

Minutes of a meeting of the Area Planning Committee Kettering

At 7.00 pm on Thursday 5th May, 2022 in the Municipal Offices, Bowling Green Road, Kettering, NN15 7QX

Present:-

Members

Councillor Mark Rowley (Chair)
Councillor Robin Carter
Councillor Paul Marks
Councillor Elliot Keith Prentice

Councillor Cedwien Brown
Councillor Joseph John Smyth
Councillor Kevin Thurland

106 Apologies for non-attendance

Apologies for non-attendance were received from Councillors Ian Jelley, Dez Dell and Emily Fedorowycz.

It was noted that Councillors Paul Marks, Jim Hakewill and Sarah Tubbs were acting as substitutes.

107 Members' Declarations of Interests

None

108 Minutes of the meeting held on 31st March 2022

RESOLVED that the minutes of the meeting of the Area Planning Committee (Kettering) held on 31st March 2022 be approved as a correct record.

109 Applications for planning permission, listed building consent and appeal information*

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

The reports included details of applications and, where applicable, results of statutory consultations and representations which had been received from interested bodies and individuals, and the Committee reached the following decisions:-.

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.1 Outline Application: Outline: Erection of an industrial manufacturing and warehouse building (Use Class B2 and B8) together with ancillary office accommodation and associated access at Weekley Wood Avenue (land at), Kettering for I M Kelly Holdings Limited & The Buccleuch Estates Limited</p> <p>Application No: KET/2020/0303</p> <p><u>Speaker:</u></p> <p>Adam Riley attended the meeting and addressed the committee as a third party objector to the proposed development raising issues associated with an inadequate ecological assessment which failed to locate a number of different breeds on the site included amber listed and red listed birds. Mr Riley also raised concerns regarding the presence of great crested newts and asked for the proposed development to be deferred or refused.</p> <p>Frankie O'Dowd attended the meeting and addressed the committee as a third party objector to the proposed development stating that the application should have been refused in the best interest of local people. Reference to a petition with 20,000 signatories was made in objection to the proposed development. Objections were also raised due to an inadequate ecological survey and due to the absence of a masterplan and that a major percentage of the site was outside of the Kettering North allocation. Concerns were also raised as the application was in contravention of Policy 4 of the Joint Core Strategy.</p> <p>John Padwick attended the meeting and addressed the committee as a third party objector to the proposed</p>	<p>Members received a report about a proposal for which outline planning permission was being sought for the erection of an industrial manufacturing and warehouse building (Use Class B2 and B8) together with ancillary office accommodation and associated access.</p> <p>The Planning officer addressed the committee and provided an update which stated that an additional third party objection had been received which in summary related to matters of policy (including coverage of the site by local and strategic policies) and the lack of a masterplan.</p> <p>Member heard that the majority of the site (approximately 91%) was covered by the JCS Policy 36 allocation. However, the application site, as a proportion of the overall allocation (40 hectares), represented around 4% of it which was relatively minimal. As the report stated the Masterplan was coming forward as part of a wider application for Kettering North. Approval of this current application will not prejudice that Masterplan or future development being appropriately planned.</p> <p>There is an overlap between the Safeguarded Employment Area (Policy EMP1) of the Part 2 Local Plan and the JCS Policy 36 allocation. The majority of the application site is within the Safeguarded Employment Area with only approximately 2.8% of the site being outside of it.</p> <p>It was also noted that there had been another third party objection received. Most of the comments are already detailed in section 5.2 of the original committee report and considered as part of the officer's assessment.</p>

development stating that a comprehensive masterplan was needed and agreed by the Local Planning Authority and that there had been no progress since the item was deferred in August 2021. It was stated that the proposed development should be refused or deferred.

Chris Carlisle attended the meeting and addressed the committee as the agent on behalf of the application stating that the proposed development would benefit the local economy by employing an additional 150 employees which included a mix of warehouse, production and office staff. It was stated by the agent that the site was allocated for employment use and that there was an up to date ecological assessment including increased ecological mitigation which had been accepted by the local authority's ecological advisor.

Following the officer update members raised concerns regarding the lack of a masterplan as outlined with public speakers, members also raised concerns regarding adequacy of the ecological survey of the site. It was noted by members that the masterplan was coming forward as a wider application.

Members also raised concerns regarding the lack of progress from the previous deferral and also raised questions regarding the S106 agreement. Officers confirmed no mitigation had yet been delivered in connection with the existing S106 but there remains time to do this under the wording of that agreement.

It was heard by members that the majority off offsite mitigation was secured by S106 and the rest was to be delivered onsite.

Members sought clarification regarding the Local Ecological Management Plan (LEMP). It was confirmed to members that a LEMP would be conditioned as part of the proposed development.

Following debate it was proposed by Councillor Hakewill and seconded by Councillor Prentice that the application be deferred due to the absence of a masterplan for North Kettering.

