

## COUNCIL MEETING – 27 FEBRUARY 2018

### REPORT OF THE LICENSING SUB-COMMITTEE

22 January 2018

Present: Councillors Ekins (Chairman), Maguire and Simmons

Also present: Mrs A Wilcox, (Principal Environmental Health Manager), Mr G Hollands, (Solicitor/ DistrictLaw), Mrs A Walton-Miller (observing) and Mrs C A Mundy, (Democratic Services Officer).

The meeting commenced at 1pm.

#### 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Ekins be appointed as chairman for this sub-committee.

#### 2. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** that the press and public be excluded from the meeting during consideration of the following items in accordance with section 100A(4) to the Local Government Act 1972 on the grounds that they would involve the likely disclosure of exempt information of the description shown in schedule 12A to the Act.

Minute No.	Item	Exemption
3	Application to renew private hire driver's licence	E1 & 2
4	Application for a private hire driver's licence	E1 & 2
5	Application for a private hire driver's licence	E1 & 2
6	Application to revoke or suspend hackney carriage driver's licence	E1 & 2

#### 3. APPLICATION TO RENEW PRIVATE HIRE DIRVER'S LICENCE

The annexed circulated exempt report of the director was received in relation to a request for the renewal of a private hire driver's licence.

The chairman welcomed the applicant and his friend and introduced the sub-committee members and those present to them.

Mrs Wilcox, Principal Environmental Health Manager, presented the report to the sub-committee. She explained that an application had been received to renew a driver's licence which had expired on 31 August 2017. As part of the process a driver had to undergo a medical examination to the Department of Transport, group two standards, to

assess their physical and mental fitness to drive a licensed vehicle. The medical report indicated that, within the last three years, the applicant had alcohol dependency. The medical standard states that someone with alcohol dependency must not drive; must notify the DVLA; and any licence should be refused or revoked in all cases of any history of alcohol dependency within a three year period.

The council policy stated that licensed drivers must notify the council of any change that may affect their fitness to drive a licensed vehicle. No notification of the alcohol dependency had been received from the applicant.

The key objective of the licensing authority was to ensure public safety and council policy reflects this overriding concern; the applicant needed to be a 'fit and proper' person to hold a private hire driver's licence.

The chairman thanked Mrs Wilcox and asked the applicant if he wished to say anything.

The applicant explained that he was unaware of the council policy and apologised that he had failed to notify the licensing team of changes to his health.

He had visited the Doctors to seek help with his alcohol dependency, which had been exacerbated following another medical issue with his foot; with the help of family and friends he had reduced his alcohol consumption and consider that it was no longer an issue. He had also attended AA meetings for a short time. He considered that he was a fit and proper person to hold a private hire licence; he had held a clean driving licence for 32 years and if successful with his application had been promised employment with a local taxi company to help get his life back on track.

The legal adviser explained that as the applicant had failed to pass the group two medical a licence would be refused unless there was evidence of a good reason why the sub-committee could go against the council policy.

The chairman adjourned the meeting at 1.25pm.

The meeting reconvened at 1.40pm.

The chairman asked the applicant if he considered that he had received a fair hearing and the applicant confirmed he had.

**DECISION:**

**RESOLVED** that the application, to renew a private hire driver's licence, be refused.

## **REASONS FOR DECISION:**

- (i) the sub-committee heard from the applicant and took into account the report to the sub-committee;
- (ii) the sub-committee noted that the applicant had been refused a group two medical certificate on the grounds of alcohol dependency;
- (iii) council policy states that in those circumstances a licence be refused and there being no evidence of any reason not to follow the policy the sub-committee therefore refuses the licence.

The legal adviser informed the applicant of his right to appeal and the process to do so.

## **4. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The annexed circulated exempt report of the director was received in relation to an application for a private hire driver's licence.

The chairman welcomed the applicant and his friend to the sub-committee and introduced everyone present.

The principal environmental health manager presented the report to the sub-committee. She explained that an enhanced disclosure from the Disclosure and Barring Service (DBS) had indicated three separate convictions, which included five offences which were further detailed within the report.

The applicant had been disqualified from driving for 12 months in 1999, for three years in 2006 and for five years in 2010. His licence had been returned on 1 January 2016. The council policy was that an applicant needed to have their driving licence restored for a period of at least five years before being considered for a private hire driver's licence.

The chairman thanked Mrs Wilcox for her presentation and asked the applicant if he wished to say anything.

The applicant explained that he was a former publican and that he had made errors in judgment in driving following the consumption of alcohol during the course of his working day. He had under-estimated the amount of alcohol he had consumed and had driven whilst under the influence. He was no longer a publican and had stopped drinking over four years ago. He had regained his licence and was now driving a van and was hoping to drive for a reputable private hire company if a private hire driver's licence was granted.

Members asked why the applicant considered that the council policy should be disregarded. The applicant explained that he was hardworking and good with customers. He had turned his life around and considered that being a private hire driver would be good for the local community and good for him. He had the promise of work with a reputable firm and

this was supported by his friend, also in attendance, who asked that he be given a chance to prove himself as he considered that he would be a great asset to his company.

The chairman adjourned the meeting at 2.00pm.

The chairman reconvened the meeting at 2.10pm.

He asked the applicant if he considered that he had received a fair hearing. The applicant confirmed that he had.

**DECISION:**

**RESOLVED** that the application for a private hire driver's licence be refused.

**REASONS FOR DECISION:**

- (i) The sub-committee heard from the applicant and took into account the contents of the report;
- (ii) The sub-committee noted that the applicant accepted that it was slightly over two years since he had regained his driving licence after a conviction for drink-driving;
- (iii) The policy of the council requires that a licence should not be granted until at least five years following the obtaining of a driving licence after a conviction;
- (iv) The sub-committee noted that the applicant was well liked and an asset to the community. In view, however, of the council's public safety obligations, these facts were not a reason to depart from the policy and accordingly the licence is refused.

The legal adviser informed the applicant of his right to appeal and the process to do so.

**5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The annexed circulated exempt report of the director was received in relation to an application for a private hire driver's licence.

The chairman welcomed the applicant to the meeting and introduced everyone present to him.

The principal environmental health manager presented the report to the sub-committee and reported that during the application process there was a requirement for an enhanced disclosure from the Disclosure and Barring Service (DBS). The disclosure certificate indicated that the applicant had 13 convictions, which included 23 offences, and these were detailed further in the report. The offences had taken place between December 1985 and September 2010 with some being of a violent nature.

Council policy stated that an application would not be considered until at least five years have elapsed from conviction, whilst these offences were all committed over seven years ago, council policy also stated that multiple offences over a period of time were of a greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which would be taken into account in considering an application.

