

# MINUTES OF PLANNING COMMITTEE

9TH MARCH 2016

## PRESENT:

Councillors Ms Robbins (Chairman), Mrs A'Barrow (substituting for Councillor Ms Watson-Merret), Mrs Avis, Butlin, Cade, Mrs Garcia (substituting for Councillor Mrs Simpson-Vince), Gillias, Miss Lawrence, Lewis, Sandison and Srivastava.

## 81. MINUTES

The minutes of the meeting held on 17<sup>th</sup> February 2016 were approved and signed by the Chairman.

## 82. APOLOGIES

Apologies for absence from the meeting were received from Councillors H Avis, Mrs Simpson-Vince and Ms Watson-Merret.

## 83. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Oakfield Playing Field, Bilton Road, Rugby – Councillors Mrs A'Barrow, Cade, Miss Lawrence and Ms Robbins (non-pecuniary interests as defined by the Council's Code of Conduct for Councillors by virtue of being members of the Heart of England Co-operative Society).

Item 4 of Part 1 – Oakfield Playing Field, Bilton Road, Rugby – Councillor Sandison (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor for East Union Street).

Item 5 of Part 1 – Tree Preservation Order No. 386 – Councillor Lewis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor).

Item 5 of Part 1 - Tree Preservation Order No. 386 – Councillor Mrs A'Barrow (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of a named person in the report being known to her).

## 84. APPLICATIONS FOR CONSIDERATION

The Committee considered the report of the Head of Planning and Recreation (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 applications.

(a) Parish Councils

None

(b) Third Parties

None

At the meeting, the following representatives attended under the Council's public speaking procedure in respect of the following application.

(i) Oakfield Playing Field, Bilton Road, Rugby (R13/1528)

Mr Richard Joy (objector)

Ms Narvinder Bains (agent)(supporter)

Councillor Mistry (Ward Councillor)(object)

**RESOLVED THAT** - the Head of Planning and Recreation be authorised to issue a decision notice as indicated in relation to the application below.

- (a) outline application with access for the erection of 50 residential dwellings (amended) at Oakfield Playing Field, Bilton Road, Rugby (R13/1528) – Councillor Sandison moved and Councillor Butlin seconded that the Head of Planning and Recreation be authorised to refuse planning permission for the following reasons.

**REASON FOR REFUSAL 1:**

The Local Planning Authority considers that, notwithstanding the shortfall in the Councils' 5 year Housing Land Supply, the retention of an area of amenity green space, improvements to the existing play area and the proposed contribution to the provision of a 3G football pitch (or alternative), based on the contents of the Open Space Audit 2015, and other material considerations, a clear need exists for the continued retention and use of the whole site for open space purposes (amenity green space typology), with the site not being surplus to requirement nor an alternative provision of equivalent or better provision, in terms of quantity and quality, in a suitable location having been proposed to replace that being lost. Furthermore the loss of the site would in whole or part, and taking account that no new open space provision / contributions are proposed, would further increase the existing deficit in open space provision within the New Bilton Ward as a result of the increased population from the development. The proposal therefore fails to accord with Rugby Borough Core Strategy policy CS1, saved local plan policies H11 and LR1, and the NPPF (in particular paragraphs 7 and 74) which seek to ensure development is directed to appropriate locations with appropriate open space provided and retained in the interests of contributing towards the protection and enhancement of a high quality environment with accessible local services reflecting the community's needs and supporting its health, social and cultural well-being failing to address the social and environmental dimensions of sustainable development identified in the NPPF 2012 and does not constitute sustainable development.

## REASON FOR REFUSAL 2:

The Local Planning Authority is of the opinion that based upon the independent assessment of the Financial and Viability Assessment submitted as part of the application, planning obligations in the form of contributions towards mitigating against the proposed development by way of an element of affordable housing, education or open space can be provided. The proposal thereby fails to comply with Core Strategy Policy CS19, due to a lack affordable housing provision not having been justified and Core Strategy Policy CS10, in that no contributions are proposed to mitigate the developments impact on education provision and that it would fail to address the social dimension of sustainable development identified in the NPPF 2012 and therefore does not constitute sustainable development.

