

MINUTES OF PLANNING COMMITTEE

8 FEBRUARY 2023

PRESENT:

Councillors Gillias (Chairman), Mrs Brown, Daly, Eccleson, Mrs Hassell, Lawrence, Lewis, Mrs Maoudis, Sandison, Slinger, Srivastava and Willis

NOTE Councillor Slinger left the meeting during Agenda Item 4 and took no part in discussion and voting on planning applications R22/1037 and R22/1348.

58. MINUTES

The minutes of the meeting held on 11 January 2023 were approved and signed by the Chairman.

59. DECLARATIONS OF INTEREST

Item 4 of Part 1 – 50 Windsor Street, Rugby CV21 3NY (R22/0722) – Councillor Sandison (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a resident in the vicinity of the application site).

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

Item 4 of Part 1 – Land off Vigen Way, Coombe Fields (R22/0861) – Councillor Gillias (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 – Bilton Grange, Rugby Road, Dunchurch, Rugby CV22 6QU (R22/1144) – Councillor Mrs Maoudis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being an employee of Dunchurch Parish Council).

Item 4 of Part 1 – Bilton Grange, Rugby Road, Dunchurch, Rugby CV22 6QU (R22/1145) – Councillor Mrs Maoudis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being an employee of Dunchurch Parish Council).

Item 4 of Part 1 – Hospital of St Cross, Barby Road, Rugby CV22 5PX (R22/1348) – Councillor Sandison (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 – Hospital of St Cross, Barby Road, Rugby CV22 5PX (R22/1348) – Councillor Srivastava (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a member of the Board of Trustees of the Friends of St Cross).

Item 4 of Part 1 – Hospital of St Cross, Barby Road, Rugby CV22 5PX (R22/1348) – Councillor Lawrence (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of his wife being an employee of Hospital of St Cross).

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

60. APPLICATIONS FOR CONSIDERATION

The Committee considered the report of the Chief Officer for 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

None

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

(i) R22/0722 50 Windsor Street, Rugby CV21 3NY

A statement on behalf of Mr Robert Chamberlain (objector) was read out by Councillor Richard Harrington (Ward Councillor)
Mr Ray Yim (applicant) (supporter)
Councillor Richard Harrington (Ward Councillor)

In accordance with the Council’s public speaking procedure, Councillor Harrington left the meeting once all speakers had made their representations to the Committee.

RESOLVED THAT – the Chief Officer for Growth and Investment be authorised to issue decision notices as indicated in relation to the applications below:

- (a) Loft conversion and change of use to Sui Generis (7-bed HMO) at 50 Windsor Street, Rugby CV21 3NY (R22/0722) – this application had been deferred pending a site visit.
- (b) Erection of unit for employment use (Class B2) with ancillary offices, car parking and landscaping on land off Viggen Way, Coombe Fields (R22/0861) -

Councillor Gillias moved and Councillor Daly seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- 1) conditions and informatives set out in the report together with additional informatives being inserted to read,

“INFORMATIVE 6

Condition 23 requires the submission of a Travel Plan. The Travel Plan shall include details of measures to encourage staff to avoid using Combe Fields Road, Peter Hall Lane and Smeaton Hall Lane for commuting to and from work.”

“INFORMATIVE 7

It is strongly encouraged that the development hereby approved shall utilise green construction methods. This should include utilising natural, recycled and sustainable building materials. Measures to minimise damage to the local area and ecosystem during and after construction should also be employed.”

“INFORMATIVE 8

The applicant is respectfully advised that if additional planting is proposed for the site to encourage long term landscape growth, 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.”

- 2) referral to the Planning Casework Unit; and
- 3) the Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

- (c) Proposed change of use of 30 existing leisure moorings to residential moorings at Brinklow Waterside and Marina, Cathiron Lane, Brinklow CV23 0JH (R22/1037) - Councillor Gillias moved and Councillor Eccleson seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- 1) conditions and informatives set out in the report; and
- 2) the Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

- (d) The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School at Bilton Grange, Rugby Road, Dunchurch, Rugby CV22 6QU (R22/1144) - Councillor Gillias moved and Councillor Willis

seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- 1) conditions and informatives set out in the report; and
- 2) the Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

(e) The erection of a two, three and four storey boarding house to provide, bed spaces for eighty pupils, accommodation for five family residential units and associated ancillary spaces including landscape within the grounds of Bilton Grange Preparatory School. Minor demolitions and reconfiguration of internal spaces to Grade II and Grade II* listed school buildings to provide additional classrooms and educational facilities at Bilton Grange, Rugby Road, Dunchurch, Rugby CV22 6QU (R22/1145) - Councillor Gillias moved and Councillor Willis seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- 1) conditions and informatives set out in the report; and
- 2) the Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

(f) 2 storey Endoscopy facility complete with new pedestrian crossing and hard landscaping on existing vacant land at Hospital of St Cross, Barby Road, Rugby CV22 5PX (R22/1348) - Councillor Gillias moved and Councillor Sandison seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- 1) The following conditions and informatives:

“CONDITION 1

The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.”