If successful the applicant would also need to take and pass a practical driving standards assessment test specifically for drivers' of hackney carriage and private hire vehicles.

The sub-committee needed to ascertain if the applicant was a 'fit and proper' person to hold a private hire driver's licence.

The chairman thanked the principal environmental health manager for her presentation and asked the applicant if he wished to address the meeting.

The applicant explained that he had turned his life around following the birth of his first grandchild in 2012. He no longer consumed alcohol, which was the source of many of his problems and subsequent convictions; he had a good family and a good job. He had realised in 2012 that his life had to change and he had made sure that he had done so.

He had worked for his present employer for some time, and they had encouraged and supported his application for a licence as this would give his company an additional asset and more flexibility in the way he could be used.

The meeting was adjourned at 2.25pm.

The meeting reconvened at 2.55pm.

The chairman asked the applicant if he considered he had received a fair hearing. The applicant confirmed this was the case.

**DECISION:**

**RESOLVED** that the licence be granted subject to:

- (i) the passing of the required driving test;
- (ii) the provision of a satisfactory reference from an appropriate senior officer of his employers;
- (iii) the principal environmental health manager being satisfied as to the provision of update information from the DBS;
- (iv) medical certification.

**REASONS FOR DECISION:**

- (i) the sub-committee heard from the applicant and considered the report;
- (ii) the applicant accepted that he had committed all of the offences referred to in the report;
- (iii) the applicant confirmed that he had committed no offences since September 2010; the applicant also confirmed that his offending behaviour had been caused by alcohol and that since January 2012 he had not consumed alcohol at all in any form;
- (iv) the applicant was now employed as a courier driver and his company wished him to upgrade to driving passengers;
- (v) the sub-committee accepted all of these representations, subject to the provision of a reference. It considered that they gave sufficient reason to depart from policy in section 5.0.5 and that the applicant was a fit and proper person to hold a licence.

**6. APPLICATION TO REVOKE OR SUSPEND HACKNEY CARRIAGE DRIVER LICENCE**

The annexed circulated exempt report of the director was received in relation to the potential revocation or suspension of a hackney carriage driver's licence following conviction of a relevant offence.

The chairman welcomed the licence holder and his friend to the sub-committee and introduced everyone present.

The principal environmental health manager presented her report explaining that complaints had been received about the failure of the licence holder to use his meter on a number of occasions, resulting in a fare over-charge. Further details of the incidents were contained within the report. Following these complaints a decision had been made by licensing officers to prosecute the licence holder who had pleaded not guilty to the offences at the first hearing in September 2017 resulting in the case being listed for full trial at the Magistrates Court in November 2017, when he had again pleaded not guilty. Magistrates commented at the hearing that the complainant had given a credible and consistent account and the licence holder had been found guilty of four offences of failing to use his meter, on four occasions. He received a fine of £200 with full costs of £1022.50 and a victim surcharge of £30.

It had also been noted that the licence holder had failed to report accident damage to his vehicle to the licensing department in accordance with council policy. This damage was only found when the vehicle had been taken for testing. The licence holder had been asked to repair this to a suitable standard, which he had not done. When informed of this by licensing officers he had been confrontational and aggressive to them.

As such this, as well as the other incidents, questioned whether he remained a 'fit and proper' person to hold a hackney carriage licence.

The licence holder had been given a temporary licence which would expire on 22 January 2018.

The chairman thanked the principal environmental health manager for her presentation and asked the licence holder whether he wished to say anything.

The licence holder expressed his concern over the the court cases and the decisions made; it was explained to him by the legal adviser that the court cases had been concluded and the decision taken by the Magistrates Court could not be changed and was therefore not for discussion today.

The licence holder's friend explained that he had been using the services of the licence holder for over 10 years and had found him to be reliable and good natured. He had been subjected to considerable bullying and harassment from other drivers and there had been damage to his vehicle. The police had been involved with this and had made an arrest and the vandalism had ceased. He had spent a considerable amount of money on getting his vehicle back on the road. The failure to use the meter was purely due to forgetfulness and knowing how much the cost of the route would be, as the complainant was a regular customer. He considered that the licence holder should retain his licence.

The chairman adjourned the meeting at 3.20pm.

The chairman reconvened the meeting at 3.45pm.

The chairman asked the licence holder if he considered that he had received a fair hearing. The licence holder did not indicate either way, as to whether he considered it to have been a fair hearing.

**DECISION:**

**RESOLVED** that the licence be revoked and not renewed.

**REASONS FOR DECISION:**

- (i) the sub-committee heard from the licence holder and his friend and considered the report.
- (ii) the sub-committee noted that the licence holder had been convicted on two separate occasions in 2014 and 2017 in the magistrates of an offence of failing to use his taxi meter;
- (iii) representations were made in relation to these offences by the licence holder and his friend. The sub-committee, however, considered that the facts of the offences were conclusive such that the representations could not be taken into account;
- (iv) failure to comply with the law relating to taxi meters on two separate occasions, after a warning on the first occasion, was such a serious matter that the licence could not be renewed and should be revoked.

The legal adviser informed the applicant of his right to appeal and the process to do so.

Chairman

## COUNCIL MEETING – 27 FEBRUARY 2018

### REPORT OF THE PLANNING COMMITTEE

24 January 2018

Present: Councillors Morrall (Chairman), Ward (Vice-Chairman), Aslam, Graves, G Lawman, Scarborough and York.

Miss J Thomas (Director), Mrs D Kirk (Interim Senior Development Management Officer), Mr J Udall (Design and Conservation Officer), Ms E Granger (Legal adviser) and Mrs F Hubbard (Democratic Services Officer).

#### 1. APOLOGIES FOR ABSENCE

**RESOLVED** to note that apologies for absence were received from Councillors Hallam, Lloyd, Maguire and Stevenson.

#### 2. DECLARATIONS OF INTERESTS

**RESOLVED** to note that in accordance with the Localism Act 2011 and the council's code of conduct and rules of procedure, the under-mentioned councillors declared an interest in the following items:

Councillor	Minute No	Item	Description of Interest
Graves	5	WP/17/00690/FUL	Other – he knew the applicant
Lawman	6	WP/16/00271/VAR	Other – he knew some of the speakers

#### 3. CONFIRMATION OF MINUTES – 20 DECEMBER 2017

**RESOLVED** that the minutes of the meeting held on 20 December 2017, be confirmed and signed.

#### 4. REPORT OF THE DIRECTOR

**RESOLVED** that the annexed circulated report of the director, be received on the applications for planning permission, listed building consent, building regulation approvals and appeals information.

