

COUNCIL MEETING – 28 JANUARY 2020

REPORT OF THE PLANNING COMMITTEE

16 October 2019

Present: Councillors Morrall (Chairman), Aslam, Graves, Griffiths, G Lawman, Maguire, Scarborough, Skittrall and Stevenson.

Mr M Swann (Principal Planning Manager), Mrs L Jelley (Senior Development Management Officer), Mr C Law (Senior Development Management Officer), Mrs 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 Bell and Harrington.

As the chairman, Councillor Paul Bell was unable to attend the vice-chairman, Councillor Peter Morrall, chaired the meeting.

2. DECLARATIONS OF INTEREST

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 councillor declared an interest in the following item:

Councillor	Minute No	Item	Description of Interest
Aslam	6	WP/19/00273/FUL	Other – knew two of the speakers

3. CONFIRMATION OF MINUTES – 18 SEPTEMBER 2019

RESOLVED that the minutes of the planning committee held on 18 September 2019, be confirmed and signed.

4. REPORT OF THE PRINCIPAL PLANNING MANAGER

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

5. PLANNING APPLICATION WP/19/00225/FPD – FOOTPATH UL11 IRTHLINGBOROUGH ROAD E OF PUMPING STATION S THEN SE TO JUNCTION WITH UL6 WELLINGBOROUGH

The annexed circulated report of the principal planning manager, was received, on planning application WP/19/00225/FPD, for an application for diversion of footpath UL11. The proposed development is located off Junction 14 of the A45 between B573 Turnells Mill Lane and B571 Irthlingborough Road. The development consists of redevelopment of existing highway from the B573 Turnells Mill Lane up to B573 The Embankment as well as a new highway

development linking B573 The Embankment to the B571 Irthlingborough Road to the North of the Midland Mainline Railway at Footpath UL11 Irthlingborough Road E of Pumping Station S then SE to junction with UL6 Wellingborough.

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 principal planning manager recommended the application be granted subject to the following:

- (1) The application be granted and a Diversion Order made.
- (2) The Principal Planning Manager is authorised to give the requisite notices and to publicise the making of the Order.
- (3) If no objections are received or if received withdrawn the Principal Planning Manager to confirm the Order.
- (4) If objections are received and not withdrawn, subject to the applicant agreeing to pay the council's costs associated with a public inquiry and seeking confirmation of the Order by the Secretary of State, the Principal Planning Manager be authorised to take any action necessary for the Order to be confirmed by the Secretary of State.

One member raised several queries. He was concerned that the Byways and Bridleways Trust had not responded and felt the application should have been sent to another specific email address. The member also referred to the application form which mentioned a cycle way and wanted to know if this was going to be fully adopted as it would have implications for lighting in the valley. He also referred to a drawing which showed a line where it crossed the new route two, another access south of the road, running parallel, and asked why the diversion could not go down that access road.

The senior development management officer advised that consultation began in April of this year and as it was now October she felt there had been adequate time to have made any comments.

In relation to the cycleway the senior development management officer was not aware of this and the means of crossing the footpath over route two would be an island in the road. In relation to the south of the road this would not be a crossing but an access ramp the south side of the bund, which she assumed would be used as a ramp for gradient purposes, and was not set out for a cycleway.

In relation to the queries raised by the member, the senior development management officer also referred the member to page 7 of the report and the flow chart explaining the procedure for this footpath diversion. She explained that the council is only half way through the process and another round of advertisements and consultations would still need to be carried out.

The chairman then invited the committee to determine the application.

It was proposed by Councillor Griffiths and seconded by Councillor Aslam that the application be granted.

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

RESOLVED that the application be approved subject to the following:

- (1) The application be granted and a Diversion Order be made.
- (2) The Principal Planning Manager is authorised to give the requisite notices and to publicise the making of the Order.
- (3) If no objections are received or if received withdrawn the Principal Planning Manager to confirm the Order.
- (4) If objections are received and not withdrawn, subject to the applicant agreeing to pay the council's costs associated with a public inquiry and seeking confirmation of the Order by the Secretary of State, the Principal Planning Manager be authorised to take any action necessary for the Order to be confirmed by the Secretary of State.

6. PLANNING APPLICATION WP/19/00273/FUL – LAND BETWEEN 34 AND 34A CASTLE STREET, WELLINGBOROUGH

The annexed circulated report of the principal planning manager, was received, for a proposed 2.5 storey dwelling - re-submission following withdrawn application ref: WP/18/00748/FUL - changes to design and siting; and blocking up of side windows serving number 34 Castle Street. (Amended plans and description) on land between 34 and 34A Castle Street, Wellingborough.

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 principal planning manager recommended that the planning application be approved subject to the conditions set out in the report.

The planning application had been deferred by members at the planning committee meeting on 21 August for further parking surveys to be carried out in support of the application.

The senior development management officer explained that the report stated that the applicant had considered the request but declined to undertake the additional surveys as the agent had received a response from Northamptonshire County Council (NCC) highways that the request for another parking survey was not a requirement of the local highway authority.

The NCC Highway Engineer responded that the parking beat survey commissioned was carried out in accordance with the specification of the local highway authority and indicated that sufficient on-street parking accommodation was available in the vicinity of the application site to support the proposal.

Requests to address the meeting had been received from four objectors and the agent.

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

One of the objectors who lived at 34a Castle Street informed the committee that there would only be 30cm between her property and the proposed new dwelling which would make it impossible to carry out repairs; she explained that the side walls to her property suffered from damp and if the proposal was approved this would stop her from dealing with any future problems; she also commented that vegetation and the Lime Tree could add to the issues and regular maintenance is needed due to the damp problems and the repairing of walls and this would have an impact in the future if the proposal was approved; the objector considered it did not comply with the Joint Core Strategy (JCS). The objector also added there was a restrictive covenant not to damage or cause nuisance and felt this development was a breach by developing the side wall and blocking out the light and felt the proposal would not fit the general pattern in the street. In relation to highways she considered the alternative parking suggested in Castle Road was not safe or convenient due to poor surveillance and vandalism.

The same speaker then spoke on behalf of an objector who lived at 42 Castle Street who was unable to attend but had provided a script. The objector was keen to have a regulated parking scheme in this area, for which he had received initial support from the council but he had become frustrated with the progress. He understood the council were setting up a Parking Working Group but to date had no knowledge of this group or its work. He had concerns in relation to parking which was often gridlocked and cars being damaged; he commented on residents having to seek car parking spaces some distance from their homes and commented that Irthlingborough Road was a non residential street and the other alternative in Castle Road was an area that suffered damage to cars and referred to the Joint Core Strategy (JCS) in relation to safety in a street.

Another objector who lived at 38 Castle Street referred to Castle Street being a physically beautiful landmark; she considered the proposal would put the historic heritage and value at risk; the objector felt if street scenes and places change in conservation areas this brings a negative change on how communities thrive and then contributes to economic decline; she referred to the council's town centre projects investing in its public realm and wanted to honour this heritage as part of the town centre.

The agent then addressed the meeting and advised that NCC Highways had not objected and referred to the parking survey taken and felt that sufficient parking exists. He commented that the current parking issues were unrelated to the development as they were existing issues and not considered relevant to this planning application. He reported that this was the only infill plot on this side of the street and would complement the appearance. He felt there was an impact on 34a Castle Street but considered it not to be unacceptable. The agent stated that this proposal was not in a conservation area. He added that the applicant had worked with officers to secure what he felt was an acceptable proposal which complies with planning policy.

The site viewing group visited the site on 20/08/2019 and a record of the visit was set out in the circulated notes.

The site viewing group had concerns about the proposal with the inability to maintain 34a Castle Street if the proposal was built. One member considered there to be space on this site but felt the proposal was located in the wrong place on the site. They felt it was too much of a heavy use of the site and had concerns for blocked in windows and a door at 34 Castle Street. Members considered it to be crammed in and the only remedy for the occupiers of 34a Castle Street, if this was approved, was civil remedies with the Party Wall Act and maybe the Right to Light Act.

