

# MINUTES OF PLANNING COMMITTEE

24TH JULY 2013

## PRESENT:

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

## 21. MINUTES

The minutes of the meeting held on 3<sup>rd</sup> July 2013 were approved and signed by the Chairman.

## 22. APOLOGIES

Apologies for absence from the meeting were received from Councillors Butlin and Cranham.

## 23. DECLARATIONS OF INTEREST

Item 4 of Part 1 – 2 Two Pike Leys, Rugby – Councillors Ms Robbins and Helen Walton (non-pecuniary interests as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor).

Item 4 of Part 1 – 63 Church Street, Rugby – Councillor Sandison (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor).

Item 4 of Part 1 – The Old Granary, Biggin Hall Lane, Thurlaston – Councillor G Francis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor).

Item 4 of Part 1 – Ansty House, Main Road, Ansty – Councillor Mrs Garcia (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillor).

## 24. 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

None

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

- (a) repositioning of boundary wall and installation of new gate at 2 Two Pike Leys, Rugby (R13/0996) – Councillor Mrs New moved and Councillor Mrs Avis seconded that the Head of Planning and Culture be authorised to refuse planning permission for the reason stated in the report together with the following statement of positive engagement being added.

“In dealing with this application Rugby Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the NPPF. The applicant was advised originally as part of a pre application that planning permission would be required for the repositioning of the wall and a new gate. The LPA advised the applicant that the proposal would have a detrimental impact on the visual amenity of the street scene and set a serious precedent for other similar applications and a formal application would not be supported. A formal application has been submitted against advice and unfortunately an acceptable compromise cannot be reached.”

- (b) (A) erection of 101 dwellings (Class C3), garages and associated works including internal access roads, emergency access, car parking, earthworks, landscaping and drainage – submission of reserved matters comprising appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP, dated 17.09.2007 and B) Erection of 87 dwellings (Class C3), garages and associated works including internal access roads, car parking, open space and associated earthworks, drainage including attenuation basin, landscaping and electricity sub-station – submission of reserved matters comprising layout, scale, appearance and landscaping pursuant to outline planning permission ref. R07/1918/MAJP, dated 8.02.1012 at land at Leicester Road, Rugby (R12/1884 and R13/0530) – Councillor G Francis moved and Councillor Helen Walton seconded that the Head of Planning and Culture be authorised to approve the details comprised in the reserved matters submissions in respect of layout, scale appearance, access and landscaping together with related details in respect of roads, drainage, parking, site boundaries treatment, levels, refuse storage and noise attenuation in accordance with conditions attached to outline planning permission ref. nos. R06/0064/MAJP dated 17<sup>th</sup> September 2007 and R07/1918/MAJP dated 8<sup>th</sup> February 2012, as set out in the draft decisions in the report and subject to the additional conditions contained in the report, together with the amended drawings references, amended conditions, additional condition and informatives attached at Annex 1 to the minutes.
- (c) demolition of existing two and three storey housing blocks and construction of 23 residential units (dwellings and maisonettes) with associated parking, landscaping, access and infrastructure at even numbers 2 – 76 Pettiver Crescent, Rugby (R12/1754) - Councillor Helen Walton moved and Councillor G Francis seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report.

- (d) alterations and extensions of existing dwelling and barn to form one dwelling, erection of one dwelling and associated works at Ansty House, Main Road, Ansty, CV7 9HZ (R13/0045) - Councillor G Francis moved and Councillor Helen Walton seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report.
- (e) change of use of building from A3 (restaurant) to A5 (hot food takeaway) together with the erection of a replacement flue (retrospective) at 63 Church Street, Rugby, CV21 3PT (R13/0595) - Councillor Sandison moved and Councillor Helen Walton seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report together with an additional condition being inserted to read, "The use hereby permitted relates to a single A5 unit at ground floor level. At no point shall the ground floor be subdivided to form an additional A5 use."
- (f) erection of replacement outbuilding to be used as ancillary workshop and artist studio and retention of wood store (resubmission of application R13/0233)(R13/1127) - Councillor Helen Walton moved and Councillor Mrs Garcia seconded that the Head of Planning and Culture be authorised to grant planning permission subject to the conditions in the report and subject to additional informatives and condition 2 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:

application form, design statement and plan no.2245-101 and 2245-104 received from the Local Planning Authority on 20 June 2013 and amended site location plan received by the Local Planning Authority on 15 July 2013.

#### INFORMATIVE 1:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010, making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works.

Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523 . If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

#### INFORMATIVE 2:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season, lasts approximately from March to September, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked for their presence immediately before work starts, especially if during the breeding season.

