

# MINUTES OF PLANNING COMMITTEE

29TH JANUARY 2014

## PRESENT:

Councillors Ms Robbins (Chairman), Mrs Avis, Butlin, Cranham, G Francis, Mrs Garcia (substituting for Councillor M Walton), Mrs New, Pacey-Day, Mrs Parker (substituting for Councillor M Francis), Sandison, Srivastava and Helen Walton.

## 72. MINUTES

The minutes of the meeting held on 18<sup>th</sup> December 2013 and the special meeting held on 8<sup>th</sup> January 2014 were approved and signed by the Chairman.

## 73. APOLOGIES

Apologies for absence from the meeting were received from Councillors M Francis and M Walton.

## 74. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Land at Gala and Cemex House, Evreux Way, Rugby – Councillor Sandison (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Chair of Sustainable Rugby and Ward Councillor).

Item 4 of Part 1 - Land at Gala and Cemex House, Evreux Way, Rugby – Councillor Mrs New (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a member of Sustainable Rugby).

Item 4 of Part 1 – Former Warwickshire College site, Lower Hillmorton Road, Rugby – Councillor Mrs New (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being an employee of Warwickshire County Council.)

Item 4 of Part 1 – Lion Farm House, 48 Rugby Road, Dunchurch – Councillor Mrs New (pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of a family member being an employee of HB Architects, the applicant's agent).

Councillor Mrs New left the meeting during the item in which she had declared an interest and took no part in the voting and discussion thereon.

## 75. APPLICATIONS FOR CONSIDERATION

The Committee considered the report of the Head of Planning and Culture (Part 1 – agenda item 4).

All the representations received prior to the preparation of the agenda and considered by the Committee were referred to in the individual reports.

Subsequent representations also considered by the Committee related to the following application.

(a) Parish Councils

None

(b) Third Parties

None

At the meeting, the following representations were made under the Council's public speaking procedure in respect of the following application.

(i) Lion Farm House, 48 Rugby Road, Dunchurch

Mr Richard Palmer, HB Architects (applicant's agent) – supporter  
Councillor Ian Lowe – Ward Councillor - support

**RESOLVED THAT** – the Head of Planning and Culture be authorised to issue decision notices as indicated in relation to the applications below.

(a) creation of a 'zero carbon' house at Lion Farm House, 48 Rugby Road, Dunchurch (R13/0940) – Councillor G Francis moved and Councillor Mrs Avis seconded that the Head of Planning and Culture be authorised to grant planning permission subject to standard conditions together with a specific condition requiring that the dwelling be retained as Code Level 6 zero carbon.

The Committee considered that the design of the proposed dwelling was sustainable and in keeping with the local amenities and it, therefore, complied with Policies CS1 and CS16. The exceptional environmental/eco nature of the proposal constituted special circumstances for development in line with paragraph 55 of the National Planning Policy Framework (NPPF).

(b) change of use from B2 to ambulance response post (sui generis) at Unit 4 Avon Industrial Estate, Butlers Leap (R13/0942) - Councillor Helen Walton moved and Councillor Cranham seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions on the report.

(c) erection of an agricultural building for storage of hay and machinery including the provision of 3 holding/isolation stables at Yardleys Meadow, Stretton Road, Wolston (R13/1421) - Councillor Cranham moved and Councillor Helen Walton seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions on the report.

(d) use of land as a private gypsy and traveller caravan site for up to 3 pitches together with the formation of hardstandings and erection of an amenity block (retrospective) at High Tor, Shilton Lane, Shilton (R13/0372) - Councillor Helen Walton moved and Councillor Cranham seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions on the report together with conditions 2 and 5 being amended to read as below.

#### CONDITION 2

Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- Proposed Site Plan and Amenity Block plan dated October 2010 received by the Local Planning Authority on 1st August 2013.
- Site Location Plan produced by 'Stanfords' on 5th January 2011.

#### CONDITION 5

There shall be no more than 3 touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, stationed on the land edged red on the Site Location Plan produced by 'Stanfords' on the 5th January 2011.

