

## **COUNCIL MEETING – 27 NOVEMBER 2018**

### **REPORT OF THE PLANNING COMMITTEE**

3 October 2018

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

Miss J Thomas (Director of Place and Strategic Growth), Mrs D Kirk (Senior Development Management Officer), Mr C Law (Development Management Officer), Mr M Swann (Principal Planning Manager), Mrs E Granger (Legal Adviser) and Mrs F Hubbard (Democratic Services Officer).

(Councillors Anslow and L Lawman attended as speakers. Cllr Carr attended the meeting as an observer).

#### **1. APOLOGIES FOR ABSENCE**

**RESOLVED** to note that an apology for absence was received from Councillor Stevenson.

#### **2. DECLARATIONS OF INTERESTS**

**RESOLVED** to note that there were no declarations of interest.

#### **3. CONFIRMATION OF MINUTES – 5 SEPTEMBER 2018**

**RESOLVED** that the minutes of the planning committee held on 5 September 2018, be confirmed and signed.

#### **4. REPORT OF THE DIRECTOR OF PLACE AND STRATEGIC GROWTH**

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

#### **5. PLANNING APPLICATION WP/18/00466/FUL – 188 STATION ROAD, IRCHESTER**

The annexed circulated report of the director of place and strategic growth was received, on planning application WP/18/00466/FUL, for a proposed alternative conversion of a redundant agricultural building to residential use, including earthworks and the creation of a retaining wall to the rear (west) of the new dwelling at 188 Station Road, Irchester for Mr R Foreman.

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 of place and strategic growth recommended that the planning application be approved subject to the conditions set out in the report.

The site viewing group visited the site on 02/10/2018 and a record of the visit was set out in the circulated notes.

The chairman then invited the committee to determine the application.

The site viewing members had no objection to the planning application and welcomed it as a family home in a nice location which would not be seen from the road.

Councillor Scarborough sought several points of clarification from the senior development management officer in relation to this planning application and also to barn conversions in the open countryside. She explained that barn conversions in the open countryside under the Town and Country (General Permitted Development) (England) Order (As Amended) 2015, are subject to a number of criteria, including the installation or replacement of windows, doors, roofs or exterior walls, necessary for a dwelling to function and for buildings not to extend beyond the external dimensions of the existing building at any given point. Councillor Scarborough still had concerns about a precedent being set in relation to barn conversions in the open countryside.

Councillor Maguire commented that the site is agricultural which in the past had kept rare pigs and other animals and understood that the animals would be returning to the site.

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

On being put to the vote, the motion for approval was carried by 9 votes in favour and 1 against.

**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: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out other than in accord with the following details:  
Proposed plans and elevations 187-17-20 Rev. B registered on 10 September 2018.

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

3. The external materials to be used on the building shall comprise red brick as already laid, dark stained featheredged horizontal boarding, and Kingspan Insulated Standing Seam roofing coloured grey or such other materials and finishes as shall have been submitted to and agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to this rural development in accordance with policy 8 (d) of the North Northamptonshire Joint Core Strategy.

4. The development shall be carried out in accordance with the recommendations of the Noise Impact Assessment Ref VA1941.170927.NIA.02 dated 28 September 2017 unless otherwise required by conditions attached to this permission.

Reason: To secure satisfactory living conditions for the prospective occupiers, in accordance with policy 8(e) of the North Northamptonshire Joint Core Strategy.

5. The dwelling hereby permitted shall not be occupied until the following details in respect of ground contamination have been submitted to and approved in writing by the local planning authority:
  1. A verification report to demonstrate the completion of the works set out in the remediation proposals previously agreed in respect of application ref. WP/17/00099/PAMB which shall include details of the installation of a suitable hydrocarbon vapours membrane, and
  2. Details of the final waste movements of the soils which have been stripped from the site.

Reason: To secure a safe and healthy living environment for the future occupants of the property in accordance with policy 8(e) of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development permitted by Article 3, Schedule 2, Parts 1 or 2 of that Order shall be carried out on the land.

Reason: To prevent an intensification of development as the development is contrary to adopted planning policy and is only permitted as an exception to policy due to the fall back position for conversion of the building permitted by the GPDO. That permission would not attract permitted development rights and it is considered appropriate to likewise restrict them in this permission in accordance with Policy 11(2) of the North Northamptonshire Joint Core Strategy.