Another objector arrived at the meeting who had registered and the chairman allowed him to speak. The objector lived at 36 Castle Street. He referred to the parking survey and the major issue in relation to parking and was not happy with the alternative suggestion of parking in Castle Road. The objector also considered the proposal would have a detrimental and adverse affect on residents and also appearance.

A lengthy debate continued with members having concerns about parking, though they did appreciate there are parking challenges in all terraced streets.

Another member referred to the comment regarding the Party Wall Act and asked the legal adviser if it would be an issue if he chose to object on these grounds.

The legal adviser clarified that the affect on the neighbouring property of 34a Castle Street in relation to the party wall was not a material planning consideration as the Party Wall Act was separate legislation outside of planning.

Another member referred to the condition in the report referring to the use of the dwelling being for C3 (a) only. The senior development management officer advised that this restricted the use to a family property.

During the debate several members stated they would be objecting to the planning application.

Another member commented that non residents use Castle Street for parking. He also felt it would have an impact on the neighbouring properties and serious impact on parking and was out of character with the street scene on that side of the road.

A member commented that the proposal was being crammed into the space and parking problems would be exacerbated.

Another member commented that this plot and number 34 Castle Street were in the same ownership but this may not continue in the future therefore 34 Castle Street must also be a material consideration and felt the blocked up windows and door suggests there were issues with the development if this was required.

Several members commented on the response from NCC Highways in the report that members should satisfy themselves that the use of on street parking to serve the development will provide safety and convenient accommodation to comply with Policy 8 (b) of the Northamptonshire Joint Core Strategy and members were not satisfied on those grounds.

A member commented on the alternative parking in Castle Road being wholly inappropriate as the street was a hot spot for car related crime/damage.

In relation to the crime in Castle Road, the Leader of the Council urged residents to write to their ward councillors who would pass the information onto him and he would report this vandalism and take this up with a senior police officer.

The chairman then invited the committee to determine the application.

It was proposed by Councillor Griffiths and seconded by Councillor Aslam that the planning application be refused on the grounds of being contrary to Policy 8 in relation to general design, amenity and style; the affect of amenity on 34 and 34a Castle Street (the blocking of light to 34a Castle Street to the existing ground floor window within its side elevation and difficulties to access their exterior walls for maintenance; and the impact on amenity by the infilling of two ground floor windows and a door within the side elevation of 34 Castle Street); the unsuitable alternative parking in the area being unsafe and not convenient.

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

The members provided the officers with the reasons for refusal and delegated to officers to write and agree the exact wording with the chairman and vice-chairman.

RESOLVED that the planning application be refused for the following reasons:

1. The proposed new dwelling will result in a cramped and poorly designed form of development that will be harmful to the character and appearance of the street scene. This is contrary to policy 8 (d) (i) and (ii) of the North Northamptonshire Joint Core Strategy.
2. The proposal by virtue of its siting and size would have an unacceptable impact on the residential amenity currently enjoyed by the neighbouring properties No 34 and 34a Castle Street. Specifically, the proposed development would block out light to an existing ground floor window within the side elevation of 34a Castle Street. This would result in a detrimental impact for the occupiers of this neighbouring property with respect to loss of light. The proposed development would also require the infilling of two ground floor windows and a door, and a first floor window, within the side elevation of the neighbouring property No 34 Castle Street. This would have a negative impact on the existing residential amenity of this property with respect to the outlook and access to light. Therefore the proposal is considered to be contrary to Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

3. The new dwelling does not make any provision for dedicated off-road parking and relies upon unallocated on road parking in the vicinity of the site. It has not been satisfactorily demonstrated that the provision of on street parking is suitable, safe and conveniently located. This is contrary to policy 8 (b) (ii) and 8 (e) (iv) of the North Northamptonshire Joint Core Strategy.

7. 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 principal planning manager, in accordance with delegated powers; and appeal information as set out in the report of the principal planning manager, (Minute 4), be noted.

Chairman

The meeting closed at 8.00pm.

COUNCIL MEETING – 28 JANUARY 2020

REPORT OF THE PLANNING COMMITTEE

20 November 2019

Present: Councillors Bell (Chairman), Morrall (Vice-Chairman), Aslam, Graves, Harrington, G Lawman, Scarborough, Skittrall and Stevenson.

Mr M Swann (Principal Planning Manager), Mrs D Kirk (Senior Development Management Officer), Ms K Skingley (Senior Development Management Officer), Mrs 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 Griffiths and Maguire.

2. DECLARATIONS OF INTEREST

RESOLVED to note that no declarations were received.

3. CONFIRMATION OF MINUTES – 16 OCTOBER 2019

RESOLVED that the minutes of the planning committee held on 16 October 2019, be confirmed and signed.

4. REPORT OF THE PRINCIPAL PLANNING MANAGER

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

5. PLANNING APPLICATION WP/19/00583/FUL – 18 BROADWAY, WELLINGBOROUGH

The annexed circulated report of the principal planning manager, was received, including late letters, on planning application WP/19/00583/FUL, for a proposed two-storey 2 bedroom dwelling with associated off street parking and amenity space – re-submission at 18 Broadway, Wellingborough for Fenn Holdings.

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 principal planning manager recommended that the planning application be refused for the reasons set out in the report.

Members sought clarification from the senior development planning officer on the differences between the re-submitted scheme and the previously refused scheme.

She explained that the footprint of the proposed dwelling was smaller; the width to the side had been widened and the front projection had been reduced to be in line with the building line of number 1 The Drive.

Members considered the proposal would have significant impact on the host property (18 Broadway). They also commented that it would spoil the street scene and would not be in keeping with the area.

The chairman then invited the committee to determine the application.

It was proposed by Councillor Aslam and seconded by Councillor Morrall that the planning application be refused.

On being put to the vote, the motion for refusal was carried by 8 votes.

RESOLVED that the planning application be refused for the following reasons:

1. The proposed development by way of its incongruous detached design, its proximity to the side boundary, would result in a cramped form of development detrimental to the established character of the street and the wider area. The proposed development would be contrary to policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.
2. The proposed development would have an unacceptable harmful effect on occupants of the host property (18 Broadway) by virtue of its proximity to the site boundary and neighbouring first floor windows. In addition to this given the orientation of the dwelling proposed it would result in increased overshadowing of the rear elevation of no. 18 Broadway which is detrimental to existing occupiers. The proposed development would be contrary to policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

(Councillor Stevenson did not vote on the planning application as she arrived during the debate).

**6. URGENT ITEM – APPLICATION OUTSIDE THE BOROUGH
PLANNING APPLICATION WP/19/00598/EXT – A509, KETTERING ROAD
AND LAND ADJACENT, KETTERING**

In accordance with Section 100(B)(4) of the Local Government Act 1972, the chairman agreed that this item would be considered at this meeting as a matter of urgency.

The application is an external consultation for a proposed development on land in an adjoining authority – Kettering Borough Council (KBC).

As Kettering Borough Council is due to present the application to their planning committee on or after 16 December 2019 and our planning committee would not meet again until 18 December 2019, the chairman agreed for this to be considered.

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 annexed circulated report of the principal planning manager was received, for a full application (EIA): Construction work for the dualling of A509 between A14 jct 9 and Symmetry Park employment site, with new roundabout, associated drainage, lighting and landscaping at A509 Kettering Road and land adjacent, Kettering.