- (e) use of land for the siting of caravans for residential purposes (removal of condition 1 (the use of the land for a limited period of 4 years) of planning permission APP/E3715/C/09/2110115 (R/09/0291/MDPT) granted on appeal on 4<sup>th</sup> February 2010 to allow the permanent occupation of the land by the applicants (resubmission of previously withdrawn application R12/1225 dated 28/11/2012) together with the creation of an earth bund and associated landscaping works at land on the west side of Oxford Road (Sunrise Park), Ryton-on-Dunsmore (R13/0295) - Councillor Helen Walton moved and Councillor Cranham seconded that, subject to the referral of the application to the National Planning Casework Unit, as the development by reason of its scale, nature and location, would have a significant impact upon the openness of the Green Belt, the Head of Planning and Culture be granted delegated powers to grant planning permission subject to the conditions and informatives in the report.
- (f) outline application for erection of building for retail (Class A1), office (Class B1) and leisure (Classes D2, A3, A4 and A5) uses, with associated works including demolition of existing buildings, all matters reserved except for access at land at Gala and Cemex House, Evreux Way, Rugby (R13/1916) - Councillor Helen Walton moved and Councillor Cranham seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report together with additional conditions and informatives and amended conditions as detailed below.

Condition 3 – remove “to the satisfaction of the Local Planning Authority”

Condition 5 – amend to plan 10413/0301 Rev 1 received on 17<sup>th</sup> January 2014.

Conditions 4, 6, 15, 16, 18, 24, 25, 30, 31 – remove “unless otherwise agreed in writing with/by the Local Planning Authority.”

Condition 14 – replace “to the satisfaction of the Local Planning Authority” with “in accordance with the approved details.”

#### **Additional conditions**

##### CONDITION: 32

No development or demolition shall commence unless and until a comprehensive Dust Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority.  
Development shall not be carried out other than in accordance with the approved details.

##### CONDITION: 33

No unit shall be first occupied unless and until a Travel Plan for that unit has been submitted to and approved in writing by the Local Planning Authority.  
The measures included within the approved Travel Plan shall be implemented in accordance with the approved details.

## **Additional informatives**

### **INFORMATIVE: 13**

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

### **INFORMATIVE: 14**

Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow - so far as is reasonably practicable - from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

### **INFORMATIVE: 15**

Section 152 of the Highways Act 1980 restricts the fixing to, or placing against premises, any window, shutter, porch, step, cellar-opening etc. which would project over the public highway in such a manner that it would obstruct safe and convenient passage along the street; and Section 153 restricts the erection of doors, gates and bars on premises and buildings in such a manner that they would open out over the public highway. The developer must, therefore, ensure that no such projection, door, gates or bars are so fixed or erected.

### **INFORMATIVE: 16**

The development for which planning permission is hereby permitted requires that a building, or part thereof (access ramps), be constructed over the public highway. This permission does not authorise the construction of the building over the public highway and before any works are commenced the developer must obtain from the Highway Authority approval under Section 177 of the Highways Act 1980 for constructing the building or part thereof over the public highway.

### **INFORMATIVE: 17**

In order to be able to place a structure (access ramp) on the public highway, the applicant will be required to obtain a licence under s115e of the Highways Act 1980 from the Council, acting in its capacity as the Highway Authority. The developer will be required to pay the Council's reasonable costs for processing and issuing a licence under Section 115e of the Highways Act 1980.

### **INFORMATIVE: 18**

It is recommended that the lifts in the existing car park are improved as part of the development.

- (g) outline application for Class C3 residential development of up to 131 dwellings and provision of 0.4 hectare of land for the provision of a Class C2 Extra Care facility, with associated works and landscaping, all matters reserved except for access at former Warwickshire College, Lower Hillmorton Road, Rugby (R13/0124) - Councillor Cranham moved and Councillor Helen Walton seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the completion of Section 106 legal agreement together with the conditions on the report.