## **6. PLANNING APPLICATION WP/15/00131/OUT – OLD ABATTOIR, IRTHLINGBOROUGH ROAD, WELLINGBOROUGH**

The annexed circulated report of the director of place and strategic growth was received, on planning application WP/15/00131/OUT, for an outline application for 45 new houses (access, appearance, layout and scale to be determined at

this stage). Amended plans/documents at the Old Abattoir, Irthlingborough Road, Wellingborough for Martin King Construction 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 director of place and strategic growth recommended that the planning application be refused for the reasons set out in the report.

The senior development management officer explained to members that there had been three extensions of time given to this planning application and she had informed the applicant that a report would come back to the planning committee for a decision. This planning application had been deferred by the planning committee on 14/09/2016 for further work and consultation. The senior development management officer advised that the flood risk had been addressed but no satisfactory amended transport assessment had been submitted to address the points raised by Northamptonshire County Council, particularly in relation to improvements to sustainable travel patterns. The application also failed to have regard to the revised National Planning Policy Framework (NPPF) and the adopted North Northamptonshire Joint Core Strategy (NNJCS) being introduced by not complying with national space standards and also no Section 106 being secured, or mitigation to SPA (Upper Nene Valley Gravel Pits Special Protection Area).

The chairman then invited the committee to determine the application.

Members concurred with the officer's recommendation commenting that this was employment land and felt that housing was unsuitable for this site due to no footpath or bus service and also the narrow road. They also felt if the future occupiers did not have a vehicle it would be difficult to get anywhere.

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

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

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

1. The Transport Assessment has not indicated that the proposed development can be safely and effectively served by sustainable means of transport or that it has good accessibility to education, health, retail or leisure facilities and the proposed development as submitted cannot be supported on highway safety grounds. The proposed development would be contrary to policies 1, 8 (a) (i), 8 (a) (ii), 8 (a) (iv) and 8 (b) (ii) of North Northamptonshire Joint Core Strategy and saved policies U14 and U17 of the Borough of Wellingborough Local Plan.
2. Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy seeks to ensure that the quality of life and safer and healthy communities by protecting the amenity of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution. The site lies within an area where there are incompatible uses

adjacent to the site and it is therefore considered that these would have an adverse impact on the amenities of the future residents contrary to policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy and advice contained within paragraph 182 of the revised National Planning Policy Framework.

3. Policy 4 (d) of the North Northamptonshire Joint Core Strategy states that developments that are likely to have an adverse impact, either alone or in-combination, on the Upper Nene Valley Gravel Pits Special Protection Area or other European Designated Sites must satisfy the requirements of the Habitats Regulations, determining site specific impacts and avoiding or mitigating against impacts where identified. In the absence of any mitigation strategy being submitted the proposed development would be contrary to policy 4 (a) and (d) of the North Northamptonshire Joint Core Strategy and the Supplementary Planning Document on the Upper Nene Valley Gravel Pits Special Protection Area.
4. Policy 30 (b) of the North Northamptonshire Joint Core Strategy requires that the gross internal floor areas of new dwellings must meet the National Space Standards and technical requirements as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities. The layout of the proposed development would not meet the standards set out in the national space standards or technical requires and would be contrary to policy 30 (b) of the North Northamptonshire Joint Core Strategy.
5. A S106 planning obligation is required to secure the site to be developed wholly as starter homes as defined by the revised National Planning Policy Framework, highway improvement works, improvements to the rights of way footpaths in the immediate vicinity and the provision of bus service improvements and the provision or improvements to open space are considered to be essential to make the proposed development acceptable in planning terms and the applicant has not secured a S106 legal agreement to mitigate otherwise unacceptable development. The proposed development would be contrary to policy 7 (b); 10 (a); 10 (c) and (30) (d) of the North Northamptonshire Joint Core Strategy and policy G14 in the emerging Plan for the Borough Council of Wellingborough and advice contained within paragraphs 54 and 56 of the revised National Planning Policy Framework.

## **7. PLANNING APPLICATION WP/18/00161/FUL – CAR PARK, DODDINGTON ROAD, WELLINGBOROUGH**

The annexed circulated report of the director of place and strategic growth was received, including late letters, on planning application WP/18/00161/FUL, for a proposed 12 no. residential flats, in the form of 1 and 2 bedrooms over three floors. Drainage strategy and amended drawings. Noise and odour assessments – Further flood information at the car park, Doddington Road, Wellingborough for the Borough Council of Wellingborough (Mr A Piper).