## REASON FOR REFUSAL 3:

While the submitted amended indicative site layout plan shows that the site is physically capable of accommodating the 50 dwellings proposed along, with associated private amenity space, infrastructure and area of play space, the Council considers that the proposed development cannot be provided without an unacceptable and detrimental impact on amenity. This is due to the location of the access and likely locations of the dwellings being arranged in a manner that infringes on the root protection area of individual and group Tree Preservation Orders as well as being likely to be sited in locations that would result in unacceptable loss of light and outlook of the proposed dwellings leading to increased pressure for works to or the removal of protected trees thus reducing the contribution these protected trees make to the amenity, character and appearance of the area which formed part of the basis for them being the subject of Tree Preservation Orders. Furthermore, and based upon other consultee responses, it has not been established that the proposal would not adversely impact upon air quality within the area nor the setting of both a Grade II\* Listed Building and the Bilton Road Conservation Area. The development is therefore contrary to the provisions of Rugby Borough Core Strategy policy CS16 which seeks to ensure that all developments would not cause any material harm to qualities, character and amenity of the areas in which they are situated, and would fail to address the environmental dimension of sustainable development identified in the NPPF 2012 and does not constitute sustainable development.

- (b) change of use from Use Class A1 (retail) to Use Class A3 (café/restaurant) and Use Class A5 (hot food takeaway) at 229a Lower Hillmorton Road, Rugby, CV21 4AA (R15/2374) – Councillor Butlin moved and Councillor Gillias seconded that the Head of Planning and Recreation be authorised to grant planning permission subject to the conditions in the report.
- (c) erection of 230 dwellings together with open space, earthworks, balancing pond, site remediation, structural landscaping, car parking, and other ancillary and enabling works at land south of Technology Drive, Technology Drive, Rugby (R15/2074) – Councillor Butlin moved and Councillor Gillias seconded that the Head of Planning and Recreation be given delegated authority to grant planning permission subject to the conditions in the report and the completion of a Section 106 legal agreement, together with the amendments, additional condition and informative as set out in the attached Annex to the minutes.

**85. TREE PRESERVATION ORDER NO.386**

The Committee considered the report of the Head of Planning and Recreation (Part 1 – agenda item 5) concerning the proposed confirmation of a Tree Preservation Order in relation to trees alongside the north eastern boundary of Sainsbury's, Dunchurch Road and adjacent to properties on Ruskin Close and Conrad Close.

**RESOLVED THAT** – Tree Preservation Order No. 386 be confirmed with modification to the original schedule and omitting T4.

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

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

**RESOLVED THAT** –

(1) the following site visits be held at times and dates to be agreed.

- (i) 5 Helmdon Close, Rugby (R16/0409)
- (ii) 19 Hillmorton Road, Rugby (R15/2537)
- (iii) Coventry Road/Lime Tree Avenue, Rugby (R15/1816); and

(2) a site visit not be held at Broad Street Rugby Club, Binley Woods (R16/0074).

**87. DELEGATED DECISIONS – 21<sup>ST</sup> JANUARY – 10<sup>TH</sup> FEBRUARY 2016**

The Committee considered the report of the Head of Planning and Recreation (Part 1 – agenda item 7) concerning decisions taken by him during the above period.

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

**CHAIRMAN**

## PLANNING COMMITTEE 9<sup>TH</sup> MARCH 2016

### Land south of Technology Drive, Technology Drive, Rugby (R15/2074)

#### Amended conditions, additional condition and informative

##### (a) Amended conditions

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 Materials Plan (Drawing No. 7845 PL07C) received by the Local Planning Authority on the

Updated review of affordable housing obligations in the context of scheme viability written by Bridgehouse dated February 2016 and received by the Local Planning Authority on the 22nd February 2016

Technical Note 001, Zone E Stockpiles received by the Local Planning Authority on the 17th February 2016

Surface Water Drainage Strategy Addendum Technical Note prepared by Halcrow Group Ltd dated 20th January 2016 and received by the Local Planning Authority on the 2nd February 2016

Proposed Site Plan (Drawing No. 7845-PL03b)

Proposed Adoptable Highways Plan (Drawing No. 7845-PL04b)

Proposed Tracking Plan (Drawing No. 7845 - PL05b)

Proposed Boundaries Plan (Drawing No. 7845-PL06b)

Proposed Heights Plan (Drawing No. 7845 PL08b)

Proposed Affordable Housing Plan (Drawing No. 7845 PL09b)

Street Elevations 1 of 2 (Drawing No. 7845 - PL12b)

Street Elevations 2 of 2 (Drawing No. 7845 PL13b)

Proposed Overall Phasing Plan (Drawing No. 7845 PL15b)

Proposed Build Phase Plan (Drawing No. 7845 PL17b)

Proposed Apartment Bin Collection Plan 1 of 2 (Drawing No. 7845 PL18)

Proposed Apartment Bin Collection Plan 2 of 2 (Drawing No. 7845 PL19)

Detailed Planting Proposals 1 of 7 (Drawing No. 1415 A4 01C)

Detailed Planting Proposals 2 of 7 (Drawing No. 1415 A4 02C)

Detailed Planting Proposals 3 of 7 (Drawing No. 1415 A4 03D)

Detailed Planting Proposals 4 of 7 (Drawing No. 1415 A4 04C)