Members voted on the motion to defer the application:

For 3 ; Against 5

The motion was therefore lost. Members then sought clarification regarding additional conditions for fire hydrant infrastructure and mitigation for the protection of hedgehogs, badgers and other mammals from being trapped in open excavations, pipes or culverts

Following debate it was proposed by Councillor Smyth and seconded by Councillor Marks that the application be

	<p>approved in line with the officer's recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>
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1. This is a grant of outline consent only and before the development is commenced details of the appearance, landscaping, layout, and scale of the proposal (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
2. Plans and particulars of the reserved matters referred to in condition 1 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.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. 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.
5. Any reserved matters application for landscaping shall be accompanied by details of any existing hedgerows, trees and any other landscaping to be retained or removed. Any reserved matters application for landscaping, and/or which includes landscaping, shall also be accompanied by all details required pursuant to condition 20 of this outline planning permission.
6. This permission relates to the originally submitted details and specification and to drawings,
Location Plan, Plan Reference : 1328-1000 received 28.05.2020
Proposed Car Park access plan, Plan Reference 1328-1002 received 28/05/2020
Flood Risk and Drainage Strategy , Reference 19-080-MK received 01/10/2020,
Travel Plan received 07/05/2020,
Transportation Assessment received 07/05/2020
7. The site shall not be occupied until such time as the site access hereby approved as detailed on the proposed car park access drawing (Ref: 1328-1002) received 28/05/2020 has been fully formed. Prior to the formation of the site access full engineering, construction and drainage plans which include any on and off-site works (including pedestrian and cycle crossing) shall be submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the approved plans.
8. No development shall commence until an amended Access Management Plan has been submitted to and approved in writing by the Local Planning Authority regarding the shared access between the existing and the proposed manufacturing facility. The amended Access Management Plan shall include measures to ensure that any potential conflict between service and staff vehicles

is appropriately managed and that HGVs do not enter/exit at the same time, reporting of this information to the Local Highways Authority and the mechanisms should the measures be breached.

9. 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.
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 occupied until the approved scheme has been fully implemented in accordance with the approved details. The approved boundary treatment shall be retained as such thereafter.
11. No development above slab level shall commence until details of a positive means of drainage to ensure that surface water from the vehicular access, or private land, does not discharge onto the highway shall be submitted to and be approved in writing by the Local Planning Authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.
12. 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 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.
13. No construction, deliveries of plant and materials for construction shall occur outside of the following times. 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 subcontractors.
14. Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.
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.

16. No above ground development shall take place until full details of the surface water drainage scheme for the site, based on the Flood Risk Assessment & Drainage Strategy ref. no. 19-080 IMK, dated 30th September 2020 prepared by Bradbrook Consulting Ltd have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. These shall include:
 - a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
 - c) Details of proposed overland flood flow routes in the event of system exceedance or failure (to include depth volume and direction), with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites

17. No development above ground shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used; a site plan including access points, maintenance access easements and outfalls; maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site; and details of expected design life of all assets with a schedule of when replacement assets may be required.

18. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment & Drainage Strategy ref. no. 19-080 IMK, dated 30th September 2020 prepared by Bradbrook Consulting Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority. The report shall include:
 - a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV confirmation that the system is free from defects, damage and foreign objects.

19. No development above slab level shall commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning

Authority. No occupation shall take place until the works have been carried out in accordance with the approved foul water drainage scheme.

20. Prior to commencement 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 by the Local Planning Authority. It must deliver a minimum of 0.8 biodiversity units. 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.
21. Prior to occupation of the development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

22. Any works in connection with the development hereby approved that would involve the creation of trenches or culverts or the presence of pipes shall include measures to protect hedgehogs, badgers and other mammals from being trapped in open excavations, pipes or culverts. The measures shall include:
 - a) Open trenches or pits shall incorporate sloping escape ramps, which may be achieved by edge profiling of trenches/excavations or by using planks placed in them at the end of each working day; and
 - b) All open pipework (stored or laid) being blanked off at the end of each working day.The development shall be carried out in complete accordance with the above mammal protection measures.
23. No development above slab level shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated

infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

(Members voted on the officers' recommendation to approve the application)

(Voting: For 5; Against 3)

It was noted Cllr Hakewill voted against the officer's recommendation to approve the application

The application was therefore

APPROVED

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.2 Full Planning Permission: One and a half storey rear extension, additional window on gable ends/ground floor East elevation and rooflight to front. Outbuilding at Spring Cottage, 18 Geddington Road, Grafton Underwood for Mrs S Haynes</p> <p>Application No: NK/2022/0084</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which full planning permission was being sought for a one-and-a-half storey rear extension, the addition of window at first floor level on the side (northeast and southwest) elevations and at ground floor level on the side (northwest) of the existing dwellinghouse, and the insertion of a roof light in the front (northwest) roof plane..</p> <p>Members agreed that the application was satisfactory and raised no objection in contrary to the officers recommendation to approve the application</p> <p>Following debate it was proposed by Councillor Hakewill and seconded by Councillor Marks that the application be approved in line with the officer’s recommendation.</p> <p>It was agreed that the application be APPROVED subject to the following conditions:</p>

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
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.
4. The rooflights hereby approved shall be Conservation roof lights to match, in type, colour and texture, those Conservation roof lights on the existing building.

(Members voted on the officers’ recommendation to approve the application)

(Voting: Unanimous)

The application was therefore
APPROVED

112 Delegated Officers Report

None

113 Exempt Items

None

114 Close of Meeting

The meeting closed at 8.30 pm

Chair

Date