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 of place and strategic growth recommended that the planning application be approved subject to conditions set out in the report, including a condition for the provision of one unit of affordable housing in line with the requirements of the NPPF paragraph 64.

Requests to address the meeting had been received from two objectors and Councillor Anslow (ward councillor).

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

The first objector had concerns about the lack of parking provision and also the appearance of over development and lack of heritage views. A comment was also made about the listed iron stone building close to the development and felt that the front of the proposal should be iron stone.

The second objector commented on existing issues of parking in Doddington Road which had always been a problem and the loss of a valuable car park. She also had concerns in relation to deliveries and additional visitors wanting to park in Doddington Road and the increase in unwanted traffic on an already busy road and junction.

Before Councillor Anslow spoke the chairman sought clarification from her as to the capacity in which she was speaking, as she lives in Doddington Road, close to the application site. Councillor Anslow informed the committee that she was speaking as a councillor for her ward.

Councillor Anslow considered the 12 flats on the site to be ill-conceived. She felt that this development would halt the green corridor in Doddington Road. She commented that the regeneration of the town centre was being looked at by the town centre sub-committee and felt that this proposal had not considered the wider issues of regeneration in the town. She also had concerns about the public footpath needing to be moved on this site; and parking in the town. Councillor Anslow felt the application should be rejected and the proposal changed for a better use of the space.

Following Councillor Anslow's comments in relation to the footpath, officers clarified to the committee the location of the footpath on the site.

Councillor Scarborough commented on the work of the town centre sub-committee to enhance the green corridors and to open up the brook in that area and asked Councillor Anslow if she wanted to see green infrastructure, car parking or environmental improvements.

Councillor Anslow responded by stating that this was not the right time to put the proposal forward due to the priorities of the town centre sub-committee in identifying future projects to regenerate the town; and decisions needed to be made about car parking, green spaces and connections and felt the proposal for this site to be premature.

The chairman then invited the committee to determine the application and when doing so announced that he objected to the comment made in the report by the ward councillor in relation to decisions for development in Wellingborough being made by 'councillors who live in villages'. The chairman said he was a borough councillor for the whole of the borough and objected to being called a village councillor stating that he makes decisions in the best interests of the borough. Councillor York agreed with the chairman stating that the councillors are all borough councillors and equal.

Councillor Griffiths supported the planning application and stated that there was a huge demand for this type of accommodation and felt there was sufficient car parking elsewhere. He proposed that the planning application be approved.

Councillor Graves commented that he supports the regeneration of the town centre and considered that we do need 2 bedroom accommodation, which is affordable, in the town centre. He seconded the planning application for approval.

Councillor Scarborough commented that the proposal for residential accommodation had been on a long list of council projects. He also commented that the town centre sub-committee had recently held its first meeting. He made a comment as to why the Swansgate Centre car park could not be open 24/7. In relation to parking Councillor Scarborough referred to recent comments made by a Planning Inspector regarding planning application appeals for other similar sites with no parking which the council had lost, when applicants had appealed against the council's decision.

Councillor Maguire made a comment that he had looked in the car park at different times of the day. During the day council employees use the car park and one evening when he checked there was only one car parked.

Members were pleased that the footpath would stay and commented that it was an ideal place for a starter home.

Councillor Lawman had concerns about the parking in the area with Tresham College using Croyland Hall and the potential conversion of Tithe Barn Road offices. He would also like to see an iron stone frontage as an attempt for the development to blend into the area and to also recognise the iron stone fronting that was originally there. He also had concerns about flooding and would like to see a different assessment. He then raised concerns about the bin storage for waste for the nearby takeaways with a provision for safety and hygiene.

Councillor Lawman proposed that the planning application be deferred for the flooding, iron stone frontage and bin storage for the takeaway businesses to be looked at further. This deferral was then seconded by Councillor Scarborough.

Councillor Scarborough added that the issue with the bins need to be resolved without destroying businesses; and proposed that the issues for deferral be delegated to officers to resolve.

In relation to the bins the director of place and strategic growth commented that the bins were on the council's land without consent therefore this is classed as trespass and the odour had been taken into account in the planning application.

Councillor Scarborough then withdrew his seconding of the amendment for the deferral of this planning application stating that he would now be voting against the planning application.

