of all external surfaces of the development hereby permitted shall be as shown on approved Plan Number: 7695-04 Rev D received on 17th September 2018 by the Local Planning Authority.
- 4. The outdoor area located between the Beeswing building's rear (eastern) elevation and the boundary wall shared with Nos. 5, 7, 9 and 11 Pennine Way shall not be used at any time for any amenity space for customers of the hereby approved development.

Members voted on the officers' recommendation to approve the application

(Voting: For: 7; Against 0)

\*5.4 Full Application: Erection of stables, all weather equestrain arena and access track at Glebe Farm, 1 Hermitage Road, Brampton Ash for Mr & Mrs J Harrison

Application No: KET/2018/0569

# Speakers:

Stephen Power from Brampton Ash Parish Council addressed the committee regarding the Parish Council's concerns around road safety at the entrance to the site. A suggestion was made to move the gate back to prevent vehicles blocking the road.

James Harrison, the applicant addressed the committee and informed members that the land was previously used daily as farmland and the new use would create less activity at the entrance. He stated that it was their intention to install a second gate at the entrance to prevent vehicles waiting on the road and horses escaping.

#### Decision

Members received a report which sought consent to improve the access track off Hermitage Road and along the northern side of the curtilage listed stone wall of Grange Farmhouse, the erection of an L-shaped stable block (including equipment store, tack room, wash-down area, feed room, hay store and 3 stables) and the creation of an unlit, all-weather exercise/practice out-door arena measuring 20 metres by 50 metres with post and rail fencing. To partially screen the arena from the residential property known as 'Two Shires' located approximately 75 metres away to the west, a double row of native quick/blackthorn hedge was proposed to be planted between the arena and Two Shires.

The Planning Officer addressed the committee and provided an update which stated that condition 2 would be reworded to read:

"The development hereby permitted shall only be used by the occupiers of Grange Farm 1 Hermitage Road Brampton Ash Leicestershire to stable, train and generally take care of horses owned by those occupiers."

Members proposed that the wording of condition 10 be amended to take into account the details of the double gate system.

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.
- The development hereby permitted shall only be used by the occupiers of Grange Farm 1 Hermitage Road Brampton Ash Leicestershire to stable, train and generally take care of horses owned by those occupiers.
- 3. No floodlighting or security lighting of the external areas in the vicinity of the equine stables and all weather equestrian arena shall be installed without the prior written permission of the local planning authority.

- 4. The surface of the all-weather equestrian arena hereby permitted shall be dressed with natural sand fibre. The development shall not be constructed other than in accordance with the approved details.
- 5. The vehicular access track shall be constructed along its full length to achieve a minimum width of 3.7 metres.
- 6. Vehicular visibility splays of 2.0m from the carriageway edge along the centre of the vehicular access by a distance of 43m\* (or to the give way line with the A427) measured from the centre of the vehicular access along the carriageway edge shall be provided on each side of the vehicular access. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level. \*This dimension may be reduced subject to the submission to and approval in writing by the local planning authority of a vehicle speed survey proving the 85%ile speeds are less than 30mph.
- 7. Pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level.
- 8. The gradient of a vehicular access should not exceed 1 in 15 for a minimum of the first 5.0m from the highway boundary.
- 9. The private vehicular access should have a hard bound surface for a minimum of the initial 10.0m from the highway boundary.
- 10. The access and gates at the entrance point off Hermitage Road shall be laid out in accordance with the submitted hand drawn and cross hatched Field Access Works plan. The two gate system shall be erected in accordance with this approved plan prior to the stables or horse training arena being brought into use (whichever comes first). The access and gates shall be retained as such thereafter. The gates shall be operated such that a vehicle and horse box can pull into the access without stopping on Hermitage Road.
- 11. All hedgerow planting comprised in the approved details of landscaping, as shown on Plan No. KET/2018/0569/9, shall be carried out in the first planting season following the first use of the stables and all weather equestrian arena; and 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.

Members voted on the officers' recommendation to approve the application

(Voting: For 7; Against 0)

# (Councillor Paul Marks declared an interest in the following item and left the room during discussion)

## Proposed Development

\*5.5 Full Application: Garage conversion to habitable space anderection of single store garage with part pitched roof to side at 4 Winterburn Court, Haweswater Road, Kettering fir Mr & Mrs Thompson

Application No: KET/2018/0638

#### Speakers:

Lesley Thompson, the applicant addressed the committee and gave members an update regarding the application reasons for the being submitted with a pitched roof rather than a flat roof. The applicant felt that the reason for refusal was unfair due to other developments in the area.

## Decision

Members received a report which sought permission for the conversion of the existing garage into an annexe with a lounge / dining / kitchen area and bathroom on the ground floor and a bedroom on the first floor; and the erection of a new garage attached to the existing garage.

The Planning Officer addressed the committee and outlined the planning history of the site.

It was reported that the reason for refusal was due to the proposal not being that materially different to the application which was refused and then dismissed on appeal.

