

PLANNING MANAGEMENT COMMITTEE

Date: 10 April 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.00pm

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|---------|--------------|-------------------|-----------------|
| Present | Councillors: | Phillip Stearn | Chairman |
| | | Gill Mercer | Vice Chairman |
| | | Roger Glithero JP | Ron Pinnock |
| | | Helen Howell | Roger Powell |
| | | Dudley Hughes JP | Geoff Shacklock |
| | | Barbara Jenney | Alex Smith |
| | | Andy Mercer | Peter Wathen |
| | | Harriet Pentland | Pam Whiting |

510. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Richard Gell, Marika Hillson, Anna Sauntson and Robin Underwood,

511. MINUTES

The minutes of the meetings held on 13 March 2019 were approved and signed by the Chairman.

512. DECLARATIONS OF INTEREST AND INFORMAL SITE VISITS

(a) Declarations of Interest

No declarations of interest were made.

(b) Informal Site Visits

Councillor Roger Glithero declared that he had visited the area around 16 Slate Drift, Collyweston (18/01908/FUL) on a number of occasions in the past.

Councillor Harriet Pentland declared that she had visited Land East of Brindley Close, Northampton Road, Rushden (18/01388/FUL), Asda, 161 High Street, Rushden (18/02309/VAR) and Rushden Memorial Clinic, Hayway, Rushden (18/00646/FUL).

513. QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE 10.3

No questions were submitted under Procedure Rule 10.3.

514. SECTION 106 AGREEMENTS AND DELEGATIONS TO HEAD OF PLANNING SERVICES – 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 and on the applications where actions had been delegated to the Head of Planning Services.

Members considered a request by the Planning Development Manager for an extension of time for the agreement in respect of 10/00857/OUT Land between Wellingborough Road and Finedon Road, Irthlingborough until 31 May 2019.

The progress on delegations to the Head of Planning Services was noted as follows:

- 15/00119/VAR Priors Hall – current application unlikely to proceed with the new owners. Formal requests for EIA screening and scoping for a revised scheme had been received.

RESOLVED:

- (i) That the report be noted.
- (ii) That the extension of time for 10/00857/OUT Land between Wellingborough Road and Finedon Road, Irthlingborough until 31 May 2019 be approved.

515. PUBLIC SPEAKERS

The following people spoke on the items as indicated:

- 18/01388/FUL - Land East of Brindley Close, Northampton Road, Rushden – a Ward Member, an objector, on behalf of Rushden Town Council and the agent for the applicant.
- 18/02133/FUL – 19 Cotterstock Road, Oundle – a supporter.
- 18/02309/VAR – Asda, 161 High Street, Rushden – a Ward Member and an objector.
- 18/00646/FUL – Rushden Memorial Clinic Hayway, Rushden – an objector, a Ward Member and on behalf of Rushden Town Council.
- 18/01092/FUL – Rushden Ambulance Station, Station Road, Rushden, an objector

516. PLANNING APPLICATIONS

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

(i) 18/01388/FUL – Land East of Brindley Close, Northampton Road, Rushden

The Committee considered an application for full planning permission for 80 dwellings including access, layout, scale, appearance, landscaping, highways layout, open space and all other associated infrastructure. The application had been brought before the Committee in accordance with the Scheme of Delegation.

Members noted that Rushden Town Council had no objections to the application but had commented on the width of the proposed road. Higham Ferrers Town Council had strongly objected to the application as they considered it to be overdevelopment in the local area and they also had concerns with regard to the impact on the local highway network and volume of traffic and associated air quality and noise levels. Members noted that Friends of Rushden and Higham had also raised several concerns. It was further noted that 15 representations had been received from nearby residents objecting to the application. The Local Highways Authority had no objections to the application.

