

MINUTES OF PLANNING COMMITTEE

18 JULY 2018

PRESENT:

Councillors Mrs Simpson-Vince (Chairman), Mrs A'Barrow, Mrs Avis, Bearne, Brown, Butlin, Garcia, Gillias, Miss Lawrence, Lewis, Sandison and Srivastava.

17. MINUTES

The minutes of the meeting held on 20 June 2018 were approved and signed by the Chairman.

18. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Land adjacent to Brookside, Hinckley Road, Ansty (R17/1976) – Councillors Mrs Garcia and Gillias (non-pecuniary interests as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillors and also co-opted Parish Councillors for an interim period.

Item 4 of Part 1 – Land south of Brownsover Lane, Brownsover, Rugby (R14/1941) – Councillors Brown and Srivastava (non-pecuniary interests as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillors).

Item 4 of Part 1 – 45 York Street, Rugby (R18/0900) – Councillor Mrs Avis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor).

Item 4 of Part 1 – 12 and 14 Watts Lane, Hillmorton, Rugby, CV21 4PE (R17/2030) - Councillor Miss Lawrence (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor).

19. APPLICATIONS FOR CONSIDERATION

The Committee considered the report of the Head of Growth and Investment (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

R18/0900 – 45 York Street, Rugby

4 additional objections to amended plans received, from 3 households:

- Raising similar concerns to other objections
- Insufficient space to provide parking, spaces will not be used
- 7 residents could have 7 vehicles
- Noise & disturbance from vehicles
- Comments that York Street is used for parking by non-residents to access town centre and nearby flats
- Impact on safety of pedestrians and pets
- Loss of privacy, directly overlooked
- Insufficient bins provided
- Applications may also be submitted for other HMOs nearby

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

(i) R18/0900 45 York Street, Rugby

Mr Vadukul (objector)
Councillor Mistry (Ward Councillor)(object)

(ii) R17/2030 12 and 14 Watts Lane, Rugby

Mr Roberts (objector)

In accordance with the Council's public speaking procedure, Councillor Mistry left the meeting once all speakers had made their representations on application R18/0900. During the debate relating to this application and following a number of interruptions by the speaker, the Chairman, in accordance with Part 3A paragraph 21.1 of the Council's Standing Orders, ordered that he leave the meeting.

RESOLVED THAT - the Head of Growth and Investment be authorised to issue decision notices as indicated in relation to the applications below.

(a) outline planning permission for the erection of 16 residential dwelling houses comprising 11 market housing units and 5 local needs dwelling (all matters reserved except access) at land adjacent to Brookside, Hinckley Road, Ansty (R17/1976) – Councillor Mrs Simpson-Vince moved and Councillor Butlin seconded that the Head of Growth and Investment be authorised to refuse planning permission for the reasons set out in the report.

(b) erection of 14 dwelling houses, together with the creation of a new vehicular and pedestrian access including the provision of open space, landscaping and surface water drainage at land south east of Brownsover Lane, Brownsover Lane, Rugby (R14/1941) - Councillor Mrs A'Barrow moved and Councillor Butlin seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives set out in the report together with the applicant entering into a

Section 106 agreement relating to the management and maintenance of the proposed open space and financial contributions towards the NHS and Sustainable Welcome Packs.

- (c) change of use of dwelling to large house in multiple occupation (7 residents) sui generis use (retrospective) at 45 York Street, Rugby (R18/0900) - Councillor Gillias moved and Councillor Brown seconded that the Head of Growth and Investment be authorised to refuse planning permission for the following reason.

“The change of use, by virtue of the increased number of occupiers, would lead to increased levels of noise and disturbance that would have a detrimental impact on the quality of life and amenity of neighbouring residents contrary to policy CS16 of the Rugby Borough Core Strategy, 2011.”

The Committee considered that the change of use would have a detrimental impact on the quality of life and amenities of existing residents by virtue of noise and disturbance and, therefore, conflicted with Policy CS16.