#### 5. PLANNING APPLICATION WP/17/00690/FUL – 15 LONDON ROAD, BOZEAT

The annexed circulated report of the director was received, including late letters, on planning application WP/17/00690/FUL, for a proposed 2 storey, 4 bedroom dwelling, access drive from Allens Hill and area of hardstanding for the parking of vehicles for Mr and Mrs Mark Allebone.

The report detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal.

The director recommended that the planning application be approved subject to the conditions set out in the report.

The interim senior development management officer referred the members to the late letters and the 2 extra conditions requiring details of the covered cycle parking and the capacity to install an electric charging point.

The site viewing group visited the site on 23/01/2018 and a record of the visit was set out in the circulated notes.

Requests to address the meeting had been received from the agent.

The chairman allowed the speaker to address the meeting and the committee was given the opportunity to ask questions of clarification.

The agent stated that this was a modest scale dwelling with a low ridge height not to overlook, with suitable amenity and parking and use of an existing track access. He had welcomed the parish council's comments, at the site viewing yesterday, that their objection had been removed, as their pedestrian to vehicle visibility splay concerns had been resolved.

The chairman then invited the committee to determine the application.

The site viewing group felt that the removal of the high conifer hedgerow would give out more light and were pleased to see that the silver birch tree on the site would be retained. The removal of the end fence panel and tree at the entrance was welcomed as this would comply with highway visibility splays.

It was proposed by Councillor Ward and seconded by Councillor Morrall that the planning application be approved.

Councillor Lawman raised concerns as to how the condition imposing cycle parking would be enforced in the future. It was explained to members that this was part of the county's standards in relation to parking and in the interest of sustainability, the use of alternative transport to a car.

An amendment to the recommendation for the cycle store was then moved by Councillor Lawman that this condition be removed as this would be impossible to enforce in the future. This was seconded by Councillor Scarborough. This then became the substantive motion.

On being put to the vote, the motion to remove the cycle store condition was carried by 6 votes.

The chairman then asked the members to vote for the planning application and the motion for approval, including the removal of the cycle store condition, and this was carried unanimously.

**RESOLVED** that the planning application be approved subject to the following conditions:

1. The development should accord with the following drawing numbers:

17-089-02 Rev C (site location plan scale 1:1250, proposed site plan and vehicular and pedestrian visibility splays) received 4 January 2018;

17-089-03 Rev B (proposed ground and first floor plan and elevations) received 4 January 2018;

17-089-04 (proposed vehicle manoeuvring plans) received 4 January 2018;

Reason: to ensure the development is carried out in accordance with the approved plans.

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

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

3. Representative samples of all external facing and roofing materials shall be submitted to and approved in writing by the local planning authority prior to construction.

Reason: In the interest of the visual amenity of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

4. Prior to occupation of the development hereby approved, the driveway and access area must be paved with a hard bound surface for a minimum of 5 metres from the edge of the highway boundary in order to prevent loose material being carried onto the public highway.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

5. Prior to the occupation of the development hereby approved a positive means of drainage must be installed to ensure that surface water runoff from the driveway does not discharge onto the highway.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

6. Prior to the occupation of the development hereby approved, pedestrian to vehicle visibility of 2.0 metre x 2.0 metres above a height of 0.6 metres must be provided and maintained in perpetuity on both sides of the vehicular access.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

7. The development hereby permitted shall not be occupied until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

8. Prior to the construction of the development hereby approved, a scheme showing the proposed boundary treatment between the existing property (15 London Road) and the approved dwelling shall be submitted to and approved in writing by the local planning authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure, and these shall be provided in accordance with the approved scheme before the approved dwellings is first occupied. The approved fence, hedge or wall shall subsequently be retained thereafter.

Reason: To ensure a suitable form of boundary treatment is constructed in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) under Class A, B, C, D or E shall be made to the dwelling house hereby permitted, or any detached building erected, without the express permission in writing of the local planning authority.

Reason: The further extension of this dwelling or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

10. The first floor landing window within the north east elevation of the dwelling hereby approved) shall be glazed with obscure glass. The level of obscurity shall be a minimum level 3 of the Pilkington range of textured glass or equivalent. The window shall not be altered to clear glazing without the specific grant of planning permission from the local planning authority.

Reason: In the interests of protecting privacy for the future occupiers of the development and in the interests of residential amenity in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

11. The dwelling hereby approved shall be built to meet the requirements of the national Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

12. The dwelling hereby approved shall incorporate measures to limit water use to no more than 105 litres per person day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

13. No building shall be occupied until the car/vehicle parking area shown on the approved plans has been constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

14. All existing trees, woodlands and hedgerows to be retained as shown on drawing number 17-089-02 Rev C received on 4 January 2018 (proposed site plan scale 1:200) shall be fully protected in accordance with the latest British Standards (currently BS 5837:2012 'Trees in relation to design, demolition and construction-Recommendations') by the time construction begins. All protective measures must be in place prior to the commencement of any building operations (including any structural alterations, construction, rebuilding, demolition and site clearance, removal of any trees or hedgerows, engineering operations, groundworks, vehicle movements or any other operations normally undertaken by a person carrying on a business as a builder). The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations. All protective measures shall be maintained in place and in good order until all work is complete and all equipment, machinery and surplus materials have been removed from the site.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat and to minimise the effect of development on the area in accordance with policy 3 (a), (b) and (e) of the North Northamptonshire Joint Core Strategy.

15. Prior to any construction works commencing details of one physical electrical vehicle charging point shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwelling.

Reason: In the interests of highway safety in accordance with policy 8 (b) (i) and 15 (c) of the North Northamptonshire Joint Core Strategy.

## **6. PLANNING APPLICATION WP/16/00271/VAR – LAND OFF NIORT WAY NORTHANTS LIP, NIORT WAY, WELLINGBOROUGH**

The annexed circulated report of the director was received, including late letters, on planning application WP/16/00271/FUL, for a S73 application to vary conditions 1-20, 24-30, 32-33 and 37 of application reference number: WP/2012/0525/XEIA on land off Niort Way Northants LIP, Niort Way, Wellingborough for Mr M Best.

The report detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal.

The director recommended that the planning application be approved subject to the signing of the section 106 legal agreement and compliance with the conditions set out in the report.

The application had been deferred at the planning committee meeting held on 20 December 2017, to enable queries in relation to the amendments to the conditions raised by Councillor Lawman, to be responded to and then return to committee.

The interim senior development management officer referred the members to the late letters and the amendments in bold to conditions 18 and 19 of the report.

Requests to address the meeting had been received from 2 objectors. Only one of the objectors was present at the meeting.

