

PLANNING MANAGEMENT COMMITTEE

Date: 22 June 2016

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.00pm

Present: Councillors: Phillip Stearn Chairman
Gill Mercer Vice Chairman

Richard Gell
Roger Glithero JP
Sylvia Hobbs
Helen Howell
Dudley Hughes JP
Barbara Jenney
Andy Mercer

Ron Pinnock
Geoff Shacklock
Alex Smith
Robin Underwood
Peter Wathen
Pam Whiting

59. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Helen Harrison and Anna Sauntson.

60. MINUTES

The minutes of the meeting held on 1 June 2016 were approved as a true and correct record of the proceeding.

61. DECLARATIONS OF INTEREST AND INFORMAL SITE VISITS

(a) Declarations Of Interest

Councillor	Application	Nature of Interest	DPI	Other Interest
All Committee Members	16/00919/FUL (Amenity Area, Smithfield Court, Smithfield Place, Raunds)	ENC is the landowner		Yes
Helen Howell	16/00919/FUL (Amenity Area, Smithfield Court, Smithfield Place, Raunds)	Was a member of Raunds Town Council's Planning Committee who had objected to the application		Yes

(b) Informal Site Visits

Councillor Peter Wathen declared that he had visited the site at Amenity Area, Smithfield Court, Smithfield Place, Raunds (16/00919/FUL).

62. QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

Councillor Barbara Jenney had submitted the following question in accordance with the provisions of Council Procedure Rule 10.3:

“Where do Members stand with regard to Householder Appeals?”

Under this “quicken” type of appeal, only representations made within the Officer’s report and the decision notice can be considered. There is no opportunity for further submissions to be put forward. Therefore no comment from Members either in support of, or contrary to Officer recommendation would be taken into account.”

The Chairman responded as follows:

Annexe C of the Planning Inspectorate’s Procedural Guide “Planning Appeals - England” March 2016 states at C.7.2:

“The local planning authority’s case will be its reasons for refusal and the documentation supplied with the questionnaire. The local planning authority’s reasons for refusal should be clear and, where the Committee’s decision goes against the planning officer’s recommendation, it is good practice for the reasons for this to be stated clearly in the Committee minutes. In turn this will mean that if an appeal is made the local authority’s documentation will contain all of its reasons and if the appellant arranges to view the documentation before they make their appeal, they will be aware of the full background to the refusal. With its documentation the local planning authority should identify any factual error in the appellant’s grounds of appeal and any new material or changes made which were not before it at the time it made its decision.”

The updated procedures do not allow for further statements from the Council in support of the refusal other than the Committee minutes and officer report. The procedures also preclude the submission of additional third party comments once an appeal has been received by the Planning Inspectorate. During an appeal, the Council sends copies of all representations received before the determination of the application. In the future, if Members wish to support a refusal of a householder application, they can submit additional comments the day after the Committee resolution having notified officers at that Committee that they wish to do so. These comments/statements can then be forwarded to the Planning Inspectorate as part of the appeal documentation.

Planning Services will be arranging a programme of Member Training on a range of topics, including appeals, that are relevant to members of the Planning Management Committee.

63. SECTION 106 AGREEMENTS – UPDATE

In accordance with Minute 280 from the meeting held on 28 November 2012, the Planning Development Manager submitted an update report detailing progress with regard to the drafting of S106 Agreements in respect of matters where the Committee had previously resolved to grant planning permission, subject to the prior finalisation of such an agreement.

The Planning Development Manager advised that the S106 Agreements for the applications listed below were being drafted:

- 15/01195/VAR Rushden Hospital
- 15/01976/VAR Grensons, Queen Street, Rushden

- 16/00589/FUL Grensons, Queen Street, Rushden

Members considered a request by the Planning Development Manager for an extension of time in respect of application 10/00857/OUT Irthlingborough West until the end of August 2016.

RESOLVED:

1. That the report be noted.
2. That the extension in respect of application 10/00857/OUT Irthlingborough West be approved.

64. CHANGE TO ORDER OF AGENDA

The Chairman advised that agenda item 6 - Planning Application 14/02372/OUT – Proposal for 110 Dwellings at Land between Benefield Road and Old Dry Lane, Brigstock, would be considered after planning application 16/00654/OUT as the two items were related.