The principal planning manager recommended that the council respond to Kettering Borough Council, stating as previously, whilst no objections be raised to the principle of development on the allocated site, strong concerns be raised regarding the development on Isham with regard to the highway impacts concerning the dualling of the A509, and whether as a consequence it delays or jeopardises the implementation of the Isham bypass. The application should be assessed with due regards to policies 17 (ii) and (iv) of the North Northamptonshire Joint Core Strategy (JCS). From a visual perspective, in order to minimise these impacts strategic landscaping should be provided. In addition a safe footpath/cycleway to Isham is required as the development is broadly linked to the wider commercial development so the proposal should be assessed in accordance with policies 37 (i) (m) and (n) of the JCS.

Requests to address the meeting had been received from an objector (Isham Bypass Action Group) and Councillor Hallam (ward councillor).

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

The objector (Isham Bypass Action Group) referred to the significant impact that the DB Symmetry warehouse would bring to the road through Isham that would likely worsen with the build up of traffic during construction and when operational. He referred to the proposal route and stated that this was not the route approved on the 2019 plan. He considered this new proposal of a dual carriageway being a much cheaper option for DB Symmetry and also brought a roundabout, nearer to the village of Isham. The objector also commented that Northamptonshire Highways could not support the proposal. He had concerns for flood arrangements which were inadequate and the flooding of the A509 would significantly worsen. The objector saw no provision by DB Symmetry for cyclists. He asked that this council does not support DB Symmetry due to serious concerns in relation to flooding, highways, environmental projection and impact on surrounding villages.

When asked a question by a member in relation to the previous route, the objector confirmed that the new proposal was to position the roundabout at 'Washbrook' that currently floods, which he felt was not a good highway solution and the previous route was a straight line.

The ward councillor (Councillor Hallam) stated that Isham Parish Council had a conversation with Northamptonshire County Council and the cost of building the infrastructure of the road would come off the price that DB Symmetry would be paying for the land. He referred to the Traffic Management Plan which had been carried out which did not take into account 3,500 employees for the DB

Symmetry site and traffic coming from as far as Bedford through the villages. He also had concerns for the dual carriageway speeding down to a roundabout. Councillor Hallam referred to 'Washbrook' which floods and due to this the road was previously closed for two days. He referred to the comment of Northamptonshire Highways stating that the roundabout was too small to run onto the Isham Bypass and it would cost more in the end to get this achieved to enable the delivery of the Isham Bypass. He felt that DB Symmetry should resolve their access. Councillor Hallam asked that the council strongly support the comments of Northamptonshire Highways.

The chairman then invited the committee to determine its response to the application.

A member suggested a condition in relation to traffic going south and suggested that it goes up to the A14 and not through Isham, as we did for our development at Park Farm.

It was commented that the Isham Bypass was making good progress and they did not want anything standing in the way.

A member considered the proposal to be a private gateway and bypass for DB Symmetry and felt we should make our points of objection stronger.

Another member commented that this proposal should be made on highway land and we should wait until we have the money. He added that the application was a poor design which brought nothing for Isham.

A member commented that the proposal was a cheap option and the dual carriageway would be a 'bottle neck' affecting heavily on the residents of Isham.

Another member understood that when the original proposal was approved the access would form the start of the Isham Bypass.

A member felt the proposal was both preposterous and an outrage.

Councillor Scarborough proposed to move an amendment that the council sends the strongest possible objection to Kettering Borough Council. He also suggested the wording in the council's report be sharpened to reflect this. Councillor Scarborough put forward the following wording as the amendment to replace recommendation 1 and 2 in the report:

The Borough Council of Wellingborough recommends that the strongest possible objection is raised to this application. The proposed alignment and design of the dualled section of the A509 Kettering Road would have a significant negative impact on the village of Isham, and would be highly likely to delay or jeopardise the implementation of the Isham bypass. The application should be assessed with due regards to policies 17 (ii) and (iv) and 37 (i) (m) and (n) of the North Northamptonshire Joint Core Strategy.

This amendment was seconded by Councillor Graves.

On being put to the vote, the amendment was unanimously carried. This became the substantive motion.

On being put to the vote, the motion to raise strong objection to the application was unanimously carried.

RESOLVED that the Borough Council of Wellingborough recommends that the strongest possible objection is raised to this application. The proposed alignment and design of the dualled section of the A509 Kettering Road would have a significant negative impact on the village of Isham, and would be highly likely to delay or jeopardise the implementation of the Isham bypass. The application should be assessed with due regards to policies 17 (ii) and (iv) and 37 (i) (m) and (n) of the North Northamptonshire Joint Core Strategy.

7. 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 principal planning manager, in accordance with delegated powers; and appeal information as set out in the report of the principal planning manager, (Minute 4), be noted.

Chairman

The meeting closed at 7.35pm.

COUNCIL MEETING – 28 JANUARY 2020

REPORT OF THE PLANNING COMMITTEE

18 December 2019

Present: Councillors Bell (Chairman), Morrall (Vice-Chairman), Aslam, Graves, Griffiths, G Lawman, Maguire, Scarborough and Stevenson.

Mr M Swann (Principal Planning Manager), Mrs D Kirk (Senior Development Management Officer), Mr C Law (Senior Development Management Officer), Mrs 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 Harrington and Skittrall.

2. DECLARATIONS OF INTEREST

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 councillor declared an interest in the following items:

Councillor	Minute No	Item	Description of Interest
G Lawman	5	WP/18/00188/REM	Other – is a local resident and my wife has engaged with local residents

3. CONFIRMATION OF MINUTES – 20 NOVEMBER 2019

RESOLVED that the minutes of the planning committee held on 20 November 2019, be confirmed and signed.

4. REPORT OF THE PRINCIPAL PLANNING MANAGER

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

5. PLANNING APPLICATION WP/18/00188/REM – LAND OFF NIORT WAY LLP NIORT WAY, WELLINGBOROUGH

The annexed circulated report of the principal planning manager, was received, including late letters, on planning application WP/18/00188/REM, for a reserved matters application pursuant to WP/16/00271/VAR, specifically conditions 4 (a) (the layout, scale, appearance, access and landscaping); 4 (b) vehicle, cycle and foot access routes and parking; 4 (A) (a) layout, design and specification of drainage infrastructure; 6 (accordance with the planning application development framework plan); 10 (structural landscape scheme); 12 (Landscape Maintenance Plan); 19 (foul water drainage); 20 (surface water

drainage); 27 (highway and access works), to determine access and landscaping for the area known as Phase 1b infrastructure and open space at Glenvale Park (Wellingborough North) - Additional information and amended plans (Part retrospective) on land off 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 principal planning manager recommended that the reserved matters consent be approved in relation to access, scale, appearance, layout and landscaping and subject to any comments from the Local Lead Flood Authority (LLFA) and to the conditions set out in the report.

The site viewing group visited the site on 17/12/2019 and a record of the visit was set out in the circulated notes.

Requests to address the meeting had been received from a local resident (Redhill Grange Community) and the agent.

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

The local resident from the Redhill Grange Community had concerns in relation to archaeology and ancient heritage. She referred to the planning application infrastructure to unlock Phase 1B north/westwards and that further evaluation of Phase 1B should be done before this is approved in accordance with the planning framework. She also had concerns for the residents living in Chatsworth Drive and felt that mature evergreen trees should be planted to the rear of their properties. In relation to trees she felt a buffer or barrier was required south and west and Redhill Grange to Finedon due to the constraints of pollution and noise.

The agent reported on the site viewing visit yesterday when the planting of trees was discussed with the residents in Chatsworth Drive and confirmed that this would be dealt with via their landscape architect and Northamptonshire County Council. He also reported that Northants LLP had employed a person to liaise with the residents in relation to queries and to keep residents informed of developments at Glenvale Park. The agent added that other reserved matters were currently being prepared including the primary school and the local centre.

A member asked the question as to why the planning application was retrospective and asked that the replacement trees to the rear of Chatsworth Drive be mature as possible.