The chairman allowed the speaker to address the meeting. Unfortunately she was referring to a different reserved matters application (17/00525/REM). The speaker did refer to footpath TH5 which is referred to in this planning application and questions of clarification about the location of the footpath were answered.

The chairman informed the speaker that if a speaker had already spoken on a planning application then they could not speak again on that application at a future meeting. The chairman, however, informed the speaker that he would allow her to return to speak when the application she was referring to, was before the committee for consideration.

The chairman then invited the committee to determine the application.

Councillor Lawman thanked the interim senior development management officer for the work and the clarifications she had provided in responding to the queries he raised, following the deferment of the application at the last planning committee meeting and commented that he would like to see the Section 106 come before council or this committee.

It was proposed by Councillor Morrall and seconded by Councillor Graves that the planning application be approved, subject to the completion of a section 106 legal agreement and compliance with the conditions set out in the report.

On being put to the vote, the motion for approval was carried by 6 votes.

**RESOLVED** that the planning application be approved subject to the following conditions and the signing of the section 106 legal agreement:

1. The applications for approval of all of the reserved matters in respect of phase 1a (as defined by Parameter Plan H - drawing number BBD008/017.01/N received 21 July 2016) shall be made no later than the expiration of 2 years from the date of this permission and the development to which this permission relates in respect of Phase 1a shall commence before the later of:
  - (a) The expiration of a period of 5 years from the date of this permission or
  - (b) The expiration of 2 years from the date of the final approval of the details of the last reserved matter given by the local planning authority or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The applications for approval of reserved matters in respect of the remainder of Phase 1 and Phases 2 and 3 (as defined by parameter plans H, I and J - Drawing numbers BBD008/017.01 N, BBD008/017.02/L, BBD008/017.03/L) shall be made no later than the expiration of 10 years from the date of permission WP/2012/0525/XEIA (14 January 2013) and the development to which this permission relates in respect of the remainder of Phase 1 and Phases 2 and 3 shall commence before the later of:
  - i) the expiration of a period of 12 years from the date of permission WP/2012/0525/XEIA - 14 January 2013
  - ii) the expiration of 5 years from the date of the final approval of the details of the last reserved matter (for phases 2 and 3) given by the local planning authority or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.

- 2A. Notwithstanding conditions 2 and 5A of this permission, no development shall commence within Phases 2 and 3 (as defined by Parameter Plans I and J - drawing numbers BBD008/017.02/L received on 11 July 2016 and BBD008/017.03/L received) on 11 July 2016 until development has commenced in any part of phase 1 pursuant to condition 1 of this permission.

Reason 2A: To ensure a satisfactory and sustainable form of development in accordance with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Notwithstanding condition 2 above, no dwellings within Phases 2 and 3 (as defined by Parameter Plans I and J - drawing numbers BBD008/017.02/L and BBD008/017.03/L) received on 11 July 2016 shall be occupied until the IWIMP road has been completed and brought into use. Save that if Northamptonshire County Council serve a notice on the local planning authority that the IWIMP road is not required and that alternative improvements to the A509 are required instead. Details of those alternative improvements to the A509 including a time table for the implementation of any alternative works shall be submitted to and agreed in writing by the local planning authority in consultation with the highways authority. The approved alternative improvement works shall be implemented in accordance with the agreed timetable and in any event no dwellings within Phases 2 and 3 (as defined by Parameter Plans I and J - Drawing Numbers BBD008/017.02/L and BBD008/017.03/L) received on 11 July 2016 shall be occupied until the approved alternative improvement works road have been completed and brought into use

Reason: to ensure the delivery and availability of infrastructure when required to cater for traffic generated by more than 1500 residential units residential units and to ensure that the safety and free flow of traffic on the trunk road network is not prejudiced by this development in accordance with policies 8 (b) (i), 10 (c) and 11 (a) of the North Northamptonshire Joint Core Strategy.

4. Applications for detailed approval of the following matters (hereby referred to as the reserved matters) in relation to any Phase, Sub-Phase, and Infrastructure Element of development shall be submitted to and approved in writing by the local planning authority before the commencement of development in that Phase (save such preliminary work):
- (a) the layout, scale and appearance of buildings;
  - (b) vehicle, cycle and foot access routes and parking;
  - (c) hard and soft landscaping including boundary treatments and details of street furniture and lighting;
  - (d) layout and design of public open space;
- The development shall thereafter be implemented in accordance with the approved details.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the local planning authority.

- 4A. Notwithstanding the details granted under reserved matters consent 14/00480/REM for primary infrastructure a revised application and application for detailed approval of the following matters in relation to any Phase, Sub-Phase, and Infrastructure Element of development shall be submitted to and approved in writing by the local planning authority before the commencement of development in relation to that Phase:
- (a) layout, design and specification of drainage infrastructure;
  - (b) detailed survey of existing ground levels, details of any proposed alterations to the existing ground levels, the final ground level of the development and the finished floor levels of the buildings; and
  - (c) waste management facilities strategy and waste audit, including arrangements for the provision of waste collection receptacles.
- The development shall thereafter be implemented in accordance with the approved details.

Reason 4A: To ensure that the drainage infrastructure, levels and waste management facilities for each phase of the development would be satisfactory in accordance with policies 5 (c) and (f), 8 (d) (ii) and 10 (b) and (c) of the North Northamptonshire Joint Core Strategy.

5. Notwithstanding the details granted under details of condition consent WP/2012/0458/CND relating to a Phase 1 Design Code dated November 2012, no reserved matters application (s ) shall be submitted for development in relation to any Phase of development including phase 1 unless a revised design code for phase 1 and subsequent design codes for phases 2 and 3 (including schedules of external facing materials for all the buildings) covering that application has been submitted to and approved in writing by the local planning authority. Such design code to be submitted to the local planning authority for approval shall consist of guidance and coding relating to the following matters for that application:
- character area overview;
  - public realm strategy;
  - movement network including route hierarchy, street, building and block typologies;
  - open spaces and landscape;
  - environmental standards; and
  - implementation.
- The development shall thereafter be implemented in accordance with the approved design code details

Reason: To ensure that a high quality and sustainable form of development is delivered in accordance with policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

- 5A. Prior to commencement of development on a Phase a Phasing Programme in respect of the implementation of the development in that Phase, which shall generally be in accordance with the principles set out in Parameter Plans H, I and J submitted with the application

(Drawing nos. BBD008/017.01/N received on 21 July 2016, BBD008/017.02/L received 11 July 2016 and BBD008/017.03/L received 11 July 2016) shall be submitted to and approved in writing by the local planning authority. The Phasing Programme shall set out the timing for implementation and completion of the works necessary to lay out and complete the construction of the landscape areas and public open space and specifically the details of the number of dwellings permitted to be occupied prior to completion of the elements of the public open space and those public open space elements being made available for use by the public. The Phasing Programme shall show and address the following in relation to Phase 1 of the development:

- (a) identify the nature, scale and extent of the infrastructure to be provided to serve the development within Phase 1;
  - (b) identify play and sports facilities, including formal and informal open space, to serve 1,500 dwellings within Phase 1, including the formal sports facilities adjacent to Wellingborough Grange Farm and the timing for its delivery;
  - (c) incorporate the central phase of Brook Park and the Harrowden Ridge Park central phase and the timing for its delivery;
  - (d) identify the extent of the neighbourhood centre to be associated with Phase 1 and timing for its delivery;
  - (e) identify the extent of the woodland planting to be associated with Phase 1 and the timing for its delivery including advance planting on the northern and eastern edges of Redhill Grange. The development shall be implemented in accordance with the phasing plan and programme so approved.
- (Design Code Phase 1 needs amending in light of land swap).