65. PUBLIC SPEAKERS

The following people spoke on the items as indicated:

- **Councillor David Coleman** - 16/00542/OUT - 258 Newton Road, Rushden (On behalf of Rushden Town Council)
- **Steve Sampson** - 16/00542/OUT - 258 Newton Road, Rushden (On behalf of Applicant)
- **Ian Simpson** - 16/00654/OUT - Land off Benefield Road and Old Dry Lane, Brigstock (Objector)
- **Councillor Sally Wilks** - 16/00654/OUT - Land off Benefield Road and Old Dry Lane, Brigstock (On behalf of Brigstock Parish Council)

66. PLANNING APPLICATIONS

The Committee considered the planning applications report, with updated information, on a number of the applications and representations made by public speakers at the meeting.

(i) 16/00542/OUT – 258 Newton Road, Rushden

At the Planning Management Committee meeting held on 1 June 2016 the Committee had considered an application which sought outline planning permission for the demolition of a detached bungalow and the erection of two one and a half storey residential dwellings, access and scale. Layout, external appearance and landscaping were reserved for future consideration.

The Committee had agreed to defer the application to enable a site visit to take place.

The application had been brought before the Committee at the request of a Ward Member.

Members noted that Rushden Town Council had objected to the application. Members further noted that two letters had been received from nearby residents objecting to the application.

The Committee considered that they should only be considering issues around the scale of development as there was already access to the site.

The Committee **agreed to refuse** the application, contrary to officer advice, on the grounds of adverse impact on the character and appearance of the area/over development.

The Committee delegated authority to the Head of Planning Services, in consultation with the Chairman, Vice Chairman and Ward Member, to confirm the exact wording of the reasons for refusal.

(ii) 16/00654/OUT – Land off Benefield Road and Old Dry Lane, Brigstock

The Committee considered an application which sought outline planning permission for the construction of up to 110 residential dwellings, with all matters reserved, except for the main site access. Introduction of structural planting and landscaping, informal public open space and children's play area, surface water floor mitigation and attenuation, vehicular access point from Benefield Road and associated ancillary works.

The application had been brought before the committee in accordance with the Scheme of Delegation.

Members noted that both Brigstock Parish Council and Sudborough Parish Council had objected to the application. Members further noted that 313 representations from nearby residents objecting to the application had been recorded. It was clarified that more than 313 letters had been received, but representations from the same property/address had been recorded as one representation.

The Committee noted that refusal reason 6 (Flood Risk and Drainage) had now been withdrawn as the applicant had provided an Addendum which had addressed the concerns raised by the Lead Local Flood Authority.

The Committee **agreed to refuse** the application for the following reasons:

- The proposal would result in new housing development on unallocated greenfield land without adequate justification. The Local Planning Authority is able to demonstrate a deliverable five year housing land supply and as such the development is contrary to Policies 1, 7, 9 and 10 of the North Northamptonshire Core Spatial Strategy 2008, Policy 1 of the Rural North Oundle and Thrapston Plan 2011, and the National Planning Policy Framework 2012 which favours sustainable development and requires that applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise. In addition, the proposal is contrary to Policies 11, 28 and 29 of the North Northamptonshire Joint Core Strategy Focused Changes to the Pre-submission Plan (as amended by the Proposed Main Modifications February 2016).
- The lack of local services and transportation facilities due to the location of the site means that the proposal is unsustainable and will prejudice the aims of the Northamptonshire Highway Development Management Strategy 2013, Policy 9 of the North Northamptonshire Core Spatial Strategy 2008 and the National Planning Policy Framework 2012 which seek to focus development areas that will contribute to

the general aim of reducing the need to travel and by giving preference to locations that are accessible by a choice of means of travel. In addition, the proposal is contrary to Policies 11 and 15 (c) of the North Northamptonshire Joint Core Strategy Focused Changes to the Pre-submission Plan (as amended by the Proposed Main Modifications February 2016).