- (h) outline permission for the erection of up to 12 residential dwellings including access, parking and bin store at land to the rear of 69a to 89a Hillmorton Road, Rugby (R13/1773) – Councillor Helen Walton moved and Councillor Cranham seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the completion of Section 106 legal agreement together with the conditions on the report.
- (i) hybrid application seeking full planning permission for the demolition of redundant buildings, alterations to existing access on to A426, change of use and extension of Coton House to form 4 dwellings, construction of garaging to serve Coton House, change of use of stable buildings and extension to form 8 dwellings, change of use of the old dairy and extension to form 1 dwelling, conversion of buildings H, J and K to form 3 dwellings, engineering works to form a noise bund, below ground installation of private sewage treatment plant; and outline planning permission for the provision of a new estate village comprising of the provision of 60 dwellings together with internal access, road layout, car parking, relocation of electricity sub-station, landscaping and open space and 2 bat barns (access and layout to be considered at this stage) at Coton House, Lutterworth Road, Churchover, Rugby, CV23 0AA (R12/1353) - Councillor Cranham moved and Councillor Helen Walton seconded that, subject to no objection being received from Warwickshire County Council Archaeological Section, the Head of Planning & Culture be given delegated powers to approve the application, subject to conditions and informatives, including an additional standard archaeological condition together with condition 5 being amended as detailed below, and following the completion of a legal agreement to include financial contributions towards education, affordable housing, indoor and outdoor open space and sustainability packs, as well as future maintenance of the landscape (including trees and the moat) and listed structures and the inclusion of key milestones to ensure the repair and restoration of the listed buildings is done in a timely manner.

Condition 5 shall include the wording:

“Interim report on Trial Trench Evaluation dated January 2014 by Museum of London Archaeology (MOLA) received by the Local Planning Authority on 27<sup>th</sup> January 2014.”

- (j) Listed Building application for the alteration and extension of the Old Dairy to form a single dwellinghouse at The Old Dairy, Coton House, Lutterworth Road, Churchover, Rugby, CV23 0AA (R13/0783) - Councillor Helen Walton moved and Councillor Cranham seconded that the Head of Planning and Culture be authorised to grant listed building consent subject to the conditions in the report.
- (k) Listed Building application for the alterations and extensions of the Stable Block to form 8 dwellings at The Stable Block, Coton House, Lutterworth Road, Churchover, Rugby, CV23 0AA (R13/0786) – Councillor Helen Walton moved and Councillor Cranham seconded that, subject to the referral of the application to the National Planning Casework Unit, as the development results in the removal of principal internal elements of the listed building, such as a staircase and load-bearing walls, the Head of Planning & Culture be granted delegated powers to grant listed building consent subject to the conditions and informatives in the report.
- (l) Listed Building application for alterations and first floor extension of Coton House to form 4 dwellings at Coton House, Lutterworth Road, Churchover, Rugby, Warwickshire, CV23 0AA (R13/0790) - Councillor Helen Walton moved and Councillor Cranham seconded that, subject to the referral of the application to the National Planning Casework Unit, based on the written concerns raised by the Georgian Group, the Head of Planning & Culture be

granted delegated powers to grant listed building consent subject to the conditions and informatives in the report.

- (m) Listed Building application for the partial demolition of the Stable Block Building and for the demolition of structures within the curtilage of the Stable Block building at The Former Stable Block and adjacent buildings, Coton House, Lutterworth Road, Churchover, Rugby, CV23 0AA (R13/0928) - Councillor Helen Walton moved and Councillor Cranham seconded that, subject to the referral of the application to the National Planning Casework Unit, as the development results in the entire or substantial removal of curtilage Grade II listed buildings, the Head of Planning & Culture be granted delegated powers to grant listed building consent subject to the conditions and informatives in the report.

**76. DIVERSION OF PART OF FOOTPATH R138 WOLSTON**

The Committee considered the report of the Legal and Elections Services Manager (Part 1 – agenda item 5) concerning the diversion of part of footpath R138, Wolston.

**RESOLVED THAT** – the Borough of Rugby (Part of Footpath R138 Wolston) Public Path Order 2013 be confirmed.

**77. PLANNING APPEALS UPDATE**

The Committee considered the report of the Head of Planning and Culture (Part 1 – agenda item 6) concerning progress on planning appeals for the period October to December 2013.

**RESOLVED THAT** – the report be noted.

**78. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS**

The Committee considered advance notice of site visits submitted at the meeting.

**RESOLVED THAT** – a site visit not be held at land west of Bryants Bungalow, Wolston.

**79. DELEGATED DECISIONS – 5<sup>TH</sup> DECEMBER 2013 – 9<sup>TH</sup> DECEMBER 2013**

The Committee considered the report of the Head of Planning and Culture (Part 1 – agenda item 8) concerning decisions taken by her during the above period.

**RESOLVED THAT** – the report be noted.

**CHAIRMAN**