Reason 5A: To ensure the phased and ordered delivery of the development to achieve the objectives set out within the parameter plans and development framework plan and to accord with policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

6. Each reserved matters application shall substantially accord with the Planning Application Development Framework Plan (drawing numbered BBD008/010/BH received on 21 July 2016) which shall be accompanied by a written statement which demonstrates compliance.

Reason: To ensure the reserved matters applications accord with the development framework plan and relevant sub-area detailed Design Code to accord with policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

7. The development hereby permitted shall be carried out substantially in compliance with the Parameter Plans contained in the Planning Application, namely drawing nos. BBD008/043/K (Parameter Plan: A, Planning Application Boundary) received 13 June 2016; BBD008/010/BH (Parameter Plan B: Development Framework) received 21 July 2016; BBD008/ 012/AD (Parameter Plan C: Movement Framework) received 11 July 2016; BBD008/ 014.02/X (Parameter Plan D - Green Infrastructure) received 21 July 2016; BBD008/015/U (Parameter Plan: E Density) received 11 July 2016; BBD008/ 016/R (Parameter Plan: F Built Form) received 11 July 2017;

BBD008/ 029/G (Parameter Plan: G Building Heights) received 11 July 2016); BBD008/017.01/N (Parameter Plan: H Phasing Plan - Plan of 1st Phase) received 21 July 2016; BBD008/017.02/L (Parameter Plan: I Phasing Plan - Plan of 2nd Phase) received 11 July 2016 and BBD008/017.03/L (Parameter Plan: J Phasing Plan- Plan of 3rd Phase) received 11 July 2016.

Reason: To ensure that the development is carried out in accordance with any necessary mitigation for the purposes of the Environmental Impact Assessment and subsequent updates in order that the development complies with the approved plans and accords with policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

8. The total number of C3 dwelling units within the development shall be limited to 3,000. Of that total, 1,500 units shall be limited to Phase 1; 700 units for Phase 2 and 800 units for Phase 3. Notwithstanding the foregoing, Sub-Phases of the development may be carried out subject to the limits specified for each Phase both individually and cumulatively not being exceeded.

Reason: To ensure the safety and free flow of traffic on the trunk road network is not prejudiced by this development and to accord with policies 8, 10 (a), 11 (a) and 15 (a) of the North Northamptonshire Joint Core Strategy.

9. Prior to the commencement of the development of any phase, sub-phase or infrastructure element in connection with any phase (save for such preliminary works as the local planning authority may approve in writing), all existing public rights of way affected by the development of that phase, sub-phase or infrastructure element shall be protected and/or diverted in accordance with statutory procedures and a scheme which shall previously have been submitted to and approved in writing by the local planning authority. Such measures shall remain in place for the duration of the construction in that phase, sub-phase or infrastructure element and thereafter, any such route shall be returned to its original state or such state as shall be approved in writing in advance by the local planning authority, and made available for public use once the works which immediately affect them have been completed.

Reason: To ensure that the existing rights of way are either protected or diverted and accord with policy 8 (a) of the North Northamptonshire Joint Core Strategy.

10. Prior to the commencement of any Phase or sub- Phase (save for such preliminary works) including phase 1, a structural landscape scheme including a timetable for implementation of the works in that phase or sub-phase shall be provided in accordance with the Landscape Strategy (September 2008) and submitted to and approved in writing by the local planning authority. The structural landscape details shall be implemented in accordance with the approved details and timetable.

Reason: To protect existing landscape features and wildlife in accordance with policies 3 (d) and (e), 4, 8 (a) (iii), 15 (e) and 19 (c) of the North Northamptonshire Joint Core Strategy.

11. Prior to the commencement of development of a Phase, Sub Phase or Infrastructure Element in connection with a Phase (save for such preliminary works), a detailed plan shall be submitted to and approved in writing by the local planning authority indicating the position of existing landscape features including trees, large shrubs and hedges both within that Phase, Sub-Phase or Infrastructure Element (as applicable) and overhanging the Phase boundary. Trees are to be assessed for their wildlife value and potential for providing bat roosts. The extent of the canopy shall be plotted accurately and the plan shall specify protective measures to existing trees and hedges to be retained on that part of the Phase, Sub-Phase or Infrastructure Element (as applicable) in accordance with British Standard 5837. The plan shall also indicate the proposed route of all underground services and measures to be taken to ensure that root damage is avoided. The approved measures shall be implemented prior to development of the Phase, Sub-Phase or Infrastructure Element to which it relates (save for such preliminary works) and retained until the completion of the relevant Phase, Sub-Phase or Infrastructure Element. Any land so enclosed shall be kept clear of all materials, machinery and temporary buildings at all times.

Reason: To ensure satisfactory protection of existing landscape features which are to be retained throughout the construction process and accord with policy 3 (d) of the North Northamptonshire Joint Core Strategy.

12. Notwithstanding the details approved under reference WP/15/00001/CND (CSA document dated September 2014) a Landscape Maintenance Plan, including phasing and implementation strategy, and maintenance arrangements (including frequency of maintenance, measures to replace any trees, shrubs or turf which may die or become diseased following implementation of the plan and standards of maintenance and repair to be achieved) for all landscape areas, allotments and public open space other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority as part of the reserved matters submissions made in accordance with Condition 4. Such plans shall ensure that if, within a period of 5 years from the date of the planting, any tree or plant is removed, uprooted, destroyed or dies, another of the same species and size shall be planted at the same place in the next available planting season. Landscape Maintenance Plans shall be implemented as approved.

Reason: To ensure that failing plants are replaced within the establishment period to accord with policies 3 (e), 4, 8 (b) (vi), 15 (e) and 19 (c) of the North Northamptonshire Joint Core Strategy.