- In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not convinced that the infrastructure directly required for the proposed development will be provided and as such the proposal would be contrary to Policy 6 of the North Northamptonshire Core Spatial Strategy 2008, Policies 13 and 15 of the Rural North Oundle and Thrapston Plan 2011, Developer Contributions SPD 2006, Open Space SPD 2011 and Northamptonshire County Council Planning Obligations Framework and Guidance 2011. In addition, the proposal is contrary to Policy 10 of the North Northamptonshire Joint Core Strategy Focused Changes to the Pre-submission Plan (as amended by the Proposed Main Modifications February 2016).
- The proposed development by reasons of scale and location would detract from the linear built form of the village and would have a detrimental impact on the historic form, setting and character and appearance of the village and its surrounding rural landscape, particularly as viewed from the A6116. The proposal, therefore, would fail to conserve and enhance the existing landscape character and historical assets, contrary to Policy 13 (h) and (o) of the North Northamptonshire Core Spatial Strategy 2008 and paragraphs 17 and 61 of the National Planning Policy Framework 2012 and policies 3 and 8 (d) (ii) of the North Northamptonshire Joint Core Strategy Focused Changes to the Pre-submission Plan (as amended by the Proposed Main Modifications February 2016).
- The applicant has failed to demonstrate that the proposed development would not harm historic assets and provide an archaeological evaluation in support of the application. The proposal therefore would be contrary to Policy 13 (o) of the North Northamptonshire Core Spatial Strategy 2008, paragraph 128 of the National Planning Policy Framework 2012 and Policy 2 of the In addition, the proposal is contrary to Policies 11, 28 and 29 of the North Northamptonshire Joint Core Strategy Focused Changes to the Pre-submission Plan (as amended by the Proposed Main Modifications February 2016).

67. PLANNING APPLICATION 14/02372/OUT – PROPOSAL FOR 110 DWELLINGS AT LAND BETWEEN BENEFIELD ROAD & OLD DRY LANE, BRIGSTON

The Senior Development Management Officer submitted a report that requested permission from the Committee to allow the Head of Planning Services to withdraw refusal reasons 3, 8, 4, 6 and 7 in respect of planning application 14/02372/OUT which was currently subject to a Public Inquiry. This would enable the appeal to be handled efficiently and would avoid unnecessary costs for the parties involved in the Public Inquiry.

At the Committee's meeting on 1 April 2015, it was resolved to refuse outline planning permission for the construction of 110 dwellings at land between Benefield Road and Old Dry Lane in Brigstock for eight reasons. A resubmission had subsequently been made under planning reference 16/00654/OUT, which had been considered this evening.

Local Planning Authorities were required to behave reasonably in relation to procedural matters at an appeal, and, in the event that the applicant /appellant had provided additional information to address/overcome a refusal reason, the authority was required to reconsider whether it would be necessary to pursue a refusal reason at an appeal. Failure to do this

could lead to further work being undertaken by the opposite party and extend the duration of the appeal, leading to costs which could have been avoided.

RESOLVED:

1. To withdraw refusal reasons 3 and 8 of planning application reference 14/02372/OUT for the reasons set out in paragraph 2.1 (1) and (2) of the report; and
2. To delegate authority to the Head of Planning Services, in consultation with the Chairman, Vice Chairman and Ward Member, to withdraw refusal reasons 4, 6 and 7 of planning application reference 14/02372/OUT in the circumstances set out in paragraph 2.2 (3), (4) and (5) of the report.

68. CONTINUATION OF PLANNING APPLICATIONS

(iii) 16/00988/VAR – Land off A45 London Road, Raunds

The Committee considered an application to vary Condition 27 (beepers), to allow no more than four deliveries to be made between the hours of 22:00 and 07:00 hours on any one night pursuant to application 15/02095/FUL

The application had been brought before the Committee as it was a major application and Members had considered the original application.

The Committee **agreed to grant** the removal of Condition 27, as opposed to it being amended, subject to the conditions detailed on the original planning application being carried forward.

(iv) 16/00919/FUL – Amenity Area Smithfield Court, Smithfield Place, Raunds

The Committee considered an application for the construction of four three bedroomed semi detached houses and two one bedroomed flats.

The application had been brought before the Committee as the site was currently owned by East Northamptonshire Council. A contract was in place to sell the site, subject to planning permission being granted. Members noted that this was not a material planning consideration.

Members noted that both Raunds Town Council and Raunds Labour Party had objected to the application. Members further noted that eight letters had been received from nearby residents objecting to the application. A petition of 49 signatures had also been received in opposition to the scheme.

The Committee **agreed to refuse** the application, contrary to officer advice, on the grounds of loss of amenity space which is not surplus to requirements and insufficient amenity for future residents.

The Committee delegated authority to the Head of Planning Services, in consultation with the Chairman, Vice Chairman and Ward Member, to confirm the exact wording of the reasons for refusal.

Chairman