During debate on the application, Members suggested that the No.49 bus service which was now using Northampton Road had only been temporarily rerouted due to highways works in the area. It was accepted that the principle of development on the site had already been established in the Rushden Neighbourhood Plan (RNP) which had allocated the site to deliver a minimum of 80 dwellings, however Member's considered that 80 dwellings was inappropriate and the Town Council's preference when preparing the RNP for between 50-80 dwellings would be better. There was proposed to be a large amount of tandem parking and in some cases quadruple tandem parking. If residents and visitors were not able to park effectively they would end up parking in areas such as Brindley Close and Hayway. The plans also appeared to indicate that some of the proposed gardens would be smaller than the houses on the plot.

The NPPF supported sustainable development but it was doubtful that this development would be sustainable. The provision of open space was a concern, particularly accepting a contribution for provision off site as the nearest open space would be at Rushden Lakes. This development would add to the traffic flow problems in the area which were already significant.

Members sought clarification as to whether if the Committee went against the RNP with this application it would open up more challenges to the RNP in the future. Questions were also raised about the density of the development and whether it met our guidelines. Members were concerned that the Planning Inspector who had examined the RNP had approved that a minimum of 80 dwellings was acceptable on the site and questioned whether the proposed attenuation pond had been included when he considered the site. Access to the development would be off an already busy road and there were concerns that it was proposed to make the road three lanes which could dangerously increase speeds. There appeared to be no evidence that the Planning Inspector had looked at the sustainability of individual sites in the RNP and this scheme was not sustainable. The application could not be supported as it was unsustainable and the design did not allow for sufficient space for individual properties.

In response, officers clarified that the objection submitted by Waitrose related to the proposed Rushden Gateway development. The Inspector who had examined the RNP felt that the site was sustainable with a minimum of 80 dwellings. Only 19 of the 80 dwellings would have tandem parking only and other properties would have a separate space to the side but it was accepted that parking layouts on these types of developments was often difficult but in this development officers believed that there was sufficient parking on the site. It was accepted that there was currently high demand at the Rushden Lakes roundabout and surrounding road network but Members were reminded that the Committee had recently approved an application for a link road with a second access for Rushden Lakes. Rushden was a growth town and there was a lot of infrastructure being developed to support growth projects and this was leading to some delays but in the long term would relieve pressure. The RNP was part of the statutory development plan and had been passed at referendum following examination. The NPPF stated that applications must be determined in accordance with the development plan unless there were material planning considerations which indicated otherwise.

The Legal Officer advised that she had during the debate briefly looked at the Examiner's Report on the RNP during the discussion and in the report the Examiner had set out an inconsistency on how the Town Council had approached housing numbers when including a range on individual sites. The Examiner concluded that if that approach had been approved the housing needs in Rushden would not be met, would not deliver sustainable development and the Plan would not be in general conformity. The changes he made to refer to minimum numbers, he believed, would achieve sustainable development. The Examiner also noted in his report that he had visited all of the sites proposed to be allocated for development within the RNP.

It was moved and seconded that the application be refused. On being put to the vote, the Committee **agreed to refuse** the application, contrary to officer recommendation, for the following reasons:

The proposal constitutes unsustainable development due to the scale, cramped form, design and layout, resulting in insufficient space for individual plots, a lack of amenity space and unsatisfactory parking arrangements (including tandem parking).

The final wording of the refusal reasons is delegated to the Head of Planning Services, in consultation with the Chairman and Vice Chairman of the Committee and Ward Member.

Councillor Roger Glithero left the meeting and did not return.

(ii) 18/02133/FUL – 19 Cotterstock Road, Oundle

The Committee considered an application for the demolition of a seven bedroomed dwelling and the erection of a 36 bedroomed care home. The application had been brought before the Committee in accordance with the Scheme of Delegation.

Members noted that Oundle Town Council had commented that whilst such a facility would be an asset for the town, it objected to the application due to the unsuitability of the location. It was also noted that six letters had been received from nearby residents objecting to the application and there had also been one letter in support. ENC's Senior Tree and Landscape Officer had objected to the application as the proposal for replanting did not allow for significant replacement of the visual amenity and landscaping of the site. The Local Highways Authority had no objections to the application but there had been considerable objections from local residents with regard to safety and parking issues.