13. Notwithstanding the details approved under reference WP/15/00295/CND whereby the archaeological evaluation by Cotswold Archaeology dated May 2015 found the area of land identified within the report under parcel 1A was devoid of significant archaeological activity, prior to the commencement of any further Phase or Sub-Phase or Infrastructure Element including the remainder of phase 1 in connection with any Phase (save for such preliminary works), a programme of archaeological work in accordance with a written scheme of investigation (including site based archaeological survey, trial fieldworks to evaluate the archaeological potential of the sub-area and any work necessary to preserve remains in situ and/or by record), or watching brief, as appropriate, shall be submitted to and approved in writing by the local planning authority for that Phase, Sub-Phase or Infrastructure Element. The relevant works shall only take place in accordance with the detailed scheme or brief pursuant to this condition.

Reason: To ensure that potential archaeological remains are recorded in accordance with policy 2 (d) of the North Northamptonshire Joint Core Strategy.

14. Prior to the commencement of a phase or sub phase or infrastructure element in connection with any phase (save for such preliminary works) a scheme for noise mitigation measures in relation to that phase or sub phase in accordance with the Environmental Statement to protect future occupiers from the industrial operations within Finedon Road Industrial Estate shall be submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be implemented in full prior to the first occupation of any building in that phase or sub phase.

Reason: To ensure that there would be noise mitigation measures and ensure satisfactory living conditions for future residents and accord with policy 8 (e) (ii) of the North Northamptonshire Joint Core Strategy.

15. Prior to the commencement of a Phase or Sub-Phase or Infrastructure Element in connection with any Phase (save for such preliminary works) a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include and specify the provision to be made for the following:
- (i) Dust mitigation measures during the construction period;
  - (ii) Control of noise emanating from the site during the construction period;
  - (iii) Hours of construction work for the development;
  - (iv) Contractors' compounds and other storage arrangements;
  - (v) Enclosure of Phase or Sub-Phase development sites;
  - (vi) Provision for all site operatives, visitors and construction vehicles loading, offloading, parking and turning within the site during the construction period;
  - (vii) Arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways;
  - (viii) Routing agreement for construction traffic.
- The construction of the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and to accord with policy 8 (b) (i), 8 (e) (i) and (ii) of the North Northamptonshire Joint Core Strategy.

16. Prior to the commencement of development on a phase or sub phase or infrastructure element in connection with any phase a lighting strategy for that phase, sub phase or infrastructure element shall be submitted to and approved in writing by the local planning authority. The details shall thereafter be implemented in accordance with the approved strategy and prior to completion of that phase, sub phase or infrastructure element in connection with any phase.

Reason: For the avoidance of unnecessary light pollution and to accord with policy 8 (e) (i) and (ii) of the North Northamptonshire Joint Core Strategy.

17. Notwithstanding the details approved under reserved matter application reference WP/14/00480/REM the development hereby permitted shall not be commenced until such time as a revised scheme to provide detailed suitable modelling of the watercourse through the site (Harrowden Brook) to the limits of the site boundaries (to allow the fluvial flood risk contours from the modelled 1 in 100 year and 1 in 1000 year flood events to be mapped) has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To inform the location of any proposed development on the site and prevent flood risk in accordance with policy 5 (c) of the North Northamptonshire Joint Core Strategy.

18. Notwithstanding the details agreed under reserved matters consent WP/14/00480/REM, prior to the commencement of development on any phase or sub phase a Stage 2 Flood Risk Assessment (FRA) in relation to that phase or sub phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained in accordance with timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be approved in writing by the local planning authority.

Reason: To prevent the increase in flood risk in accordance with policy 5 (a), (b) and (c) of the North Northamptonshire Joint Core Strategy.

19. Notwithstanding the details agreed under reserved matters consent WP/14/00480/REM, and Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, prior to the commencement of development on a phase or sub phase revised details of a scheme for that phase or sub phase including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the local planning authority. No dwellings within the relevant phase or sub phase shall be occupied until the works have been carried out in accordance with the approved scheme or within any other period as may subsequently be approved in writing by the local

planning authority.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with policy 5 (f) of the North Northamptonshire Joint Core Strategy.

20. Notwithstanding the details agreed under reserved matters consent WP/14/00480/REM, and prior to the commencement of a phase, sub phase or infrastructure element in connection with any phase (save for such preliminary works) a scheme for the disposal of surface water from that phase or sub phase shall be submitted to and approved in writing by the local planning authority. Such a scheme should be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and shall not result in an increase in the rate and/or volume of surface water discharge to the local land drainage system. Where a scheme is submitted in relation to a sub phase rather than a phase, the scheme shall also demonstrate how the sub phase surface water disposal proposals and sustainable drainage principles adopted for that sub phase link into and will not prejudice or otherwise hinder or impede the provision of surface water disposal proposals and sustainable drainage principles in other sub phases within that phase or other phases and how the sustainable drainage will (if at all) link into other sub phases and phases. Where a scheme is submitted in relation to a whole phase then the scheme shall demonstrate how the surface water disposal proposals and sustainable drainage principles for the phase link into other phases and that they will not prejudice or otherwise hinder or impede the provision of surface water disposal proposals and sustainable drainage principles in other phases. The development shall be carried out in accordance with the approved schemes and prior to completion of a phase, sub phase or infrastructure element in connection to a phase.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure in accordance with policy 5 (c) of the North Northamptonshire Joint Core Strategy.

21. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall be carried out in accordance with the approved amendment to the remediation strategy.

Reason: To protect controlled waters and ensure safe and healthy communities in accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

22. Non-residential buildings shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level "very good" (or the equivalent standard which replaces the Building Research Establishment Environmental Assessment Method which is to be the assessment in force when the Commercial Unit or Units concerned are

registered for assessment purposes).

Reason: In the interests of sustainability and to ensure that the development provides an energy efficient design to accord with policy 9 (i) of the North Northamptonshire Joint Core Strategy.

23. All reserved matters applications for buildings shall be accompanied by a Sustainability Statement/Assessment that demonstrates how environmental sustainability issues have been addressed during the design process and sets out the way in which the credits under relevant BREEAM Rating will be achieved based on the actual design of the commercial units in the particular development parcel. The development shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability and to ensure that the development provides an energy efficient design to accord with policy 9 (i) of the North Northamptonshire Joint Core Strategy.

24. Notwithstanding the details previously in relation a low carbon strategy feasibility study, a detailed low carbon feasibility study in light of the revised parameter plans shall be submitted to and approved in writing by the local planning authority and shall include a timetable for the implementation of the approved study.