The agent advised the reserved matters planning application granted in 2014 mirrors what is being done now. The applicant has had to take into account the land use swap for the local centre which was previously closer to the A509 Kettering Road but now closer to Niort Way. The reserved matters accord with where the local centre is to be located. There were also realignments for junctions to residential parcels and the pub but these were only a matter of metres. In relation to the replacement trees he advised that the trees need to

be a species agreed by Northamptonshire County Council who have a strict list of species they adopt but the applicant's architect together with the council's landscape officer and Northamptonshire County Council will agree what is approved for all parties involved.

The chairman then invited the committee to determine the application.

The site viewing group reported on the visit. They welcomed the visit onto the site which took place before the residents meeting where the applicant gave a full presentation by way of an explanation and briefing of the road layout and the minor amendments to the residential building parcels.

Members were sympathetic to the occupiers in Chatsworth Drive as the junction works had made a mess to the rear of a number of properties in Chatsworth Drive and this was a significant detriment to the occupiers. They felt reassured by the applicant that he wants to put this right and the replacement trees would be planted. Another member commented that residents do live close to the road and always have but have technically lost the width of a lane bringing the road closer to their properties. He also wanted to see that planting was done properly in the correct manner which would be done by a S278 agreement with Northamptonshire County Council Highways. Another member also had concerns about the ground levels for the occupiers in Chatsworth Drive and the evidence of slippage in the back gardens.

A member also commented on the traffic lights and the emissions and noise from trucks and lorries.

In relation to the archaeology a member commented that the archaeology dig for Site 1A had been done but if there were serious groundworks being done then the previous condition for archaeology could be imposed.

Another member referred to condition 2 in relation to sports pitches. He was concerned that a 45 metre boundary was probably insufficient and did not want to see this hemmed in due to constraints around the boundary.

The agent advised that a condition was proposed that prior to the commencement of the construction a ball strike assessment must be submitted and sent to Sports England to decide whether the application mitigation was suitable for cricket on the sports pitches. Also it was not yet known if Wellingborough Redwell would relocate to Glenvale Park. This probably depended on what fencing was required to stop balls going onto roads and into gardens. The member encouraged the applicant to speak to others regarding this as there was plenty of demand for this facility.

Another member welcomed the employment of a person to liaise with local residents and commented how well this had worked with the prison site.

In relation to the archaeology the senior development management officer advised members that there appeared to be some confusion with some of the drawings with references to phases 1A and 1B but the archaeologist had confirmed that this application seems to all be within the areas which have already been archaeologically evaluated.

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

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

RESOLVED that the planning application for a reserved matters consent be approved in relation to access, scale, appearance, layout and landscaping and subject to any comments from the Local Lead Flood Authority (LLFA) and to the following conditions:

1. The development hereby approved shall be carried out in accordance with the following drawings/details:
MCL002/009 Rev A (Phase 1a and 1binfrastructure and open space red line boundary) received 29 March 2018;
27391/100/001 Rev O (detailed design highway access general arrangement sheet 1 of 3) received 18 October 2019;
27391/100/002 Rev N (detailed design highway access general arrangement sheet 2 of 3) received 18 October 2019;
27391/100/003 Rev J (detailed design highway access general arrangement sheet 3 of 3) received 29 August 2019;
27391/100/004 Rev A (detailed design highway access longitudinal sections sheet 1 of 2) received 26 September 2018;
27391/100/005 Rev C (detailed design highway access longitudinal sections sheet 2 of 2) received 26 September 2018;
27391/100/006 Rev F (proposed site accesses signalised junctions along Niort Way) received 3 December 2019;
27391/100/007 Rev A (proposed site accesses signalised junctions along Niort Way typical sections) received 26 September 2018;
27391/100/008 Rev C (proposed signalised junctions along Niort Way HGV vehicle turning movements) received 26 September 2018;
27391/500/001 Rev N (detailed design highway access drainage layout sheet 1 of 4) received 6 November 2019;
27391/500/002 Rev K (detailed design highway access drainage layout sheet 2 of 4) received 6 November 2019;
27391/500/003 Rev I (detailed design highway access drainage layout sheet 3 of 4) received 6 November 2019;
27391/500/004 Rev J (detailed design highway access drainage layout sheet 4 of 4) received 6 November 2019;
27391/500/005 (detailed design Harrowden Brook culvert 1 general arrangement) received 29 March 2018;
27391/500/006 Rev F (detailed design Harrowden Brook culvert 2 general arrangement) received 18 October 2019;
27391/500/010 Rev E (detailed design surface water attenuation ponds sheet 1 of 3) received 18 October 2019;
27391/500/011 Rev C (detailed design surface water attenuation ponds sheet 2 of 3) received 18 October 2019;
27391/500/012 Rev D (detailed design surface water attenuation ponds sheet 3 of 3) received 18 October 2019;
27391/500/013 Rev D (existing flood attenuation pond reprofiling and flood plain loss) received 26 September 2018;
27391/500/014 Rev G (phase 1 infrastructure flood plains sheet 1 of 2) received 18 October 2019;
27391/500/015 Rev D (phase 1 infrastructure flood plains sheet 2 of 2)

received 18 October 2019;
27391/500/016 Rev H (phase 1 infrastructure flood flow analysis)
received 18 October 2019;
27391/700/001 Rev I (detailed design highway access surfacing sheet 1
of 3) received 18 October 2019;
27391/700/002 Rev I (detailed design highway access surfacing sheet 2
of 3) received 18 October 2019; ;
27391/700/003 Rev H (detailed design highway access surfacing sheet
3 of 3) received 29 August 2019;
CSa/2290/108 Rev F (primary access junction) received 18 October
2019;
CSa/2290/109 Rev G (secondary access junction) received 18 October
2019;
CSa/2290/110 Rev H (Brook Park landscape proposals sheet 1 of 5) 18
October 2019;
CSa/2290/111 Rev G (Brook Park landscape proposals sheet 2 of 5) 18
October 2019;
CSa/2290/112 Rev I (Brook Park landscape proposals sheet 3 of 5)
received 18 October 2019; ;
CSa/2290/113 Rev H (Brook Park landscape proposals sheet 4 of 5)
received 18 October 2019;
CSa/2290/114 Rev F (Brook Park landscape proposals sheet 5 of 5)
received 18 October 2019;
CSa/2290/115 Rev A (formal pond landscape proposals) received 29
March 2018;
CSa/2290/116 (formal pond details) received 29 March 2018;
CSa/2290/117 Rev A (playing field plateau (FOS2)) received 29 March
2018;
CSa/2290/118 (post and wire timber fence detail (type C fence))
received 29 March 2018;
CSa/2290/119 (tar spray and chip recreational footpath detail) received
29 March 2018;
CSa/2290/120 (post and rail timber fence (type A fence)) received 29
March 2018;
CSa/2290/121 (timber knee rail detail (type B fence)) received 29 March
2018;
CSa/2290/122 (pond marginal shelf revetment detail) received 29 March
2018;
CSa/2290/123 Rev A (formal public open space (FOS1) general
arrangement) received 29 March 2018;
CSa/2290/124 Rev B (formal public open space (FOS1) planting plan)
received 29 March 2018;
CSa/2290/125 Rev E (swale corridor 1 landscape proposals) received
29 August 2019;
CSa/2290/126 Rev D (swale corridor 2 landscape proposals) received
29 March 2018;
3595/01/D14-0033 Rev 10 (arboricultural impact plan overview)
received 29 March 2018;
3595/01/D14-0033 Rev 10 (arboricultural impact plan 1) received 29
March 2018;
3595/01/D14-0033 Rev 10 (arboricultural impact plan 2) received 29
March 2018;
3595/01/D14-0033 Rev 10 (arboricultural impact plan 3) received 29

March 2018;
3595/01/D14-0080 Rev 10 (tree protection plan- overview) received 29
March 2018;
3595/01/D14-0080 Rev 10 (tree protection plan- plan 1) received 29
March 2018;
3595/01/D14-0080 Rev 10 (tree protection plan- plan 2) received 29
March 2018;
3595/01/D14-0080 Rev 10 (tree protection plan- plan 3) received 29
March 2018;
CSa environmental North Wellingborough planning phase 1 landscape
infrastructure management plan dated September 2014 report number
CSa/2290/01 (40 pages) received on 29 March 2018;
Stage 2 Flood Risk Assessment Addendum Rev A (ref: 27391), dated
09 November 2018 (13 pages) received 12 November 2018;
Peter Brett Associates Microdrainage dated 8/11/2019 Pond 1 network
(18 pages) 11 November 2019;
Peter Brett Associates Microdrainage dated 8/11/2019 Pond 4 network
(20 pages) 11 November 2019;
Peter Brett Associates Microdrainage dated 8/11/2019 Pond 5 network
(17 pages) 11 November 2019.