During debate on the application, Members stated that the proposed development was out of keeping and would dominate the surrounding area. It was accepted that there was a need for this type of development in Oundle but this was the wrong location.

It was moved and seconded that the application be refused. On being put to the vote, the Committee **agreed to refuse** the application, for the following reasons:

1. The area's character is defined by large 2-storey houses set back from the main road, in large plots with mature vegetation and substantial rear gardens. All of these features create a character that is worthwhile protecting. There is a mix of architectural styles and the street has the pleasant appearance of a suburban residential area.

The proposed building is of a style, position, size and massing that will create an unduly dominant structure too close to its neighbours and harmful to the area's character.

The front parking area presents a functional but visually cramped layout. The landscaping is limited proportionate to its size and not fitting for the relatively open and well landscaped character of this area. It will appear dominant, 'commercial' in nature and detrimental to the street scene.

This is contrary to Joint Core Strategy Policy 8(d) that requires development to respond to the site's immediate context, and respond to local form and character.

2. The building will project rearward into the former garden with a large building mass lying in close proximity to residential boundaries. The consequent adverse impact on the outlook from adjoining houses is unacceptable given such close proximity. Harm is caused by reason of the loss of open character.

Privacy loss will also result given the position and orientation of bedroom windows and dining room balcony. Proposals for replanting and new screen planting are inadequate given the absence of space in a small remaining garden area, and do not allow for proportionate replacement of the losses, nor result in an acceptable new setting for the development. It is thereby contrary to Joint Core Strategy Policy 8(d) that requires development to respond to the site's immediate context, and respond to local form and character, and Policy 8(e) that requires the protection of neighbouring amenity by reason of overlooking.

3. A draft legal agreement has not been received to secure library contributions necessary to make the development acceptable in planning terms. The Local Planning Authority therefore cannot be certain that the development would not adversely affect local infrastructure provision, contrary to Joint Core Strategy Policy 10.

517. SUSPENSION OF COUNCIL PROCEDURE RULE 8

At 8.58pm, the Chairman proposed the suspension of Council Procedure Rule 8 (Duration of Meeting) to enable the Committee to conclude the business on the agenda. On being put to the vote, it was

RESOLVED:

That Council Procedure Rule 8 be suspended for 30 minutes to enable the Committee to complete the business on the agenda.

iii) 18/02309/VAR – Asda, 161 High Street, Rushden

The Committee considered an application to vary a condition pursuant to planning application 12/00839/VAR. The application had been brought before the Committee as the proposal was a major development due to the size of the site area.

The application sought to vary Condition 28 (store trading times) to allow for 24 hour trading for eight days in the lead up to Christmas (17 to 24 December) on an annual basis.

Members noted that Rushden Town Council had no objection but commented that current delivery times must be adhered to. It was further noted that several representations from nearby residents had been received.

During debate on the application, Members highlighted that to provide clarity Condition 7 should be reworded. Also, Condition 17 should have the words 'or the extended Christmas opening hours permitted by this consent' added to tighten it up.

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 amendments to conditions 7 and 17 to clarify restrictions during the extended Christmas opening hours.

The final wording of the amended conditions is delegated to the Head of Planning Services, in consultation with the Chairman and Vice Chairman of the Committee and Ward Member.

iv) 18/00646/FUL – Rushden Memorial Clinic, Hayway, Rushden

The Committee considered an application which proposed the conversion and extension of the existing Memorial Clinic to create 12 one and two bedroomed flats with shared amenity space and associated parking and construction of two bungalows and associated parking within the grounds of the existing building. The application had been brought before the Committee as it proposed a major residential development.

Although there had been ongoing discussions and negotiations between the applicant and officers during the course of the planning application regarding officers concerns about the proposal, the applicant had now exercised their right to lodge an appeal against non-determination. The application would now be determined by the Planning Inspectorate (PINS) and the purpose of the report was to clarify what the Local Planning Authority would have determined had it been the determining Authority. The report and the Committee resolution would be submitted to PINS in relation to the appeal.

