

MINUTES OF PLANNING COMMITTEE

28TH SEPTEMBER 2011

PRESENT:

Councillors Gillias (Chairman), Allen, Cranham, Day, G Francis (substituting for Councillor Ms Robbins), Kirby, Lewis, Mrs Parker (substituting for Councillor Roberts), Sandison, Spiers, Whistance and D Williams.

42. MINUTES

The minutes of the meeting held on 7th September 2011 were approved and signed by the Chairman.

43. APOLOGIES

Apologies for absence from the meeting were received from Councillors Ms Robbins and Roberts.

44. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Ken Marriott Leisure Centre, Bruce Williams Way, Rugby (R11/0128) – Councillor Sandison (personal interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor for the abutting area to the site).

Item 4 of Part 1 – Ken Marriott Leisure Centre, Bruce Williams Way, Rugby (R11/0128) – Councillor Lewis (personal interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor).

Item 4 of Part 1 – Ken Marriott Leisure Centre, Bruce Williams Way, Rugby (R11/0128) – Councillor Mrs Parker (personal interest as defined by the Council's Code of Conduct for Councillors by virtue of being a member of the Council's Ken Marriott Leisure Centre Task Group).

Item 4 of Part 1 - 213 Bilton Road, Rugby (R11/1070) – Councillor Mrs Parker (personal interest as defined by the Council's Code of Conduct for Councillors by virtue of receiving correspondence from the business owner of the site).

Item 4 of Part 1 – Land adjacent to Doctor's surgery, Bow Fell, Brownsover (R11/0112) – Councillor Cranham (prejudicial interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor and also being involved in the pre-application process in respect of the site).

Item 4 of Part 1 – Land south of the telephone exchange, Coventry Road, Wolvey (R11/0141) – Councillor Kirby (prejudicial interest as defined by the Council's Code of Conduct for Councillors by virtue of the agent's spouse being a fellow Councillor).

Councillors Cranham and Kirby left the meeting during the items in which they had declared an interest and took no part in the voting and discussion thereon.

45. 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 applications.

(a) Parish Councils

None

(b) Third Parties

R11/0128 : - comments received from Councillors Lewis and Sandison
- 10 neighbour objections/comments
- WCC Ecology - no objections subject to conditions and informatives

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

(a) outline planning permission for erection of a dwelling at land south of the Telephone Exchange, Coventry Road, Wolvey (R11/0141) – Councillor Cranham moved and Councillor Whistance seconded that the Head of Planning and Culture be authorised to refuse planning permission for the reason stated in the report.

(b) change of use of premises from A1 (retail) to a veterinary surgery (Use Class D1) with ancillary retail counter at 213 Bilton Road, Rugby, CV22 7DY (R11/1070) – Councillor Spiers moved and Councillor Mrs Parker seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report together with two additional conditions and a revised condition and informative being inserted to read:

”13. Notwithstanding any details shown on the approved plans, full details of the design, materials and finishes of the wheelie bins to be used shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

14. Notwithstanding any details shown on the approved plans, full details of the design, materials and finishes of the covered cycle shelter to be erected shall be submitted to and approved in writing by the Local Planning Authority before the development commences.”

Revised Condition 8: Notwithstanding any details on the approved plan, one parking space shall be designated for disabled parking and parking bays/spaces hereby approved shall be permanently marked, as indicated on the plan ref. 0583/03 Rev E as received by the Council on 13th September 2011, such spaces shall be kept clear of other obstructions throughout the hours of operation of the premises.”

Revised informative 5: The applicant is advised that it should contact WCC Highways on 01926 412386 to discuss the Traffic Regulation Order (TRO) to prevent highway parking along the Bilton Road and Lytham Road frontages of the site.

- (c) demolition of existing leisure centre and erection of new leisure centre, including café, parking, ancillary facilities, external works and temporary car park at Ken Marriott Leisure Centre, Bruce Williams Way, Rugby, CV22 5LJ (R11/0128) – Councillor Cranham moved and Councillor Spiers seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report subject to amendments and additional conditions and informatives as detailed at Annex 1 to the minutes.
- (d) erection of a new medical centre, a detached community centre and associated works at land adjacent to existing doctors surgery, Bow Fell, Brownsover (R11/0112) – Councillor Kirby moved and Councillor Spiers seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the applicant entering into a Section 106 Agreement to secure the funding for the provision and improvement of facilities for pedestrians to cross the highway in the vicinity of the site and subject to the conditions in the report.

46. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS

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

RESOLVED THAT – no further site visits be held prior to the next meeting of the Committee.

47. DELEGATED DECISIONS – 19TH AUGUST TO 8TH SEPTEMBER 2011

The Committee considered the report of the Head of Planning and Culture (Part 1- agenda item 6) concerning decisions taken by her during the above period.

RESOLVED THAT – the report be noted.

48. MOTION TO EXCLUDE THE PUBLIC UNDER SECTION 100(A)(4) OF THE LOCAL GOVERNMENT ACT 1972

RESOLVED THAT - under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involved the likely disclosure of information defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act and that in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

49. ENFORCEMENT

The Committee considered the private report of the Head of Planning and Culture (Part 2 – agenda item 1) concerning progress on enforcement cases.

RESOLVED THAT – the report be approved.

CHAIRMAN

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ANNEX TO MINUTES

Ken Marriott Leisure Centre, Bruce Williams Way, Rugby (R11/0128)

Amendments to conditions and additional conditions and informatives

Condition 2 shall include reference to the following report:

'Bat Survey by Middlemarch Environmental Limited ref RT-MME-109887-02, September 2011 received by the Local Planning Authority on 27th September 2011'

Condition 5 shall be amended to read:

Unless agreed in writing with the Local Planning Authority, no development shall commence unless and until a comprehensive hard and soft landscaping scheme, including details of furniture, roads, paths, parking and terrace areas, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all aspects of landscaping including details of habitat enhancement to benefit local wildlife, including native species planting of shrubs and trees (including fruit bearing trees and/or shrubs), and provision of bird and bat boxes to mitigate for loss of nesting/roosting sites. The approved landscaping scheme shall be implemented no later than the first planting season following the first occupation of the development. If within a period of 5 years from the date of planting, any tree/shrub/hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the Local Planning Authority seriously damaged or defective), another tree/shrub/hedgerow of the same species and size originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variations.

REASON:

To ensure the proper development of the site and in the interests of visual amenity and wildlife habitats.

Additional conditions

CONDITION 21:

Unless otherwise agreed in writing with the Local Planning Authority, arboricultural works on the ash tree (T733, as identified in the Arboricultural Report by Acorn Environmental Management Group dated 22/08/2011, received by the Local Planning Authority on 30th August 2011 and the Bat Survey report completed by Middlemarch Environmental Limited dated September 2011, received by the Local Planning Authority on 27th September 2011) should be carried out under the supervision of a suitably qualified bat worker. No tree shall be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows shall be carefully lowered to the ground

and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord.

REASON:

To ensure that protected species are not harmed by the development.

CONDITION 22:

Before development commences, an updated Extended Phase 1 Habitat Survey to complement the submitted draft version received by the Local Planning Authority on 12th September 2011 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures referred to in the survey shall then be implemented in accordance with the approved details.

REASON:

To ensure that protected species are not harmed by the development.

Additional informatives

INFORMATIVE 12:

The applicant is advised that lighting can significantly affect the behaviour of some animals such as moths, birds and mammals, even to the extent of jeopardising their survival or reducing their breeding success. Where lighting is to be installed or updated, lights should be low pressure sodium with a full cut-off lantern in order to minimise the spread of the light. In accordance with Condition 8 above, a sensitive lighting scheme should be designed for the site that minimises lighting across the site at night, and avoids lighting any bat boxes erected, the Sow Brook corridor or trees with potential for bat roosts. We also recommend that the lights are put on a timer so that they can be switched off as soon as possible in the evening. Where floodlighting is considered essential, operational times should be kept to a minimum.

INFORMATIVE 13:

Whilst no evidence of badgers has been found, the site is suitable for badger foraging and therefore, the applicant is advised that badgers and their setts (communal place of rest) are protected under the 1992 Badgers Act, making it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further

information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136.

INFORMATIVE 14:

The applicant is advised that where possible enhancements should be incorporated into the development to improve the habitats and opportunities for the local wildlife and increase biodiversity. Such as bat and bird boxes which can be used by a variety of species, native species planting of hedges and trees, and habitat piles of rubble, logs and earth which can be used by reptiles, amphibians and invertebrates. The applicant is advised that indigenous tree and shrub species should be used, preferably of local provenance. Such plants are visually attractive, and have a far higher value for local wildlife than cultivated, non-native plants. It is worth noting that certain plant species such as honeysuckle and night-scented flowers can be beneficial to bats due to their ability to attract moths and would be of greater wildlife value particularly where bats are known to be in the area. The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.