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

2. Prior to the commencement of the construction of the playing pitches and formal open space within phase 1a, a ball strike risk assessment shall be undertaken and include details of any mitigation measures required. The completed ball strike assessment and any detailed mitigation measures shall be submitted to and approved in writing by the local planning authority. Should the assessment determine that amendments are required to the layout of the playing pitches or any other part of the phase 1a infrastructure these should be included within the submission to the local planning authority. The approved scheme shall be implemented prior to the first use of the playing pitches within phase 1a.

Reason: In the interests of neighbouring amenity and to comply with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

3. The hereby approved tree planting/landscape scheme for the public open spaces shall be implemented in accordance with the phase 1 landscape phasing plan detailed on drawing number CSa/2290/128 Revision D (phase one landscaping plan) received on 19 October 2019.

Reason: To ensure that the areas of public open space are satisfactorily landscaped and in order to maintain and enhance the visual amenity of the area and accord with policy 3 (a), (b) and (e) North Northamptonshire Joint Core Strategy.

6. PLANNING APPLICATION WP/19/00541/FUL – 15 CHEQUERS LANE, GRENDON

The annexed circulated report of the principal planning manager, was received, on planning application WP/19/00541/FUL, for a residential development for 5 dwellings accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments. Demolition of an existing two sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block would be demolished - amended plans received 8 November 2019 at 15 Chequers Lane, Grendon for Mr I Bowers.

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 principal planning manager recommended that the planning application be approved subject to the conditions set out in the report.

The site viewing group visited the site on 17/12/2019 and a record of the visit was set out in the circulated notes.

Requests to address the meeting had been received from an objector and the agent. The objector was not present at the meeting.

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

The agent addressed the committee. He reported on a number of matters. The site being within the village confines and the use of an existing highway. In relation to noise this was covered under condition 7. With regard to the layout of the scheme there was only a small part of the site within the conservation area and the landscaping was covered under condition 14. An ecological appraisal concluded there was no evidence of badgers, amphibians, reptiles, breeding birds or bats found during the survey but condition 19 also covered biodiversity on the site.

The chairman then invited the committee to determine the application.

The site viewing group reported on the visit. They considered it to be sustainable and satisfied the council's policies. They did have concerns for the occupiers of 7 and 9 Chequers Lane as one of the properties on the proposed development had a first floor elevation window that looked into their gardens. It was felt that the window west facing would have an overlooking impact on 26A Main Road but 26A was 6 metres below the ground level of the proposed site and had been dug into the ground so the ground floor windows were a long way down but there was still a first floor to first floor level even with the bund between them.

The agent was asked why he had designed the site with 5 dwellings and not 4. The agent responded saying that he looked at the surroundings and it depended on what was reasonable for the site. The new 5 dwellings have their own private drive and the existing property on the site would be served off its own drive.

One member felt it was one property too many and did not feel mitigation was possible with screening.

Another member commented that Chequers Lane was narrow but in the past this site had served a commercial business and no objections had been raised by Northamptonshire County Council Highways. He felt it was a pleasant site and the design fitted in well in the village. Another member felt the site would take the houses comfortably but welcomed the condition in the report in relation to the boundary and hoped this would be sustainable and attractive following the residents' comments at the site viewing yesterday.

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

The debate ensued and another member commented that the view of the church looking from the north east will only be affected marginally as there was already a high barn in this vista. Concerns were still raised for 9 Chequers Lane as it was slightly elevated and felt there was more impact on this property than 26A Main Road. It was commented that 26A Main Road was built lower down and did have a fence. It was suggested that the upstairs window of the property to the rear of 9 Chequers Lane be relocated to have less impact. It was felt that this could not be mitigated with screening and the overlooking was a detriment to 9 Chequers Lane as it was positioned uphill.

It was proposed by Councillor Scarborough that the application be approved but delegate to officers the minor amendment to move the window overlooking 9 Chequers Lane.

The senior development management officer referred members to page 47 of the report in relation to the positioning of the window being 17 metres from the flank elevation of 9 Chequers Lane and the separation of 8 metres retained to the southern boundary fence with 9 Chequers Lane. To assist with loss of privacy the window could be positioned 1.7 metres off the first floor level. Whoever was in the bedroom could not see out but there would be no overlooking but still bring light into the bedroom.

The legal adviser advised the committee it did not have the powers to delegate this to officers. The planning application should be taken on its own merit. In relation to the amendment to the window this would mean an amended plan and re-consultation. A decision on this application had to be taken on planning judgement and planning policy.

It was then proposed by Councillor Scarborough and seconded by Councillor Maguire that the planning application be deferred for amended plans to be submitted in relation to the window that overlooks 9 Chequers Lane and re-consultation with the occupiers of 26A Main Road and 9 Chequers Lane and Grendon Parish Council. This became the substantive motion.

On being put to the vote, the motion for deferral was carried by 7 votes and 1 against.

RESOLVED that the planning application be deferred for amended plans to be submitted in relation to the window that overlooks 9 Chequers Lane and re-consultation with the occupiers of 26A Main Road and 9 Chequers Lane and Grendon Parish Council.

7. PLANNING APPLICATION WP/19/00431/REM – LAND AREA 38, 39 (E) AND 39 (W) TOWN AND COUNTRY PARK, STANTON CROSS, DRIVER WAY, WELLINGBOROUGH

The annexed circulated report of the principal planning manager, was received, including late, on planning application WP/19/00431/FUL, for a reserved matters application pursuant to conditions 2 of planning permission ref: WP/15/00605/VAR to include the discharge of the following conditions 3 (design brief), 23 (soft landscaping areas), 33 (structure landscape scheme), 35 (hard and soft landscaping scheme), 30 (badger mitigations scheme) and 34 (retention of existing landscaping) of planning permission ref: WP/15/00605/VAR relating to the Ise Valley Town and Country Park sub areas on land area 38, 39 (E) and 39 (W) town and country park, Stanton Cross, Drive Way, Wellingborough for Bovis Homes Limited.

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 principal planning manager recommended that the planning application for a reserved matters consent 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 for clarification.

The applicant addressed the committee and referring to the 46 hectares of substantial green infrastructure which brought links to the town. He was also present to answer any questions of clarification.

The chairman then invited the committee to determine the application.

A member referred to the sports pitch not being on the drawings and also commented on parking and facilities and there was no mention whether the pitch would be flood lit or not. The applicant advised that it was an informal pitch and the formal pitch was on a different part of the site which he pointed out. The informal pitch would not be flood lit. Parking would be towards the site centre. The informal pitch would be a kick around area in a more natural setting and it was important to have these areas.

Another member asked the question about the pedestrian access route across the park. The applicant advised that there were a number of key routes through the park which would be a hard surface and lit. There would also be the informal green area which would be good for people to walk round.

Members supported the application and welcomed the green space in close proximity to local residents from surrounding areas including Stanton Cross, Mill Road, Elsdon Road and Ultra Close. Another member commented that the park joins Stanton Cross to the town and completes the green corridors around Wellingborough which was an important part of the council's local plan.