Detailed Planting Proposals 5 of 7 (Drawing No. 1415 A4 05E)

Detailed Planting Proposals 6 of 7 (Drawing No. 1415 A4 06C)

Detailed Planting Proposals 7 of 7 (Drawing No. 1415 A4 07C)

Detailed Planting Specification (Drawing No. 1415 A4 08)

Leap Detail (Drawing No. 1415 A4 09C)

Landscape Masterplan 1 of 2 (Drawing No. 1415 A4 10D)

Landscape Masterplan 2 of 2 (Drawing No. 1415 A4 11C)

Finished Floor Levels (Drawing No. P15-446-120C)

Flood Routing Plan (Drawing No. P15-446-121B)

Plans received by the Local Planning Authority on the 25th January 2016

Housetype H2B830 (drawing ref. 7845 PL20A)  
Housetype A2B825 (drawing ref. 7845 PL21 A)  
Housetype H2B637 (drawing ref. 7845 PL22A)  
Housetype H2B706 (drawing ref. 7845 PL23A)  
Housetype H3B791 (drawing ref. 7845 PL24A)  
Housetype H3B839 (drawing ref. 7845 PL25A)  
Housetype H3B938 Type 1 (drawing ref. 7845 PL26A)  
Housetype H3B938 Type 2 (drawing ref. 7845 PL27 A)  
Housetype H3B965 (drawing ref. 7845 PL28A)  
Housetype H4BI209 (drawing ref. 7845 PL29A)  
Housetype H4B 1348 (drawing ref. 7845 PL30A)  
Housetype H4BI381 (drawing ref. 7845 PL31A)  
Housetype A I B471 (drawing ref. 7845 PL32A)  
Housetype A I B578 (drawing ref. 7845 PL33A)  
Apartment Type A Floor Plans (drawing ref. 7845 PL35A)  
Apartment Type A Elevations (drawing ref. 7845 PL36A)  
Apartment Type B Floor Plans (drawing ref. 7845 PL37 A)  
Apartment Type B Elevations (drawing ref. 7845 PL38A)  
Apartment Type C Floor Plans (drawing ref. 7845 PL39A)  
Apartment Type C Elevations (drawing ref. 7845 PL40A)  
Apartment Type D Floor Plans (drawing ref. 7845 PL41 A)  
Apartment Type D Elevations (drawing ref. 7845 PL42A)  
Apartment Type E Floor Plans (drawing ref. 7845 PL43A)  
Apartment Type E Elevations (drawing ref. 7845 PL44A)  
Apartment Type F Floor Plans (drawing ref. 7845 PL45A)  
Apartment Type F Elevations (drawing ref. 7845 PL46A)  
Detention Basin (drawing ref. P15-446-336)  
Street Cross Sections (drawing ref. 7845 PL14)  
Plans received by the Local Planning Authority on the 22nd December 2015

Noise Report prepared by Hoare Lea Acoustics  
Ground Condition Summary and Remediation Strategy prepared by CH2MILL  
Flood Risk and Drainage Strategy prepared by CH2MHILL  
Existing Site Plan (drawing ref. 7845PL02)  
Plans received by the Local Planning Authority on the 28th September 2015

**REASON:**

For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

**CONDITION: 3**

No more than a total of 550 houses comprised in the development on the site the subject of this permission, the remainder of the Leicester Road site approved under outline planning permission ref. R06/0064/MAJP dated 17.09.2007 as varied by outline planning permission R14/1597 dated 25th July 2014 and the neighbouring Boughton Road site approved under outline planning permission ref. R06/0054/MAJP dated 03.09.2007, and the Warwickshire College, shall be occupied prior to the completion of the off-site highway improvements specified in condition 4 attached to outline planning permission ref. R06/0064/MAJP dated 17.09.2007 as varied as varied by outline planning permission R14/1597 dated 25th July 2014.

REASON:

In the interests of public and highway safety

CONDITION: 5

No more than 50 dwellings shall be occupied until the Highway Improvement Scheme for the Technology Drive / Junction One Retail Park Junction has been submitted for approval in writing by the Planning Authority, and in accordance with the approved drawings have been completed, as evidenced by the issuing of a Certificate of Substantial Completion by the Highway Authority.

REASON:

In the interests of highway safety

**(b) Additional Condition**

CONDITION: 24

No external lighting shall be erected unless and until full details of the type, design and location have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall only be erected in accordance with the approved details.

REASON:

To ensure a satisfactory external appearance and in the interests of the visual amenities of the locality.

**(c) Additional informative**

INFORMATIVE: 11

The applicant is advised to incorporate where possible hedgehog mitigation measures in to boundary treatments enclosing private amenity spaces.