

# PLANNING MANAGEMENT COMMITTEE

Date: 13 September 2017

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.00pm

Present: Councillors: Phillip Stearn Chairman  
 Gill Mercer Vice Chairman

John Farrar Roger Powell  
 Roger Glithero JP Geoff Shacklock  
 Marika Hillson Alex Smith  
 Helen Howell Robin Underwood  
 Dudley Hughes JP Peter Wathen  
 Barbara Jenney Pam Whiting  
 Andy Mercer

## 166. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ron Pinnock and Anna Sauntson.

## 167. MINUTES

The minutes of the meeting held on 16 August 2017 were approved and signed by the Chairman.

## 168. DECLARATIONS OF INTEREST AND INFORMAL SITE VISITS

### (a) Declarations of Interest

Councillor	Application	Nature of Interest	DPI	Other Interest
John Farrar	17/01018/FUL The Viking Public House, Grangeway, Rushden	Member of the co-operative movement and also the political wing of the co-operative movement who had sponsored him on two occasions in elections; also an officer of an organisation which has principles regarding alcohol.	Yes (left meeting)	

John Farrar	17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Is a friend and colleague of the applicant		Yes (left meeting)
John Farrar	17/01337/VAR Nene Business Park, Diamond Way, Irthlingborough	Member of the Planning Committee of Irthlingborough Town Council		Yes
Helen Howell	17/01018/FUL The Viking Public House, Grangeway, Rushden and 17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows one of the speakers		Yes
Barbara Jenney	17/01018/FUL The Viking Public House, Grangeway, Rushden and 17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows one of the speakers and has attended meetings of the Rushden Town Council Planning Committee.		Yes
Andy Mercer	17/01018/FUL The Viking Public House, Grangeway, Rushden	Knows one of the speakers and is a member of Rushden Town Council.		Yes
Andy Mercer	17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows one of the speakers; sits on the Anglian Northern Regional Flood and Coastal Committee and is a member of Rushden Town Council.		Yes
Gill Mercer	17/01018/FUL The Viking Public House, Grangeway, Rushden and 17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows one of the speakers		Yes
Roger Powell	17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows the applicant		Yes (left meeting)
Roger Powell	17/01337/VAR Nene Business Park, Diamond Way, Irthlingborough	Is a member of the Planning Committee of Irthlingborough Town Council		Yes

Geoff Shacklock	17/01338/VAR Sports Hall, Milton Road, Oundle	He and his children attended the school.		Yes
Robin Underwood	17/01018/FUL The Viking Public House, Grangeway, Rushden and 17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows one of the speakers		Yes
Pam Whiting	17/01018/FUL The Viking Public House, Grangeway, Rushden and 17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Ditchford Lane, Rushden	Knows one of the speakers		Yes
Pam Whiting	Failure to Comply with a Section 215 Notice	Knows the residents		Yes (left meeting)

**(b) Informal Site Visits**

Councillor John Farrar declared that he had visited Nene Business Park, Diamond Way, Irthlingborough (17/01337/VAR).

**169. QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3**

No questions were submitted under Procedure Rule 10.3.

**170. SECTION 106 AGREEMENTS – UPDATE**

The Committee received a report which provided an update on the progress of drafting 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.

Members considered a request by the Planning Development Manager for an extension of time in respect of application 10/00857/OUT Irthlingborough West until 31 October 2017. It was noted that application 16/01662/FUL Rushden Lakes Leisure Scheme had now been issued. It was also noted that that application 16/00755/FUL Oundle Primary School had now been disposed of.

**RESOLVED:**

- i) That the report be noted.
- ii) That the extension in respect of application 10/00857/OUT Irthlingborough West be approved.

## **171. DELEGATIONS TO HEAD OF PLANNING SERVICES**

The Committee received a report which provided an update on applications where actions had been delegated to the Head of Planning Services.