Members noted that Rushden Town Council had objected to the application on the grounds that the proposed scheme would be out of character and detrimental to neighbouring properties, Rushden already had an overprovision of flatted development, some of the units appeared to be very cramped offering inferior living space and there was insufficient parking provision. It was further noted that 29 representations from nearby residents objecting to the application had been received. The Local Highways Authority had not objected to the application but had made a number of comments.

During debate on the application, Members stated that the application was of a very poor design and should be refused.

It was moved and seconded that the planning permission for the proposal would have been refused. On being put to the vote, the Committee **resolved** that the Local Planning Authority would have refused planning permission for the following reasons:

1. Cumulatively the proposed extensions to the Memorial Clinic building and the bungalows to the rear of it would represent an overdevelopment of the site and a cramped form of development which would be out of character with the surrounding area and cause harm to the significance and setting of a non-designated heritage asset. This is contrary to Policy EN1 of the Rushden Neighbourhood Plan; Policies 8 d) i) and 2 a) b) of the North Northamptonshire Joint Core Strategy; and, Paragraphs 130 and 197 of the NPPF.
2. The proposal would give rise to an unacceptable impact on the residential amenity of existing residents at No. 2 Oakfield and the design and layout of the proposal would give rise to unsatisfactory living conditions for the future residents of the scheme.

Accordingly there would be harm to the amenity of existing and future residents. This is contrary to Policy EN1 of the Rushden Neighbourhood Plan and Policy 8 e) i) of the North Northamptonshire Joint Core Strategy and Paragraph 127 of the NPPF.

3. The application fails to demonstrate that an adequate number of appropriately sized and practical parking spaces can be provided on site and no electric charging infrastructure is proposed. This is contrary to Policy T1 of the Rushden Neighbourhood Plan and North Northamptonshire Joint Core Strategy Policy 8b.
4. 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 £269.44 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.
5. The application fails to demonstrate that it will be acceptable with regard to the impact on bats. This is contrary to Policy 4 a) of the North Northamptonshire Joint Core Strategy.

Members agreed that the wording of reason 5 should be strengthened to make reference to national policy and a 6th reason to be added in relation to design grounds.

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

518. SUSPENSION OF COUNCIL PROCEDURE RULE 8

At 9.28pm, the Chairman proposed the suspension of Council Procedure Rule 8 (Duration of Meeting) to enable the Committee to conclude the business on the agenda. On being put to the vote, it was

RESOLVED:

That Council Procedure Rule 8 be suspended to enable the Committee to consider the following application only.

v) 18/01092/FUL – Rushden Ambulance Station, Station Road, Rushden

On 14 November 2018, the Committee had granted planning permission for the demolition of the existing ambulance station and erection of 11 apartments. It was resolved at that Committee to grant planning permission subject to the completion of a S106 Agreement and the recommended conditions as well as a condition for gates to be secured at the entrance to the site. The application had now been brought back to the Committee due to an amendment to the agreed developer contributions.

During the drafting of the S106 Agreement, it was identified by Northamptonshire County Council that the library contribution included within the Agreement had not been originally

requested by them and reference to the contribution within the original committee report was in error. Therefore it was now proposed that the library contribution of £1199 be removed from the S106 Agreement.

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 completion of a satisfactory legal agreement which secures obligations for the SPA and the Rushden Greenway by 12 April 2019 (or other agreed date). If a satisfactory legal agreement to secure obligations for the SPA and the Rushden Greenway is not completed by 12 April 2019 (or other agreed date) it is delegated to the Head of Planning Services to refuse the planning permission.

vi) 18/01908/FUL - 16 Slate Drift, Collyweston, Stamford

This application was deferred until a future meeting of the Committee.

519. APPEAL DECISION MONITORING REPORT

This report was deferred until the next meeting of the Committee.

520. PLANNING ENFORCEMENT UPDATE REPORT – APRIL 2019

This report was deferred until the next meeting of the Committee.

Chairman