It was proposed by Councillor Griffiths and seconded by Councillor Maguire that the planning application be approved.

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

RESOLVED that the planning application for a reserved matters consent be approved subject to the following conditions:

1. The scheme hereby permitted shall not be carried out other than in accordance with the following amended details of which details are also approved as submission of details pursuant to conditions under planning permission WP/15/00605/VAR as set out below:
Site location plan DE328A L 200 received by the local planning authority 22 October 2019
Landscape general arrangement plan DE328A L 001E received by the local planning authority 26 November 2019
Detailed Landscape Plan 01 DE328A L 002D received by the local planning authority 22 October 2019 (pursuant to condition 23 and 33 and 34 and 35 for WP/15/00605/VAR)
Detailed Landscape Plan 02 DE328A L 003D received by the local planning authority 22 October 2019 pursuant to condition 23 and 33 and 34 and 35 for WP/15/00605/VAR)
Detailed Landscape Plan 03 DE328A L 004E received by the local planning authority 26 November 2019 pursuant to condition 23 and 33 and 34 and 35 for WP/15/00605/VAR)
Detailed Landscape Plan 04 DE328A L 005D received by the local planning authority 22 October 2019 pursuant to condition 23 and 33 and 34 and 35 for WP/15/00605/VAR)
Detailed Landscape Plan 05 DE328A L 006D received by the local planning authority 22 October 2019 pursuant to condition 23 and 33 and 34 and 35 for WP/15/00605/VAR)
Town Park Children's Play Area DE328A L 007C received by the local planning authority 22 October 2019
Country Park Children's Play Area DE328A L 008C received by the local planning authority 22 October 2019
Town and Country Park Landscape Sections DE328A L 009B received by the local planning authority 22 October 2019
2049 Stanton Cross T&C Park Technical Note October 2019 received by the local planning authority 22 October 2019
2049 Stanton Cross Town and Country Park Ecological Enhancements October 2019 Rev A received by the local planning authority 22 October 2019 pursuant to condition 30 for WP/15/00605/VAR)

General arrangement drawing (Vierendeel Steel Truss Bridge 4338-01A received by the local planning authority 22 October 2019 pursuant to condition 33 and 35 for WP/15/00605/VAR)

The Town and Country Park Design Brief November 2019 DE328A_L_DB received by the local planning authority 26 November 2019 pursuant to discharge of Condition 3 for WP/15/00605/VAR

Reason: To ensure the scheme is carried out in accordance with the approved, amended plans.

2. Prior to the commencement of the development hereby approved a lighting design strategy for the Town and Country Park must be submitted to and approved in writing by the local planning authority. The strategy shall be carried out by a competent, qualified person in relation to lighting and in consultation with an ecology specialist. The lighting design strategy shall:
 - identify those ecological areas/features on site that are sensitive for bats and other species
 - show how and where sensitive external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas/routes to be lit will not disturb or prevent the affected species using their territory or having access to their breeding sites and resting places.
 - Include an appropriate timetable for the provision of the lighting to be installed and operational for the specified routes/areas on site.All external lighting shall be installed in accordance with the agreed timetable and approved specifications and locations as set out in the strategy, and all lighting shall be maintained thereafter in accordance with the requirements of the strategy.

Reason: To ensure the park is safe and to reduce the fear of crime for users of the Park, to promote walking and cycling and walkable neighbourhoods in accordance with policy 8 (e) (iv) of the North Northamptonshire Joint Core Strategy and to protect wildlife and ecological features on site in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

8. 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 principal planning manager, in accordance with delegated powers; and appeal information as set out in the report of the principal planning manager, (Minute 4), be noted.

A member referred to 5 Oakway which was refused under delegated powers in relation to a retrospective planning application for the retention of a rear detached building. The principal planning manager advised that the applicant intends to appeal against the council's decision and has a three month window to do so. An enforcement course of action will be considered prior to the lapse of three months.

9. PLANNING APPEAL DECISIONS

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

- (i) 22/11/2019, for a proposed two bedroom single-storey dwelling with off road parking and amenity space at 39 Fairfield Road, Isham, which was dismissed;
- (ii) 21/11/2019, for the demolition of an existing dwelling and the construction of a new apartment building containing 7 one bedroom apartments and 2 two bedroom apartments at 24 Gold Street, Wellingborough – the application had been approved but conditions 6, 7 and 18 were disputed. It was concluded that Conditions 6 and 7 should remain but Condition 18 be deleted;
- (iii) 03/12/2019, for two houses with separate garages built onto the site of an old store building/hardstanding at Brookhill Farm, 6 Main Road, Earls Barton, which was dismissed;
- (iv) 04/12/2019, for a rear extension and basement, proposed front porch, railings added above existing boundary wall and gates (to west elevation) at 34 Nest Lane, Wellingborough, which was dismissed;
- (v) 05/12/2019, for the removal of a close boarded fence and supporting framework from the land at Hobbils Mill, Irthlingborough Road, Wellingborough. The appeal was dismissed and the enforcement notice upheld.

Chairman

The meeting closed at 8.30pm.

COUNCIL MEETING – 28 JANUARY 2020

REPORT OF THE FULL LICENSING (LICENSING ACT) COMMITTEE

25 November 2019

Present: Councillors Ekins (Chairman), Bone (Vice-Chairman), Aslam, Maguire, Morrall, Simmons and Ward.

Also present: Mrs A Wilcox (Principal Environmental Health Manager), Mrs A Walton-Miller and Mrs C A Mundy (Democratic Services Officer).

(Councillor Walia attended as an observer.)

The meeting commenced at 10am

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Ekins be appointed as chairman for this full committee.

2. APOLOGIES

Apologies were received from Councillors Bell, Lloyd, Scarborough, M Waters, V Waters and York.

3. DECLARATIONS

There were no declarations made.

4. LICENSING ACT 2003 – LICENSING POLICY STATEMENT

The annexed circulated report of the director of place and strategic growth was received to seek approval of the licensing authority's licensing policy statements as prescribed by section 5 of the Licensing Act 2003.

Appended to the report were the following:

Appendix 1 – Consultation responses

Appendix 2 – Summary of consultation responses

Appendix 3 – Statement of licensing policy.

The principal environmental health manager presented the report to committee and explained that the Act requires each council to determine its policy in respect of the exercise of its licensing functions and to publish a statement of that policy. Such statement of licensing policy provides a framework to aid decision making and provides clarity for applicants and residents with a view to promotion of the four statutory licensing objectives of:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

The current statement of licensing policy was approved by services committee in March 2015 and needed to be reviewed every five years.

As part of the Northamptonshire Licensing Liaison Group officers work to standardise good practice by developing common policies and procedures wherever possible. It was considered appropriate to produce a single policy statement to cover each of the seven authorities in the council, with local modification, where necessary.

As required under the act, the draft document was consulted on between 9 September and 18 October; two responses were received, one from Punch Taverns Limited and the other from the Public Health Officer of Northamptonshire County Council. No local consultation responses had been received and no evidence was provided to indicate that the draft policy did not support the operation of the licensing process within the borough.

The comments made were taken into account and the policy was amended at section 8 to incorporate the comments of the public health officer and both the Northamptonshire Health and Wellbeing Strategy and Director of Public Health Northamptonshire's annual report have also been added. As suggested by Punch Taverns Limited a link to the regulator's code had also been added to the guidance documents and accordingly the updated policy was appended to the report.

Members considered that officers had produced a very good policy that took into account the local needs, which assisted in the decision making process.

It was proposed by Councillor Aslam and seconded by Councillor Morrall that the statement of licensing policy be adopted. On being put to the vote this was declared carried.

R1 **RECOMMENDED** that the statement of licensing policy, as reviewed, and prescribed by the Licensing Act 2003 be adopted.