The original motion for approval which had been proposed by Councillor Griffiths and seconded by Councillor Graves was then put to the vote and was carried by 7 votes for approval and 3 against.

**RESOLVED** that the planning application be approved subject to the following conditions including a condition for the provision of one unit of affordable housing in line with the requirements of the NPPF paragraph 64:

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

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall not be carried out other than in accordance with the following amended details:

170032-PEV-XX-XX-M3-A-9001 Proposed site plan P03 9 May 2018  
170032-PEV-XX-XX-M3-A-9002 Proposed ground floor P03 plan 9 May 2018

170032-PEV-XX-XX-M3-A-9003 Proposed first floor plan P03 9 May 2018

170032-PEV-XX-XX-M3-A-9004 Proposed second floor plan P03 9 May 2018

170032-PEV-XX-XX-M3-A-9005 Proposed roof plan P03 9 May 2018

170032-PEV-XX-XX-M3-A-9006 Proposed elevations P03 9 May 2018

032-PE-XX-XX-DR-C-0600 proposed site levels received 9 May 2018

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

3. No development shall take place until a site specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and lighting. The plan should include but not be limited to:



Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Councils Environmental Protection Team

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 0800hrs and 1800hrs on Mondays to Fridays and 0800hrs and 1300hrs on Saturdays and at no time on Sundays and Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Mitigation measures as defined in BS5528 Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Space sites shall be used to minimise noise and disturbance from construction works.

Procedures for emergency deviation of the agreed working hours

Control measures for dust and other air-borne pollutants

Measures for controlling the use of the site lighting whether required for safe working or for security purposes

Method of prevention of mud being carried onto the highway

Pollution prevention measures to help protect Swanspool Brook from chemical and other pollutants during the construction phase

The approved Construction Management Plan shall be adhered to throughout the construction period on site.

Reason: In order to protect amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

4. Before construction of the development commences, the developer shall submit a preliminary risk assessment. Should the preliminary risk assessment identify the need for further investigation a site investigation scheme to provide a detailed assessment of the risk to all receptors including off site receptors shall be provided. Remediation proposals shall be based on the results of the site investigation and risk assessment giving full details of the remediation required. The preliminary risk assessment, site investigation and remediation proposals shall be agreed in writing by the local planning authority. On completion of the remediation but before the site is first occupied, the developer shall provide a verification report to demonstrate the completion of the works set out in the agreed remediation proposals.

Reference shall be had to Environment Agency Guide CLR11 model procedures for the management of land contamination available at <http://www.gov.uk/government/publications/managing-land-contamination>.

Reason: In order to protect future occupiers of the development and protect ground and surface water in accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

5. No development shall take place within the area indicated until the applicant or agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and

approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that any features of archaeological interest are properly examined and recorded in accordance with policy 2 d of the North Northamptonshire Joint Core Strategy and advice contained within paragraph 199 of the revised National Planning Policy Framework (NPPF).

6. No development above slab level shall take place until samples of all the external materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The agreed facing brick for the development shall be Ibstock Bradgate Golden Purple (0023) unless an alternative is agreed in writing by the local planning authority before development commences. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development is of a high quality with respect to design and appearance in accordance with policy 8 d i) of the North Northamptonshire Joint Core Strategy.

7. No construction works shall take place until a scheme detailing measures to limit water use to no more than 105 litres per person within the home and external water use of no more than 5 litres per person per day has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of each associated dwelling.

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

8. Prior to the first occupation of the development hereby permitted details of the cycle parking storage and provision as indicated on the approved plans shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be implemented in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the provision and availability of cycle parking and sustainable transport options in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to the first occupation of the development hereby approved, details of the proposed boundary treatment for the development shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be fully implemented prior to the first occupation of the development in accordance with the approved details and retained as such thereafter.

Reason: To provide adequate security and privacy for occupiers of the site and to protect the external appearance of the area in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

10. Before construction commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The details of the scheme shall include:
- 1) Designs, diameters, invert and cover levels and gradients. In addition, the assessment shall include dimensions of all elements of the proposed drainage system: pipes, inspection chambers, outfalls/inlets and attenuation basins.
  - 2) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices
  - 3) BRE 365 infiltration test results
- The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the North Northamptonshire Joint Core Strategy by ensuring the satisfactory means of surface water attenuation and discharge from the site.