**25. PLANNING APPEALS UPDATE**

The Committee considered the report of the Head of Planning and Culture (Part 1 – agenda item 5) concerning an update on planning appeals for the quarter April to June 2013.

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

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

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

**RESOLVED THAT** – site visits be held at the following locations at a time and date to be arranged.

- (i) Gate Farm, Bourton-on-Dunsmore
- (ii) Blue Haven Marina, Crick Road, Hillmorton.

**27. DELEGATED DECISIONS – 14<sup>TH</sup> JUNE 2013 TO 4<sup>TH</sup> JULY 2013**

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

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

**CHAIRMAN**

**RUGBY BOROUGH COUNCIL**  
**PLANNING COMMITTEE – 24<sup>th</sup> JULY 2013**

**ANNEX TO MINUTES**

<b>Item</b>	<b>Application Ref Number</b>	<b>Location Site and Description</b>	<b>Page Number</b>
2	A) R12/1884 B) R13/0530	Land at Leicester Road, Rugby  A) Erection of 101 dwellings (Class C3), garages, and associated works including internal access roads, emergency access, car parking, earthworks, landscaping and drainage – submission of reserved matters comprising appearance, landscaping, layout and scale pursuant to outline planning permission ref. R06/0064/MAJP, dated 17.09.2007  B) Erection of 87 dwellings (Class C3), garages and associated works including internal access roads, car parking, open space and associated earthworks, drainage including attenuation basin, landscaping and electricity sub-station – submission of reserved matters comprising layout, scale, appearance and landscaping pursuant to outline planning permission ref. R07/1918/MAJP, dated 08.02.2012	8

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**Plans and Details Approved**

**\*Revised Drawings**

Layout Plans

A552-082 Rev F	Planning Layout
A552-084 Rev C	Planning Layout West Site
A552-085 Rev C	Planning Layout East Site
A552-039 Rev E	Enclosures Plan
A552-040 Rev F	Facing Materials Plan
A552-045 Rev B	Surface Material Plan
A552-047 Rev B	Proposed Slab Level
A552-048 Rev C	Auto-Track Plan

A552-70 Rev E	Street Scenes A, B & C
552-71 Rev E	Street Scenes D & E
552-72 Rev E	Street Scenes F & G
A552-73 Rev E	Street Scenes H, I, J & K
552-74 Rev E	Street Scenes L, M & N
Sheet 1 of 4 Rev A	Planting Proposals (2) (dated 10/07/13)
Sheet 2 of 4 Rev A	Planting Proposals (2) (dated 10/07/13)
Sheet 3 of 4 Rev A	Planting Proposals (2) (dated 10/07/13)
Sheet 4 of 4 Rev A	Planting Proposals (2) (dated 10/07/13)
0676.003C	Public Open Space Landscape Proposal Details 1 of 2
0676.005C	LEAP Proposals

**\*Revised Conditions**

R12/1884

CONDITION: 44

The estate roads shall be laid out in general accordance with the approved planning layout drawing ref.no A552-082 Rev F

REASON:

In the interests of public and highway safety.

R13/0530

CONDITION: 34

The estate roads shall be laid out in general accordance with the approved planning layout drawing no. A552-082 Rev F.

REASON:

In the interests of public and highway safety.

**\*Additional Condition**

R13/0530

CONDITION: 37

Notwithstanding any information given on the approved drawings, full details of the final finished levels, including sections, of the proposed LEAP/open space area in relation to adjoining land comprising the viaduct and the embankments to the disused railway and River Avon in the north-west corner of the site, shall be submitted to and approved in writing by the Local Planning Authority before works on the LEAP/open space area are commenced. The finished levels shall be completed in accordance with the details so approved.

**REASON :**

To ensure that the details of the development are satisfactory in the interests of the amenities of the locality.

**\*Additional Informatives**

g) The Highway Authority advises that the estate roads should be laid out and constructed in accordance with the Authority's standard specification and requirements. The applicant/developer is advised that they should enter into a Highway Works Agreement with the Highway Authority made under Section 38 of the Highways Act 1980 for the adoption of the roads. The approval of the plans for the purposes of the planning permission hereby granted does not constitute an approval of the plans under Section 38 of the Highways Act 1980. An application to enter into a Section 38 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

h) In accordance with the Traffic Management Act 2004, it is necessary for all works in the highway to be noticed and carried out in accordance with the requirements of the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Before commencing any highway works the applicant/developer must familiarise themselves with the notice requirements – failure to do so could lead to prosecution. Application should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

i) 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.