The Planning Development Manager advised that the draft conditions for application 15/00119/VAR Priors Hall were still in progress. It was noted that the conditions for application 17/00929/FUL Highfield Lodge, Glaphorn had now been agreed and the decision would be issued.

### **RESOLVED:**

That the report be noted.

## **172. PUBLIC SPEAKERS**

The following person spoke on the item as indicated:

- **Mr N Godby** – 17/01018/FUL - The Viking Public House, Rushden (Objector)
- **Mr G Layton**, Charles Wells - 17/01018/FUL - The Viking Public House, Rushden (Applicant)
- **Councillor P Harley** - 17/01018/FUL - The Viking Public House, Rushden (on behalf of Rushden Town Council)
- **Mr S Croft** - 17/00567/FUL - Glebe Meadow Fishery, Ditchford Lock, Rushden (Agent for the Applicant)
- **Councillor P Harley** - 17/00567/FUL Glebe Meadow Fishery, Ditchford Lock, Rushden (on behalf of Rushden Town Council)

## **173. PLANNING APPLICATIONS**

The Committee considered the planning applications report and representation made by a public speaker at the meeting. It was noted that there was additional information on the applications included in the update sheet.

**Councillor John Farrar left the meeting for the following item and did not return.**

### **(i) 17/01018/FUL – The Viking Public House, Grangeway, Rushden**

The Committee considered an application for a change of use from a public house (Class A4) to a convenience store (Class A1). The application had been brought before the Committee at the request of Ward Members.

Members noted that Rushden Town Council had objected to the application. Members further noted that there had been a large volume of representations from the local community, both against and in support of the proposed change of use. The Local Highways Authority had no objection to the application.

During debate on the application, Members acknowledged the mixed views on the application. It was noted that a viability report undertaken by an independent expert had concluded that the public house was not viable and could not generate sufficient trade for someone to earn a reasonable living. It was also noted that the Council had now determined that the property should not be accepted as an asset of community value. On whether the application should be deferred to allow the local community longer to try and put a plan together to continue to use the public house as a community facility, officers advised that it was their opinion that it would not be reasonable to withhold determination of the application.

It was moved and seconded that the application be granted. On being put to the vote, the Committee **agreed to grant** the application, subject to the conditions detailed in the officer's report and update sheet.

**Councillor Roger Powell left the meeting for the following item and did not return.**

**(ii) 17/00567/FUL – Glebe Meadow Fishery, Ditchford Lock, Ditchford**

The Committee considered an application for the erection of an agricultural building, the retention of the existing temporary staff facilities building to be used as a temporary rural workers dwelling for a period of three years; the retention of the toilet/shower block; parking areas; Elsan disposal point and two containers, one to be used as a farm shop and the other to be used for storage purposes. This was a part retrospective application. The application had been brought before the Committee in accordance with the Scheme of Delegation

Members noted that Rushden Town Council had objected to the application. The Local Highways Authority had no objection to the application subject to conditions. Members further noted that the Environment Agency had objected to the application.

The Council's Agricultural Consultant had concluded that there was a potential essential need for a dwelling, however, the site was in a SSSI and a high flood risk area and the danger and welfare issues that were likely to be encountered by the alpacas meant that it would be inappropriate to keep a significant number of animals on the site. He also stated that the net income generated was unlikely to sustain the necessary workforce to operate the proposed business with a realistic wage.

Members noted that the applicant's agent had submitted a seven page letter addressing some of the comments made in the officer's report. Further advice had been sought from the Council's Agricultural Consultant and the Environment Agency in response to the letter.

During debate on the application, Members noted the opinion of the Council's agricultural consultant. Members suggested that the planning application had too many elements which made it unviable in its current form. Members also raised concerns at running a livestock business on a Flood Zone 3. Concerns were also expressed about the financial viability of the business. Members noted that the required habitats mitigation fee had not been paid prior to the determination of the application. However, some Members stated that the Council should be supporting rural business.