11. No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified drainage engineer and approved by the Local planning authority prior to occupation of the site based on the approved Flood Risk Assessment MC/EST/170032/17.2/R002 Issue 2 dated 16th July 2018 prepared by Pick Everard. These shall include:
- a) Any departure from the agreed design is keeping with the approved principles
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any performance testing undertaken as a part of the application process (if required/necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

12. The development hereby permitted shall be carried out in accordance with the noise report submitted to the local planning authority in July 2018. The development shall be constructed in accordance with the glazing and ventilation details contained within SK04 of Appendix B of the noise report July 2018 and retained as such thereafter.

Reason: To ensure that future occupiers of the development are afforded a reasonable level of protection from existing noise sources in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

13. The development hereby permitted 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 the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

14. Prior to the occupation of the development hereby approved, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme should be designed to avoid illuminating Swanspool Brook and trees surrounding the site in order to maintain dark areas for bats and wildlife. Prior to the first occupation of the development, the lighting scheme shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of wildlife and amenity in accordance with policy 4 and policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the construction of development hereby approved a timetable and plan shall be submitted to and approved in writing by the local planning authority which sets out the details of temporary access arrangements for the existing cycleway/footpath and when the realigned cycleway/footpath on site and associated signage and road markings shall be implemented. The timetable and plan shall also provide details about when the existing vehicular crossing shall be closed and when the highway surfaces affected by the proposals shall be reinstated in accordance with the specification of the local highway authority and subject to a suitable licence/agreement under the Highways Act 1980. The approved details retained as such thereafter.

Reason: In the interests of suitable access provision and highway safety in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

16. The development hereby permitted shall be carried out in accordance with the landscaping details drawing number MK PE DR 01 (Rev B). The plan hereby approved only extends to the soft and hard landscaping shown. It does not extend to boundary treatment which is the subject of a separate condition. The approved landscaping details shall be fully implemented prior to the first occupation of the development. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub or any tree and shrub planted in replacement of it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. All hard and soft landscape works shall be carried out prior to the occupation of the buildings or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing by the local planning authority.

Reason: To protect and enhance the character and appearance of the area in accordance with policy 3 (a), (b) and (e) of the North

Northamptonshire Joint Core Strategy.

17. The development hereby permitted shall only be carried out in accordance with the findings and recommendations of the WYG odour assessment dated July 2018. Specifically, the odour mitigation shall be carried out in accordance with Option 2 of the approved odour assessment. The approved odour mitigation details shall be implemented prior to the first occupation of the development.

Reason: In order to satisfactorily mitigate odour from adjacent commercial food businesses and protect amenity for future occupiers of the development in accordance with policy 8 of the JCS.

18. Prior to any construction works taking place on site a scheme and timetable detailing the provision of one unit of affordable housing in accordance with paragraph 64 of the NPPF shall be submitted to and approved in writing by the local planning authority. The affordable housing unit shall thereafter be provided in accordance with the approved details.

Reason: To provide for affordable housing in accordance with paragraph 64 of the National Planning Policy Framework.

**8. PLANNING APPLICATION WP/18/00350/OUT – RYEHILL FARM, 76A ORLINGBURY ROAD, ISHAM**

The chairman announced that the applicant had withdrawn the planning application.

**RESOLVED** to note that the planning application had been withdrawn.

**9. PLANNING APPLICATION WP/18/00453/FUL – 34 NEST LANE, WELLINGBOROUGH**

The annexed circulated report of the director of place and strategic growth was received, including late letters, on planning application WP/18/00453/FUL, for a rear extension and basement. Proposed front porch. Railings added above existing boundary wall and gates (to west elevation) - works have commenced at 34 Nest Lane, Wellingborough for Mr and Mrs Gudea.

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 of place and strategic growth recommended that the planning application be approved subject to the conditions set out in the report.

Requests to address the meeting had been received from two objectors and Councillor L Lawman (ward councillor).

The chairman allowed the speakers to address the meeting and the committee was given the opportunity to ask questions of clarification. He reminded speakers to stick to planning matters and not civil matters in relation to this application, as the council is not involved with the civil dispute.

The first objector considered the site was being used for unauthorised commercial use and business storage and had concerns that highly flammable liquid could be stored in the basement of the proposed extension. If members were minded to approve the planning application, the objector would like to see more conditions added including consideration to site working hours and control of activities.

The second objector also felt a business was being conducted. He also had concerns about the highway in Nursery Drive which the applicant was using to park his trucks.