Reason: To ensure the impacts of the development includes measures to mitigate its impacts on air quality and accord with policy 8 (e) (ii) and 10 (c) of the North Northamptonshire Joint Core Strategy.

25. In relation to the Class A1 use of the Town and Country Planning (Use Classes) Order 1987 (as amended or any equivalent class within an order revoking and or re-enacting that order with or without modification) proposed on site pursuant to this permission the cumulative total gross floor area shall not exceed 2,600 square metres.

Reason: In order to safeguard the retail vitality and viability of the existing centres in accordance with policy 12(a) and (g) of the North Northamptonshire Joint Core Strategy.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other order revoking and or re-enacting this order with or without modification) any class A2, A3, A4 and A5 building/uses shall not be used for retail purposes falling within A1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other order revoking and or re-enacting this order with or without modification).

Reason: To ensure a range of community facilities are provided within the local centre and accord with policy 12 (a) and (c) of the North Northamptonshire Joint Core Strategy.

27. Notwithstanding the details approved under reserved matters consent WP/14/00480/REM, prior to the commencement of development on a phase or sub phase (save for such preliminary works) a detailed development phasing plan for all highway and access works within that phase or sub phase (as applicable) shall be submitted to and approved in writing by the local planning authority. The development phasing plan shall be in accordance with the phasing programme submitted to and approved in writing by the local planning authority pursuant to condition 5a of this permission. All highway and access works shall be implemented in accordance with the approved development phasing plan for that phase or sub phase.

Reason: In the interests of highway safety and improving accessibility in accordance with policies 8 (b) (ii), 10 (d) of the North Northamptonshire Joint Core Strategy.

28. Before any part of the development hereby permitted is commenced the applicant shall undertake public consultation with Redhill Grange concerning any alteration to the existing access arrangements or creation of a new access or accesses to the estate at Redhill Grange. The results of the consultation shall be considered by the applicant and where appropriate taken account of in the subsequent detailed reserved matters application submissions pursuant to this permission.

Reason: In the interests of highway safety and improving accessibility in accordance with policies 8 (b) (ii), 10 (d) and 15 (d) of the North Northamptonshire Joint Core Strategy.

29. Notwithstanding the plans submitted, all roads, footpaths, cycleways and verges within the development and linking to it shall be designed and constructed in accordance with details to be submitted to and approved in writing by the local planning authority. Details shall accord with the standards contained within the Northamptonshire highway adoption standards.

Reason: To ensure a satisfactory standard of development in the interests of highway and pedestrian safety and to accord with policies 8 (b) (ii), 10 (d) and 15 (d) of the North Northamptonshire Joint Core Strategy.

30. Notwithstanding the details previously approved relating to the walking and cycling audit dated October 2014, before any part of the development hereby permitted is commenced a revised walking and cycling audit shall be submitted to and approved in writing by the local planning authority. No development shall be commenced until details of the walking and cycling measures arising from the audit which for the avoidance of doubt shall include measures such as dropped kerbs, tactile paving and controlled pedestrian/cycle crossings and signage to be carried out within the public highway that reasonably relate to the proposed development along with a programme of delivery have been submitted to and approved in writing by the local planning authority. Such walking and cycling measures shall be carried out in accordance with the approved programme of delivery.

Reason: To ensure that the development satisfactorily links to existing footway and cycle paths and to accord with policies 8 (b) (i) and (ii), 10 (d) and 15 (a) of the North Northamptonshire Joint Core Strategy.

31. As part of any reserved matters application submitted for the any phase or sub-phase of the housing development any proposed dwellings shall comply with the Department for Communities and Local Government 'Technical housing standards - nationally described space standards' (dated March 2015) (or any standards revoking and/or re-enacting that standard).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_\\_\\_\\_Final\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard____Final_Web_version.pdf)

Reason: to ensure the future occupiers of the development reside in dwellings that have a satisfactory standard of residential space in accordance with policy 30 (b) of the North Northamptonshire Joint Core Strategy.

32. As part of any reserved matters application submitted for the any phase or sub-phase of the housing development detailed plans should be submitted and approved by the local planning authority identifying which dwellings would meet the requirements of the national Accessibility Standards in category 2 (accessible and adaptable dwellings) and Category 3 (wheelchair use) in accordance with the schedule of the Approved Document M of the Building Regulations (2015). The approved scheme for the any related phase or sub-phase shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body.

Reason: to ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

33. Any dwelling in phases 1, 2 or 3 shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

## **7. PLANNING APPLICATION WP/17/00556/FUL – 15D ROCK ROAD, FINEDON**

The annexed circulated report of the director was received, on planning application WP/17/00556/FUL, for a change of use from C3 (dwelling house) to C2 (children's home) for up to 2 children/young people at 15D Rock Street, Finedon for Mr K Tiribabi.

The report detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal.

The director recommended that the planning application be approved subject to the conditions set out in the report.

A request to address the meeting had been received from the applicant.

The chairman allowed the speaker to address the meeting and the committee was given the opportunity to ask questions of clarification.

The agent explained that the accommodation would be for up to two children who are on the autistic spectrum aged between 8 and 17 years old.

Staff would be present 24 hours a day, 52 weeks of the year. There would be two staff present at all times and the shifts for the staff would be 7.30 am – 9 pm (split into two shifts 7.30 am – 3 pm and 3 pm – 9 pm) and then through to 7.30 am.

The children would attend school. The property would be Ofsted inspected and visited by an inspector once a week. The applicant has a similar property in the borough and no complaints have been received in that area.

The chairman then invited the committee to determine the application.

The ward councillor had concerns about the application due to lack of amenity space to the rear and the property itself not being appropriate. There are also parking concerns in that area. Councillor Lawman also had concerns in relation to parking as there are only two car parking spaces outside and when the shift change over for staff occurs a member of staff would have to park on the street.

Concern was also raised by Councillor Scarborough over what would happen if more than two children were accommodated at the property. It was clarified that an application would have to return to committee if more than two children were living at the property. Councillor Scarborough also added that it was important for children on the autistic spectrum to live in more friendly familiar surroundings thus moving away from big detached premises.

It was proposed by Councillor Scarborough and seconded by Councillor York that the planning application be approved.

On being put to the vote, the motion for approval was carried by 4 votes.

**RESOLVED** that the planning application be approved subject to the following conditions:

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

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following drawings/details;  
Site Location Plan (registered 20 September 2017)  
Site Plan (registered 20 September 2017)  
Noise Management Plan (registered 7 December 2017)  
Sound Insulation Test Report (registered 7 December 2017)  
Care Home Management Plan (registered 28 November 2017)

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The use shall not operate other than in accordance with the recommendations of the Noise Management Plan (Registered 7 December 2017).