Chairman

The meeting concluded at 10.10am.

COUNCIL MEETING – 28 JANUARY 2020

REPORT OF THE LICENSING (REGULATORY) SUB-COMMITTEE

25 November 2019

Present: Councillors Ekins (Chairman), Bone and Maguire

Also present: Mrs A Wilcox (Principal Environmental Health Manager), Mr M O'Donnell (Team Leader Health Protection) Mrs A Walton-Miller (Legal Adviser/District Law) and Mrs C A Mundy (Democratic Services Officer).

The meeting commenced at 10.30am.

1. APPOINTMENT OF CHAIRMAN

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

2. DECLARATION OF INTEREST

There were no declarations made.

3. 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.

4. APPLICATION TO REVOKE OR SUSPEND PRIVATE HIRE DRIVER'S LICENCE

The annexed circulated exempt report of the director of place and strategic growth was received in relation to a potential revocation, suspension or addition of conditions to a private hire driver's licence for Mr B.

The chairman welcomed the licence holder, who was accompanied by two members of his family, to the meeting and everyone present introduced themselves.

The Principal Environmental Health Manager, Mrs Wilcox, presented the report and findings to the sub-committee.

She explained that the licence holder had contacted the office on 7 November 2019 and had informed the licensing officer that he had experienced a serious health issue on 15 August 2019, from which he was now recovered. The licence holder had failed to notify the council of his medical condition until eight weeks

after the incident which was contrary to the council policy, which requires immediate notification.

Council policy also states the following:

‘The council follows guidance from the Department of Transport Taxi and Private Hire Vehicle Licensing which states that each applicant for the grant of a driver’s licence will be required to undergo a medical examination to the ‘group 2’ standard to assess their physical and mental fitness to drive a licensed vehicle. The licence holder had passed the group 2 requirement at his last medical assessment but a driver needed to remain compliant throughout the life of their licence to show they remained a ‘fit and proper’ person.

The Driver and Vehicle Licensing Authority document -‘ Assessing fitness to drive – a guide for medical professionals’ states that the group 2 standard for drivers who have suffered from an illness like the licence holder is as follows:

‘a licence holder must not drive and must notify the DVLA. A licence will be refused or revoked for one year following a stroke or TIA. Re-licensing after one year may be considered if:

- *there is no debarring residual impairment likely to affect safe driving;*
- *there are no other significant risk factors. Licensing may be subject to a satisfactory medical report, including results of exercise ECG testing. If the condition is central venous thrombosis or there is imaging evidence of less than 50% carotid artery stenosis and there is no previous history of cardiovascular disease, a licence may be issued without the need for functional cardiac assessment. Patients with recurrent TIAs or strokes will be required to undergo functional cardiac testing.”*

Mrs Wilcox also referred to the council’s policy which states that:

- a driver must cease driving any licensed hackney or private hire vehicle and inform the council immediately they become aware of any medical condition which may affect their driving ability and/or the health and safety of themselves or their passengers.
- the following medical conditions must be notified to the council, in writing, as soon as reasonably practicable:
 - Heart condition;
 - Deterioration of eyesight or hearing;
 - Abnormal blood pressure;
 - Alcohol or drug dependency;
 - Diabetes;
 - Mental or psychological disorders;
 - Epilepsy;
 - Serious physical injury or disability;
 - Sudden attacks or giddiness or fainting;
 - Any other condition affecting the ability to drive

The sub-committee needed to determine whether the licence holder remained a 'fit and proper' person to hold a licence, taking into consideration that the group 2 medical standard states that 12 months should elapse following his type of illness before re-licensing should be considered and also the fact that the licence holder had failed to immediately notify the council of his medical condition in accordance with council policy.

The licensing authority's key objective is to ensure public safety and council policy reflects this overriding concern. If there is any doubt about the suitability of an individual to be licensed, the committee should be mindful of the need to protect the public and caution should be exercised.

The four licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- the protection of children from harm

Mrs Wilcox also passed to the sub-committee a copy of a medical report recently obtained by the licence holder for their information.

The chairman thanked Mrs Wilcox for her report and asked the licence holder to explain what had happened to him, whether there were any lasting issues and why he had failed to inform the council.

The licence holder explained what had happened on 15 August and that following admission to hospital he'd had an operation before being discharged from hospital. He had subsequently made a good recovery. After a few weeks he had been informed by his consultant that he was fit to drive again, his consultant was aware of his profession and had confirmed he could return to work as a professional driver.

It was only when his insurance company suggested that he check with the council that he was fit to drive as a professional driver that he found that there was a policy in place whereby a professional driver had to comply with the group 2 standard which he thought, as did his consultant, was for HGV drivers.

He had not been aware of the council's policy whereby he needed to notify the council of the sort of illness he had, which was not specifically listed in the policy.

Mrs Wilcox clarified that the group 2 standard was in Wellingborough's policy but that it was common practice for council licensing policies generally to include the DVLA group 2 standard for professional drivers.

With regard to the medical conditions listed in 2.5 of the policy, consideration could be given to specifying all conditions, but it was thought that 'any other condition affecting the ability to drive' was adequate.

Members raised a couple of queries for the purpose of clarity.

The chairman asked the licence holder if he wished to add anything further and whether he considered he'd had a fair hearing. The licence holder confirmed he had, but felt that hospital consultants should be made aware of the position with regard to professional drivers having to comply to group 2 rather than group 1 as he had been advised by his consultant that he could return to work as a professional driver. He would be writing to his consultant to bring it to her attention for future reference.

The chairman adjourned the meeting at 11am.

The chairman reconvened the meeting at 11.25am.

Decision

RESOLVED that the private hire driver's licence remain suspended until expiry on 31 December 2019;

Reasons for decision:

The sub-committee considered the paperwork prepared by Amanda Wilcox, the council's policy and also heard from Mr B in person. The sub-committee also considered the recent medical report of Dr Pasquali which states that Mr B still has problems with dexterity in his right hand and that, with regard to his ability to carry on driving, if his licence falls into group 2, he is not fit to drive for up to a year after his illness. The licence does fall into group 2.

The sub-committee needed to be satisfied that Mr B remained a fit and proper person to continue to hold a licence. The council's policy states that a licence will be refused for one year following this sort of illness. Mr B admitted he was under medical attention for four weeks. Having considered all the facts the sub-committee found there was no reason to depart from the policy and took the decision to suspend the current licence which expires in December 2019 and informed Mr B that he could reapply again after 15 August 2020.

Mrs Walton-Miller advised the licence holder that he had 21 days in which to appeal the decision to the Magistrates Court.

This part of the meeting concluded at 11.30am and the licence holder left the meeting.

5. APPLICATION TO REVOKE OR SUSPEND PRIVATE HIRE DRIVER'S LICENCE

The annexed circulated exempt report of the director of place and strategic growth was received in relation to a potential revocation, suspension or addition of conditions to the private hire driver and vehicle licences for Mr A.

The chairman welcomed the licence holder to the meeting and everyone introduced themselves.

Mrs Wilcox presented the report to the sub-committee.

She explained that the licence holder held both a private hire driver's licence, granted on 8 February 2019, and a private hire vehicle licence, granted on 26 September 2019. A complaint had been received regarding inappropriate behaviour by the licence holder whilst working as a private hire driver, which may affect the decision as to whether he remained a fit and proper person to hold such licences as prescribed by the Local Government (Miscellaneous Provisions) Act 1976.

The complaint had been made on 28 October 2019 and related to allegations of a predatory nature towards a lone female passenger. Due to the seriousness of the allegation both licences had immediately been suspended whilst an investigation was undertaken. Such suspension remained in place.