It was proposed by Councillor Griffiths that the planning application be deferred for a site visit.

The committee were reminded that the planning application before them already had planning permission and approval was now being sought to increase the proposal by 1 metre to the rear.

Councillor L Lawman (ward councillor) spoke representing several residents who were concerned about the planning application. She referred to plastic sheeting to the iron railings to the front of the property. She had concerns for views and access and would like to see the road side bushes reinstated and the hard core removed. She also had concerns that a business was being carried out from the property. Several vehicles are parked including a 24 tonne tip up truck. She also commented that there was no internal access to the basement. She asked for permitted development rights for this property to be removed to stop any future encroachment. She added that we should adopt good design in relation to the property and should not affect the character of the area, which it does, with lorries, vans and SORN vehicles which is affecting nearby occupiers with undue stress. She also considered this to be over development of a bungalow on a footprint with a huge basement.

The chairman then invited the committee to determine the application.

Councillor Scarborough seconded the proposal for a site viewing and asked the director of place and strategic growth about removing permitted development rights.

The director of place and strategic growth responded to say that she would struggle for grounds to remove permitted development rights and added that the council is monitoring the situation and there was no breach of planning when visited by the council's enforcement officer yesterday.

The chairman had sympathy for the neighbours but reminded the committee again that the decision had to be made in relation to planning.

The director of place and strategic growth informed the committee that if the property was being used for a business the council would deal with it and shall continue to monitor and take any appropriate action.

Councillor Maguire objected to the site viewing and proposed that the planning application be approved. This was seconded by Councillor Aslam.

Councillor Scarborough reiterated that it should be site viewed and proposed again a deferral for site viewing which was then seconded by Councillor Griffiths.

On being put to the vote, the motion for a deferral for a site viewing was lost by 5 votes to 5 votes with the chairman using his casting vote.

Councillor G Lawman commented with regard to the fence on Nursery Drive and hoped for a condition that the fence would be returned and there be no side access onto Nursery Drive.

The director of place and strategic growth informed the committee that planning permission is not needed for this and anyone can move a fence/vegetation and there was no control in this private road.

Councillor G Lawman also commented that the drawings to the front show railings but there is currently plastic sheeting which is unsightly and out of keeping. The director of place and strategic growth responded to say that this had already been looked into and does not need planning permission as it can be done under the General Permitted Development Order (GDPO). Councillor Lawman had concerns that there was no specification as to what the basement would be used for especially if chemicals were being stored for commercial use and commented that the only access into the basement was via an external access.

The director of place and strategic growth responded to say that we cannot condition this in a planning permission but the council has the powers to gain entry of inspection if it is thought that a premises is being used for non-domestic purposes.

Councillor Griffiths said we must trust our officers to make sure enforcement is carried out but this was frustrating in the way it works.

The original motion which had been proposed by Councillor Maguire and seconded by Councillor Aslam was then put to the vote.

On being put to the vote, the motion for approval was carried by 8 votes with 2 abstentions.

**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: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out other than in accord with the following details:

Proposed ground floor plan NP-PL-18-04 received on 30 July 2018;  
Proposed basement floor plan NP-PL-18-B1 received on 30 July 2018;  
Proposed rear elevation NP-PL-18-12-PR received on 30 July 2018;  
Proposed side elevations NP-PL-18-21 received on 30 July 2018;  
Proposed east (rear) elevation NP-PL-18-23 received on 30 July 2018.

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

3. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Core Spatial Strategy.

(Councillor Maguire left the room).

## **10. 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.

## **11. PLANNING APPEAL DECISIONS**

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

- (i) 29/08/2018, for a development proposed for the conversion of former factory to create 24 residential units with associated demolitions and works at 9 Mill Road, Wellingborough, be allowed;

(Councillor Maguire re-joined the meeting).

- (ii) 24/08/2018, for the development proposed described as an outline application for a one and a half storey dwelling with access off Hall Drive with all matters reserved at 13 Hall Drive, Finedon, be dismissed;
- (iii) 24/08/2018, for the development proposed described as demolition of redundant ambulance station and erection of a terrace of three 3 bedroom dwellings, at 1A Milner Road, Finedon, be allowed.



Members commented on the Mill Road decision in relation to Northamptonshire County Council's parking standards which our council did not adopt.

The director of place and strategic growth added that no councils in Northamptonshire adopted the County Council's parking standards.

Chairman

The meeting closed at 8:53pm.