- (d) demolition of 14 Watts Lane and the erection of four new residential dwellings and associated works at 12 and 14 Watts Lane, Hillmorton, Rugby, CV21 4PE (R17/2030) - Councillor Butlin moved and Councillor Mrs Garcia seconded that the Head of Growth and Investment be authorised to grant planning permission, subject to proposed conditions and informatives being considered and agreed in liaison with the Chairman of Planning Committee prior to the decision notice being issued.
- (e) residential development comprising Part-3/Part-4 and Part-5 storey building incorporating 98 no. apartments, reconfiguration of existing access, provision of 61 parking spaces, cycle and refuse provision, planting and landscaping at 117 Newbold Road, Rugby (R17/2113) - Councillor Butlin moved and Councillor Mrs Garcia seconded that the Head of Growth and Investment be authorised to grant planning permission subject to:

(i) the conditions and informatives set out in the report;

(ii) the applicant entering into a section 106 agreement relating to:

1. the amendment to the Traffic Regulation Order to remove the development from the Resident's Parking Permit Scheme;
2. to enable the consultation of the extension of the Residents Parking Permit Scheme to include Worcester Street, Rugby; and
3. Sustainable Travel Packs; and

(iii) together with the following conditions being amended to read:

CONDITION 17:

The Preliminary Investigation Report (Desk study and site reconnaissance) submitted with the application has been assessed.

The report identifies a number of areas that have been identified as potentially affected by contamination and at risk of ground gas which is likely to have an impact on future residential users.

An Phase II investigation and risk assessment, in addition to the Preliminary Investigation Report provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme

must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON:

To ensure the protection of controlled waters and to prevent the migration of existing contaminants from the site..

CONDITION 23

The development shall not be commenced until the applicant has submitted a parking management plan to the LPA, which shall be approved in writing before the first occupation of any flat, demonstrating the following:

- A parking plan showing a maximum of 61 parking spaces on the site, which are numbered to relate to which flat the respective parking space is allocated to
- Measures to prevent any vehicles of residents of the development who do not have a right to park on the site, from entering the site
- Measures to prevent any overspill parking outside of any of the identified parking spaces on site.
- Measures to control and manage visitors/deliveries to the site.
- Disabled Parking Provision
- Visitor Parking Provision
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The development shall be implemented in accordance with the approved details thereafter.

Reason – In the interest of highway safety and residential amenity.

- (e) change of use for the mixed use of land as a paddock and the permanent retention of there residential gypsy pitches including two day rooms with associated access and entrance gates at The Paddocks, Top Road, Shilton, Coventry, CV7 9FS (R17/1251) - Councillor Mrs Simpson-Vince moved and Councillor Mrs Garcia seconded that the Head of Growth and Investment be authorised to refuse planning permission for the following reason.

“The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to the NPPF not to grant planning permission except in very special circumstances, for new buildings other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it, for the limited extension, alteration or replacement of existing buildings and for limited infill in specified villages.

Therefore the proposed for the mixed use of land as a paddock and the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission for the mixed use of land as a paddock and the permanent retention of three residential gypsy pitches including two day rooms with associated access and entrance gates in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policy CS1 of the Rugby Borough Core Strategy 2011 and the NPPF.”

The Committee considered that the proposed development would have a detrimental impact on the openness of the Green Belt and would, therefore, conflict with Policy CS1 and Section 9 of the National Planning Policy Framework (NPPF).

- (f) erection of a single organic fertiliser storage tank and compound area at Grange Farm, London Road, Ryton on Dunsmore, Warwickshire, CV8 3EW (R18/0505) - Councillor Butlin moved and Councillor Sandison seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informative set out in the report.
- (g) temporary use of land to continue as an overflow car park at land to the east of Coombe Abbey Hotel, Brinklow Road, Rugby, CV3 2AB (R18/0465) - Councillor Gillias moved and Councillor Butlin seconded that the Head of Growth and Investment be authorised to grant temporary planning permission for a further 5 year period subject to the conditions and informative set out in the report.

20. 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 1-3 Avon Street, Clifton-upon-Dunsmore (R18/0847).

21. DELEGATED DECISIONS – 17 MAY 2018 – 20 JUNE 2018

The Committee considered the report of the Head of Growth and Investment (Part 1 – agenda item 6) concerning decisions taken by him during the above period.

RESOLVED THAT - the report be noted.

22. MR ROB BACK

The Chairman informed the Committee that Mr Rob Back, Head of Growth and Investment was leaving the Council this month. The Committee wished to place on record its thanks to Mr Back for his hard work and commitment to the authority during his employment and wished him well for the future.

CHAIRMAN