It was moved and seconded that the application be refused. On being put to the vote, there were 11 votes for the motion and one against, therefore the Committee **agreed to refuse** the application for the following reasons

- The application proposed an inappropriate type of development, by being more vulnerable and less vulnerable, within Flood Zone 3b, where there is a high risk of flooding that places people and property at undue risk. In addition, the applicant had failed to apply the sequential test. The proposal is therefore contrary to guidance contained within the National Planning Policy Framework and Policy 5 of the North Northamptonshire Joint Core Strategy
- The development constitutes a new dwelling in the countryside where the essential need for a rural worker has not been demonstrated. The development is not proven to be financially viable and there is alternative accommodation available within close proximity to the site. The development is therefore contrary to Government advice in paragraph 55 of the National Planning Policy Framework and Policy 13 (2b) of the North Northamptonshire Joint Core Strategy
- The proposal is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this area. In such cases, the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £294.44 per dwelling to mitigate against any impact. This payment has not been received in connection with this application. The proposal is therefore contrary to criterion d) of Policy 4 of the adopted North Northamptonshire Joint Core Strategy which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area.

**(iii) 17/01337/VAR – Nene Business Park, Diamond Way Irthlingborough**

The Committee considered an application to vary Condition 3 of the planning permission to alter the approved plans for the food store, to allow the front entrance lobby area to be removed, alterations made to the design of the footpath link and to alter the site levels in order to reduce soil disposal and improve the relationship with the retaining walls, and Condition 20 for the submission of level details for the entire development pursuant to 15/01191/FUL. The application had been brought before the Committee in accordance with the Scheme of Delegation as it was a major proposal.

Members noted that Irthlingborough Town Council did not object to the application and that the Local Highways Authority also had no objection.

It was moved and seconded that the **application be granted**. On being put to the vote, the Committee agreed to grant the application, subject to the conditions detailed in the officer's report and update sheet.

**(iv) 17/01338/VAR – Sports Hall, Milton Road, Oundle**

The Committee considered an application to vary Condition 12 of the planning permission to allow the permitted sports centre/swimming pool building to be re-sited 4.0 metres to the south, to increase the height of the building by 500mm (0.5 metres), to provide a stone wall feature adjacent to the main entrance and to extend the rear balcony/platform area on the northern elevation pursuant to 16/02185/REM. The application had been brought before the Committee in accordance with the Scheme of Delegation as it was a major proposal.

Members noted that Oundle Town Council did not object to the application and that the Local Highway Authority's also had no objection.

It was moved and seconded that the **application be granted**. On being put to the vote, the Committee agreed to grant the application, subject to the conditions detailed in the officer's report and update sheet.

**174. URGENT ITEM**

The following item of business had been added to the published Agenda with the consent of the Chairman in accordance with Section 100B(4)(b) of the Local Government Act 1972 as a decision was required before the next scheduled meeting of the Committee as the matter was seeking approval for direct action which was not covered by the Scheme of Delegation and therefore should be determined by the Committee.

**175. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

That the public and press be excluded from the meeting during consideration of the following items of business as it was likely that exempt information, as defined under paragraphs 1, 2 and 3 of Schedule 12A of the Local Government Act 1972 may be disclosed.

**Councillor Pam Whiting left the meeting for the following item.**

**176. FAILURE TO COMPLY WITH A SECTION 125 NOTICE**

The Senior Planning Enforcement Officer presented a report which requested that the Committee consider the most appropriate course of action in the case of a failure to comply with a Section 215 (untidy land) Notice in Higham Ferrers.

**RESOLVED:**

That officers be authorised to take direct action pursuant to section 219 of the Town and Country Planning Act 1990 in order to secure compliance with the S215 enforcement notice issued in respect of the condition of a building in Higham Ferrers.

*(Reason: To remedy the harm that is being done to the visual amenity of the wider area, in particular the special character of the designated Higham Ferrers Conservation Area and nearby listed buildings.)*

**Chairman**