Reason: In the interests of ensuring the protection of the amenity of neighbouring properties in accordance with Policy 8 (e) (i) of the Joint Core Strategy.

4. The children's home hereby permitted, shall be run in accordance with the Care Home Management Plan submitted by the applicant and registered on 28 November 2017). The home shall be run in accordance with the recommendations hereafter, unless otherwise agreed in writing. The use shall not operate other than in accordance with the Care Home Management Plan.

Reason: To ensure the children's home is operated in accordance with policy 8 (e) of the Joint Core Strategy.

5. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall be used only as a children's care home for up to 2 children and for no other purpose (including any other use falling within Class C2 of the Order).

Reason: In the interests of ensuring the protection of the amenity of neighbouring properties in accordance with Policy 8 (e) (i) of the Joint Core Strategy.

## **8. PLANNING APPLICATION WP/17/00585/FUL – 12 – 13 CAMBRIDGE STREET, WELLINGBOROUGH**

The annexed circulated report of the director was received, on planning application WP/17/00585/FUL, for the removal and replacement of shop front and renovation of shop unit at 12 – 13 Cambridge Street, Wellingborough for Mr B Hawkins.

The report detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal.

The director recommended that the planning application be approved subject to the conditions set out in the report.

The chairman then invited the committee to determine the application.

It was proposed by Councillor Aslam and seconded by Councillor Lawman that the planning application be approved.

On being put to the vote, the motion for approval was carried unanimously.

**RESOLVED** that the planning application be approved subject to the following conditions:

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

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accord with the following plan numbers:  
13 Cambridge St Prop as submitted on 14 September 2017

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Representative samples of all external facing materials shall be submitted to and approved in writing by the local planning authority prior to construction.

Reason: In the interest of the visual amenity of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

4. The design details including sectional drawings of the new shop front shall be submitted to the local planning authority for approval in writing prior to the commencement of works.

Reason: In the interest of the visual amenity of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

**9. PLANNING APPLICATION WP/17/00586/FUL – 6 HIGH STREET, WELLINGBOROUGH**

The annexed circulated report of the director was received, on planning application WP/17/00586/FUL, for the removal and replacement of shop front at 6 High Street, Wellingborough for Mr B Hawkins.

The report detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal.

The director recommended that the planning application be approved subject to the conditions set out in the report.

The chairman then invited the committee to determine the application.

It was proposed by Councillor Morrall and seconded by Councillor Lawman that the planning application be approved.

On being put to the vote, the motion for approval was carried unanimously.

**RESOLVED** that the planning application be approved subject to the following conditions:

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

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accord with the following plan numbers:

Proposed front elevation as submitted on 14 September 2017

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Representative samples of all external facing materials shall be submitted to and approved in writing by the local planning authority prior to construction.

Reason: In the interest of the visual amenity of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

4. The design details including sectional drawings of the new shop front shall be submitted to the local planning authority for approval in writing prior to the commencement of works.

Reason: In the interest of the visual amenity of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

**10. PLANNING APPLICATION WP/17/00709/FUL – THE WOODYARD, 27B HARDWICK VILLAGE, HARDWICK**

The annexed circulated report of the director was received, including late letters, on planning application WP/17/00709/FUL, for the retention of temporary mobile home for another five years at the Woodyard, 27B Hardwick Village, Hardwick for Mr J Pepper.

The report detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal.

The director recommended that the planning application be refused for the reasons set out in the report.

The original temporary planning permission was granted by the planning committee at its meeting on 21 November 2012 and the director recommended that this renewal application be refused for the reasons set out in the report.

A request to address the meeting had been received from the applicant.

The chairman allowed the speaker to address the meeting and the committee was given the opportunity to ask questions of clarification.

The applicant stated to the committee that he is the only skittle maker in the county. His Father started the business in 1925 and the applicant continued with this from 1981 at the woodyard in which he lives in his mobile home. He added that the land owner on which his caravan is located had no objection to him being there and he kept it tidy. He also considered that he needed to live there as there would be more crime if he wasn't there and had suffered many break-ins on the site and the theft of his equipment from the woodyard. He commented that if he left, this would leave the woodyard wide open for further theft. The applicant asked for another 5 year temporary permission to stay in his caravan.

The chairman then invited the committee to determine the application.

Members sympathised with the applicant as there is a long history to this case. They added that the applicant had a well-respected business enterprise in this area with timber products and no one was complaining about him being there. They recognised that the business was longstanding having been established in 1925. Members suggested the applicant be granted another temporary five year permission for the personal use of the applicant and his partner only.

It was proposed by Councillor Graves and seconded by Councillor Scarborough that the planning application be approved and this became the substantive motion.

On being put to the vote, the motion for approval was carried by 6 votes.

**RESOLVED** that the planning application be approved subject to the following conditions:

1. The development should accord with the following drawing numbers:

Site location plan scale 1:2500 received on 21 November 2017;  
Photographs of front, rear and side elevations of the mobile caravan received on 24 November 2017;

Reason: to ensure the development is carried out in accordance with the approved plans.

2. This permission shall expire on 25 January 2023 at or before that time the mobile home shall be removed from the site and the land restored to its former condition.

Reason: The mobile home is inappropriate as a permanent feature.

3. This consent shall enure for the benefit of the applicant and his partner only.

Reason: To maintain control of the use of the site.

## **11. APPLICATIONS FOR PLANNING PERMISSION, BUILDING REGULATION APPROVALS AND APPEALS INFORMATION**

**RESOLVED** that the decisions on applications for planning permission, and building regulation approvals determined by the director, in accordance with delegated powers; and appeal information as set out in the report of the director, (Minute 4), be noted.

## **12. PLANNING APPEAL DECISIONS**

**RESOLVED** to note the following annexed circulated decision letters dated:

- (i) 08/01/2018, in respect of land to the rear of The George Inn, 117 Main Road, Wilby:  
Appeal A for an appeal against an enforcement notice issued by the council - subject to the correction and variations the appeal was dismissed, planning permission refused and the enforcement notice be upheld;  
Appeal B for a proposed 3 no. log cabins (12 month temporary consent) change of use of agricultural land, which was dismissed.
- (ii) 12/01/2018, in respect of a first floor extension over existing garage and lounge at 4 Torrington Way, Wellingborough, which was dismissed.

## **13. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT**

The chairman announced that Councillor Stevenson had given birth to her baby and congratulations were extended to her from the committee.

Following a review of the council's constitution, which is currently being undertaken, a draft planning code of conduct has been issued to members of the planning committee for their comments and the chairman alerted members to this document.

Chairman

The meeting closed at 7.55pm