Appended to the report were the following:

Appendix 1 – Statement from the complainant;
Appendix 2 – Statement from Mr O'Donnell, Team Leader Health Protection;
Appendix 3 – Statement from Mr Powell, Health Protection Officer;
Appendix 4 – Statement from police sergeant

A statement was taken from the complainant who had, during the journey, recorded some of the conversation between her and the driver. She had initially contacted a police officer who had also provided a statement.

Such recordings had been played to the licence holder to obtain his version of events, and this is contained in the statement appended hereto. Statements from two of the investigating officers were also appended to the report. The recordings were also played to the sub-committee.

The sub-committee needed to ascertain whether the licence holder remained a 'fit and proper' person to hold a licence, taking into consideration the allegations made against him.

The licensing authority's key objective is to ensure public safety. If there is any doubt about the suitability of an individual to be licensed, the sub-committee needed to be mindful of the need to protect the public and caution should be exercised.

The four licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- the protection of children from harm

Mr O'Donnell played the recordings to the sub-committee.

The chairman thanked Mrs Wilcox and Mr O'Donnell and addressed the licence holder asking him to tell the sub-committee what he considered had happened on the night in question.

The licence holder explained that he had picked up two people in Wellingborough and had taken them to Earls Barton, which was a booked trip, the male passenger had asked to be taken to the village centre to use the cashpoint; he became abusive and kicked the licence holder's car prior to being dropped off at home. The female passenger asked to be taken to her home in Finedon.

The chairman asked if this journey had been booked with the operator. The licence holder clarified that he had not done so as he had turned off his PDA as his shift was finished.

The licence holder said that the passenger had been talking to him throughout the journey and asked if he had a cigarette. He didn't have any but offered to stop at a garage to purchase some.

The chairman asked if the licence holder or passenger had smoked a cigarette during the journey. The licence holder said that smoking was not allowed in a vehicle, so neither had a cigarette during the journey, but he had given the passenger two for when she got home. The passenger had been drinking and he offered to buy her a drink of water or coffee but she declined such offer. She said she needed to go to a cashpoint and he stopped at the newsagent in Church Street, Finedon where she got out of the car to get some cash. When the passenger returned to the car he drove further down the road to turn around – he then said that the car stalled as it had an automatic on/off ignition. He then took the passenger to her home.

Members rigourously questioned the licence holder on his comments, these included the following:

Q: Why when travelling from Earls Barton to Finedon did you not take the quickest and most straight forward route?

A: The licence holder considered that he had done so by exiting the A45, travelling down Doddington Road, through the town centre to Finedon Road.

Q: The recordings clearly indicate the passenger persistently saying that she wished to be taken home and that she did not want a drink, why did you fail to take her straight home as she requested?

A: The licence holder said that the passenger had asked for a cigarette and to stop at a cashpoint.

Q: Why after stopping at the cash point did you drive to a dead end to turn round when there was an alternative route and why did you turn off the engine?

A: the licence holder said he had considered that it was easier to turn round than choose a different route; he had not turned off the engine it had stalled.

Q: Why did you agree to take the passenger to Finedon as this was clearly a breach of your licence as it was not pre-booked and there was no rate agreed in advance?

A: The licence holder said that he had informed the passengers that the 'round trip' would be £30. He had not informed the operator as he was going to visit a friend in Finedon following the end of his shift.

Q: With regard to the abusive behavior of the male passenger did you report this incident or make a complaint to the police about the damage to your vehicle?

A: The licence holder said that this behavior was not unusual and frequently happened and that there was little point in reporting.

Q: Have you read the licensing policy?

A: He confirmed that he had but did not understand it all.

Q: Have you ever held a taxi licence before?

A: The licence holder clarified that this was his first licence.

The chairman addressed the licence holder and expressed his concern over the anomalies and inconsistency in his responses. There were a number of breaches to his licence including the following:

- No log of the trip;
- No rate given for the cost of the journey;
- This was an illegal journey;
- Undertaking this journey would have compromised the car insurance;
- Inappropriate behavior;
- Undue pressure put on the passenger;
- Stopping of the vehicle was inappropriate;

The chairman asked Mrs Wilcox and Mr O'Donnell if they had any questions.

Mrs Wilcox asked how the licence holder knew how much the passenger had taken out of the cash machine. The licence holder said that at the commencement of the journey from Wellingborough to Earls Barton he had informed the passengers that a round trip to include Finedon would be £30. She had given him £10 when she got back in the car that she had taken from the cashpoint.

Mr O'Donnell questioned the licence holder on a number of inconsistencies over what he had said in his statement and what he had told the sub-committee particularly around the fact that initially he had said he couldn't remember what had happened and that now he was saying that he could remember. He also asked the licence holder why he considered his predatory behaviour to be acceptable. The licence holder said that during the journey the passenger had been nice and friendly and had asked him questions about his life and he felt he was being polite and friendly to her in return.

There being no further questions the chairman asked the licence holder if he considered that he'd had a fair hearing. The licence holder said he had but asked the sub-committee to give him another chance and not revoke his licences.

The chairman adjourned the meeting at 12.40pm.

The chairman reconvened the meeting at 12.55pm.

Decision

RESOLVED that:

- (i) the decision of 28 October 2018, to suspend both the private hire driver's licence and private hire vehicle licence, with immediate effect, be upheld;
- (ii) both the private hire driver's licence and private hire vehicle licence be revoked with immediate effect.

Reason for immediate effect:

The sub-committee was of the view that the decisions should take immediate effect as Mr A, having demonstrated persistent predatory behavior towards a lone female, as well as a blatant disregard for licensing policies and procedures, was a risk to public safety. Accordingly it determined that its power under S61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 should be exercised.

Reasons for decision:

The sub-committee considered all the material provided in the report of the Health Services manager which included witness statements from the complainant, Matthew O'Donnell's interview with Mr A, Tony Powell and Beth Curlett.

The sub-committee listened to three voice recordings of conversations between the complainant and Mr A that the complainant had recorded during the incident. In each recording the complainant can be heard repeatedly asking Mr A to take her home and Mr A can be heard offering the complainant a drink, the sub-committee considered this behavior to be persistent and predatory.

The sub-committee also heard from Mr A in person in relation to the incident. He advised the sub-committee that the journey between Earls Barton and Finedon was not pre-booked and was not logged with his operator; the information provided by the operator supports this. The applicant stated that his PDA was not working properly and that he had been unable to contact his operator due to the late hour, he also stated that his PDA frequently malfunctions. Mr A admitted that he stopped to purchase cigarettes for his customer yet admitted that he took no money from the complainant for them; he admitted that he was a smoker and admitted that he stopped the vehicle for a second time during the journey. Mr A was unclear about the fee for the journeys and it was evident that no fee had been agreed in advance for the journey between Earls Barton and Finedon. The sub-committee was extremely concerned that the version of events presented by Mr A today was inconsistent with the statement he had provided and signed on 11 November 2019.

The sub-committee takes all complaints very seriously and having considered all of the evidence before it, was satisfied that he had put undue pressure on the complainant and had shown predatory behavior towards a lone female. The sub-committee therefore upholds the local authority's decision of 28 October 2019 to suspend Mr A's licenses on public safety grounds.

In addition, Mr A has admitted that he had not logged the journey with his operator, had not agreed the fare with the passenger in advance, was working with faulty equipment, had stopped the vehicle to purchase cigarettes whilst leaving a passenger in his vehicle, had potentially through his actions compromised his insurance cover, and had demonstrated an overall lack of regard for the council's licensing policies and procedures and a serious disregard of the obligations of a taxi driver.

Taking into account all factors the sub-committee was satisfied that Mr A was no longer a fit and proper person to hold a taxi licence and the decision was taken to revoke Mr A's private hire driver's licence and private hire vehicle licence with immediate effect.

The legal adviser informed the licence holder of his right to appeal the decision withing 21 days to the magistrate's court.

Chairman

The meeting concluded at 1pm.

