

Mr P Johnson
20 Ise View Road
Desborough
KETTERING
Northamptonshire
NN14 2PX

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NOTICE OF APPROVAL

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

REFERENCE No: **KET/2017/0663**
APPLICANT: **Mr P Johnson**
DEVELOPMENT: **1 no. dwelling**
LOCATION: **Ise View Road, (land between 16 & 20), Desborough**

KETTERING BOROUGH COUNCIL, having considered a valid application submitted on 17 August 2017, for the above development in pursuance of their powers under the above mentioned Acts,

GRANT PERMISSION

for the development as described and in accordance with the application and plans submitted, 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.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers KET/2017/0663/1, 8213505, 8213506 and 8213507 dated 17th August 2017; and 8213504B dated 27th September 2017

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. 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.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

4. 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.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used in the construction of the dwellinghouse hereby permitted, 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.

REASON: Material samples are required prior to the commencement of development in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A, B or C shall be made in the northwest and southeast elevations or roof planes of the dwelling hereby approved.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. In accordance with the details shown on the approved plans (8213506 & 8213505) the windows to the first floor bathroom and ground floor WC on the north side elevation and window to the ground floor ensuite bathroom on the south side elevation of the dwelling hereby approved, shall be glazed with obscured glass and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of future and adjoining occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

8. 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.

REASON: In the interests of energy efficiency and sustainable construction in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

9. The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.

REASON: In the interests of highway safety and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to the first occupation of the development hereby approved, boundary treatments shall be erected in full accordance with the details depicted on the approved site plan (8213504B) and shall be retained at all times thereafter.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

Notes (if any):-

1. In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 35(2). The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application [including seeking amendments/additional information during the application process] and as such planning permission/consent is granted.

2. This planning permission is subject to "pre-commencement" conditions which require details/drawings to be submitted to and approved in writing by the Local Planning Authority before ANY development may lawfully commence. Any development commenced in breach of these "pre-commencement" conditions will be unauthorised, a breach of planning control, and liable to immediate Enforcement and Stop Notice action.

3. Due to the underlying geology present throughout Northamptonshire, the levels of naturally occurring arsenic, vanadium and chromium found throughout the borough frequently exceed the levels at which the risk from arsenic, vanadium and chromium to human health would be considered acceptable for residential land use (with and without plant uptake); it is expected that there may be unacceptable risks to future occupiers of the site therefore the required investigations must take these elements into consideration. Further guidance on Contaminated Land investigations can be found in the Northants Contaminated Land Group Developers Guide. This document is downloadable at: http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf If you wish to discuss the requirements of the investigations further please contact

Environmental Protection on (01536) 534348; or email at contaminatedland@kettering.gov.uk

4.

This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner.

5. The applicant is reminded of the provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information regarding the provisions of 'The Act' should be obtained from an appropriately qualified professional with knowledge of party wall matters. This document can be viewed at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

6. Northamptonshire has varying levels of radon due to its underlying geology. Radon can enter buildings and affect the health of the occupants living in affected areas. Advice should be sought from local authority building control officers or from approved inspectors to establish if radon protection is necessary and if this is the case radon protection measures will need to be installed in accordance with BRE Report (BR 211 Radon: guidance on protective measures for new dwellings).

7. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway and should make contact with the Highway Authority at Northamptonshire County Council, tel. 01604 654358.

8. The host dwelling at no. 20 Ise View Road, is seeing alterations to its access, the access should therefore also comply with LHA standards for width, visibility splays, surfacing, gradient and drainage.

9. The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	KET Ref.	Agent's Ref	Received Date	Status
Location plan	KET/2017/0663/1		17.08.17	Approved
Block plan		8213507	17.08.17	Approved
Proposed elevations and section		8213506	17.08.17	Approved
Proposed floor plans		8213505	17.08.17	Approved
Site plan		8213504B	27.09.17	Approved
Design & Access Statement	KET/2017/0663/2		17.08.17	For Information

Date of Decision: 12 October 2017



Robert Harbour
Head of Development Services

Contact:-

Mr P Evans
Philip Evans Architect
Victoria House
31-33 Victoria Street
KETTERING
Northamptonshire
NN16 0BU

1. In accordance with paragraphs 186 to 192 of the National Planning Policy Framework the Local Planning Authority has acted positively and proactively in dealing with this application.
2. Planning approvals may be monitored to ensure compliance. If development is found not to be in full accordance with the permission, the Council may stop the work, invite a fresh application and/or take enforcement action against the developer/owner. I would urge you to notify the Case Officer at least 8 weeks prior to commencement of any works by completing and returning the attached "Notice of Intention to Commence" form, so that any outstanding matters can be identified.
3. Please pay attention to the requirements of any conditions imposed on the approval, in particular, to any schemes and details that need approval **before development commences**. Under Article 27 of the Town & Country Planning (Development Management Procedure) (England) Order 2015, the Council has a further 8 weeks to agree conditions once details are submitted
4. Any details requiring approval by the Council must be submitted on the relevant form "Application for approval of details reserved by condition" (attached). There is a fee for requests to discharge conditions of Planning Permissions: currently £28 per submission for householder developments and £97 for all other developments. There is no fee to discharge conditions of other types of consent. Your development will be liable to enforcement action if you do not comply with the approved plans and all of the conditions.

This permission refers only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulations.

Appeals Against Decision

The rules for lodging an appeal against this decision are set out in Article 37 of Town & Country Planning (Development Management Procedure) (England) Order 2015. The following is a summary of the rules:

1. If you wish to appeal against this decision you must do so on the Planning Appeal form. Appeals may be made online at <https://www.gov.uk/appeal-planning-inspectorate> . If you are unable to use the online service, please contact the Planning Inspectorate's Customer Services Team on 0303 444 5000 and ask for a Planning Appeal form.
2. Completed appeals (forms and supporting documents set out in the appeal form) must be received by the Planning Inspectorate within the relevant time scale set out in the table below. The Secretary of State has the power to allow a longer period for you to give notice of an appeal, but he will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.:

Appeal Type	Time Period
Appeal against decision where no enforcement action taken or pending	Six months from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none"> • within two years before the date of the planning application, or • before the date of this planning decision and still in force. 	28 days from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none"> • on or after the date of this planning decision, and • is still in force. 	The earlier of the following dates: <ul style="list-style-type: none"> • 28 days from date enforcement notice is served, or • Six months from date of this decision notice

These time scales are in relation to the appeal against the planning decision.

The time scales for appeals against the enforcement notice (as set out in the enforcement notice) are not affected by this decision.

Purchase Notices

If permission is refused, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.