It was agreed that the application be subject following REFUSED the conditions:-

1. The proposed new garage would not be keeping with the character of the area or subservient to the host dwelling. Therefore it is considered that the proposals would be detrimental to the character of the area and the host dwelling contrary to the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).

Members voted on the officers' recommendation to refuse the application

(Voting: For 5; Against 1)

The application was therefore **REFUSED** 

(Councillor Paul Marks re-joined the Committee)

\*5.6 Outline Application: 2 no. dwellings with access only considered at 62 Headlands (land to rear), Kettering for Mr & Mrs Clarke

Application No: KET/2018/0676

## Speakers:

Claire Head attended the meeting as a third party objector and addressed the committee regarding what she felt would be overdevelopment of the site. She felt that the development would cause loss of amenity to neighbouring properties and existing problems with refuse would be further exasperated. Issues relating to the ownership of the access road were also raised.

Michael Clarke, the applicant addressed the committee and drew members attention the planning history of the site, particularly an application for a larger development of the site which had now lapsed due to time constraints. He also advised members of other applications which had been approved in the area.

#### Decision

Members received a report which sought outline consent for the residential development of 2 no. dwellinghouses with consideration given to access only, all other matters relating to appearance, landscaping, layout and scale reserved for consideration at reserved matters stage.

The Planning Officer reported that a lot of concerns had been raised by residents regarding loss of privacy, loss of amenity, traffic and highway safety issues.

Members heard that although the Headlands Neighbourhood Plan area and forum had been set up, the plan was at preparation stage and so did not yet carry any weight.

It was reported that an application for 2 dwellings with access off Ostlers Gardens was refused 2014 but then allowed at appeal as the inspector considered that an extra two properties would not pose a risk to highway safety on the site.

Members discussed the issues raised and stated that due to policies and past history there was no grounds to refuse the application at this time.

It was agreed that the application be **APPROVED** subject to the following conditions:-

- The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 3. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called ""the reserved matters"") shall be obtained from the Local Planning Authority in writing before any development is commenced.

- 4. Plans and particulars of the reserved matters referred to in condition 3 above, relating to the appearance, layout and scale of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- 5. The dwellinghouses hereby approved shall be a maximum of 2 storeys (8 metres) in height.
- 6. The development hereby permitted shall be carried out in accordance with submitted plan number 18-088-01, received by the Local Planning Authority on 5th September 2018, but only in respect of those matters not reserved for later approval.
- 7. 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 parts 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.

#### 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,
- groundwaters 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(or any model procedures revoking and replacing those model procedures with or without modification)'.

## 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.

- 8. No development shall take place on site until details of measures to be taken to prevent spoil or mud being deposited on the public highway from vehicles leaving the site during the construction works have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented before the development commences and retained for the duration of the construction period.
- 9. No earthworks or groundworks 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.
- 10. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

- 11. Prior to first occupation of the development a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 newly approved 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.
- 12. Before the development hereby permitted is begun, a scheme demonstrating how the development will incorporate measures to limit water use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day. The development shall thereafter be carried out in accordance with these approved details.
- 13. No development above building slab level 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. The development shall not be carried out other than in accordance with the approved details.
- 14. No development shall take place until full engineering details of the road layout including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with the method of disposing of surface water, have been submitted to and approved in writing by the Local Planning Authority. The buildings shall not be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

Members voted on the officers' recommendation to approve the application

(Voting: For 3; Against 2; Abstained 1)

\*5.3 Full Application: Garage conversion to guest accommodation at 8 Church Way, Thorpe Malsor for Mr S Roberts

Application No: KET/2018/0556

## Speakers:

None

#### **Decision**

Members received a report which sought full planning permission to convert the garage into habitable accommodation for use by visiting friends and relatives. Externally the proposal would involve replacing the two existing garage doors with windows.

Internally, the existing first floor habitable room would remain much the same aside from relocation of a staircase and the existing first floor landing would become a shower room. On the ground floor the existing car parking area and utility room would become one habitable open space and including a kitchenette.

Space for the parking of four reasonably sized cars would remain to the front and side of the building.

The Planning Officer reported that the application was acceptable and there were no reasons for refusal.

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 development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.
- 3. Prior to first use of the building hereby approved, the north facing first floor level window in the gable elevation shall be obscurely glazed or have an obscured film applied and thereafter shall be permanently retained in that form.
- 4. The parking area shown as a blue hatched area on the approved location plan drawing referenced; KET/2018/0556/1a received 26th September 2018 shall be permanently retained and kept available for the parking of vehicles.
- The building subject of this permission shall not be occupied other than as part
  of the single residential use of the dwelling known as 8 Church Way, Thorpe
  Malsor.

Members voted on the officers' recommendation to approve the application

(Voting: For 6; Against 0)

The application was therefore
APPROVED
(Planning No. 14)
30.10.18

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

(The meeting started at 6.30pm and ended at 8.02 pm)

Signed: .....

Chair