“CONDITION 2

The development shall be carried out in accordance with the plans and documents detailed below: Application Form; PTK-00-RP-A-00(P01); PTK-A1-ZZ-DR-A-2001(P02); PTK-A1-ZZ-DR-A-1001(P04); PTK-A1-00-DR-A--1801(P02); PTK-A1-00-DR-A--1802(P01); PTK-A2-02-DR-A-1002(P01) received by the Council 19 December 2022 and Parking Technical Note to Support the Proposed Endoscopy Unit at the Hospital of St. Cross, Rugby dated 21 December 2022.

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

“CONDITION 3

The facing materials to be used on the external walls and roof shall as specified on the application form and drawing number PTK-A1-ZZ-DR-A-2001(P02) received by the Council on 19 December 2022.

REASON: To ensure a satisfactory external appearance and for the avoidance of doubt.”

“CONDITION 4

No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the Local Planning Authority (with advice from WCC Ecological Services). The scheme must include all aspects of proposed native species planting including details of any species-specific enhancements such as bird and bat boxes. The development shall be carried out and subsequently managed in accordance with the scheme (or any variation) so approved.

REASON: In accordance with NPPF, ODPM Circular 2005/06.”

“CONDITION 5

The development hereby permitted shall either:

1. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or.
2. Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. 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.

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

“CONDITION 6

No part of the development hereby permitted shall be commenced until a scheme for the provision of minimum three bird boxes to be erected on trees/buildings within the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

REASON: In accordance with NPPF, ODPM Circular 2005/06.”

“CONDITION 7

Prior to installation of Air Source Heat Pumps or other external plant, a noise assessment shall be undertaken by a suitably qualified person and be submitted in writing to and approved by the Local Planning Authority. It shall assess the existing and predicted noise levels that could adversely affect existing noise sensitive receptors. Regard may be had to BS8233:2014, BS4142:2014+A1: 2019 and the World Health Organisation (WHO) Guidelines for Community Noise. The report shall include recommendations for any necessary acoustic mitigation works, to protect the existing residents both inside their dwellings and their external amenity spaces, having regard to current guidance. Any recommended works shall be completed prior to operation of the development and shall be maintained thereafter.

REASON: In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority.”

“CONDITION 8

Prior to the commencement of above ground works, a Construction Management Plan shall be submitted in writing to, and approved by, the Local Planning Authority. This shall include details relating to:

- the control of noise and vibration emissions from construction activities including groundworks and the formation of infrastructure including arrangements to monitor noise emissions from the development site during the construction phase;
- the control of dust including arrangements to monitor dust emissions from the development site during the construction phase; and
- measures to reduce mud deposition offsite from vehicles leaving the site.

Development shall be carried out in compliance with the approved Construction Management Plan, unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority and to avoid significant adverse impacts. “

“INFORMATIVE 1

To reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: Monday – Friday 7.30 a.m. – 6.00 p.m. Saturday 8.30 a.m. – 1.00 p.m. NO WORK ON SUNDAYS AND BANK HOLIDAYS. If work at other times is required permission should be obtained in writing from the local planning authority.”

“INFORMATIVE 2

- In view of the nearby hedgehog records and suitable hedgehog habitat, care should be taken when clearing the ground prior to development, particularly when removing dense hedging and shrubs, piles of deadwood /leaves /bonfire mounds. If a hedgehog is found, work should stop until WCC Ecological Services is contacted. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act. Habitat enhancement for hedgehogs can easily be incorporated into development schemes, for example through provision of purpose-built hedgehog shelters. Any manufactured box must have smooth interior and not be made of coir, which can trap animals' spines. More details can be provided by the WCC Ecological Services if required.
- Particular care should be taken when clearing ground prior to development, and if evidence of animals is found 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 animals. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Concrete should not be left unset overnight, or suitable barriers erected to prevent animals accessing the concrete. Pipework with a diameter greater than 120mm should have the ends closed off overnight to prevent entrapment. 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 02080 261089. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed a Protected Species.
- Mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats, prior to works commencing. Bats and their roost sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017, the latter of which deems them a Protected Species. It is a criminal offence to disturb or destroy a bat roost, even if the roost is only occasionally used. In considering planning applications that may affect Protected Species, the Local Authority is bound by the Conservation of Habitats and Species Regulations 2017 to have regard to the Habitats Directive when exercising their functions.”

“INFORMATIVE 3

To reduce the level of private vehicles visiting the site the applicant should continue to promote the use of alternative sustainable modes of transport.”

- 2) The Chief Officer for Growth and Investment be given delegated authority to make minor amendments to the conditions and informatives outlined in the draft decision notice.

61. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS

RESOLVED THAT – no further site visits be approved.

62. PLANNING APPEALS UPDATE

The Committee considered the report of the Chief Officer for Growth and Investment (Part 1 – Agenda Item 6) concerning progress on planning appeals for the period 1 July 2022 to 31 December 2022.

The addendum to Appendix A circulated in advance of the meeting, and published on the council website [here](#), was noted by Planning Committee.

With regard to Appendix B to the report, the Development and Enforcement Manager provided the Committee with the following update:

- (a) Land at Fosse Corner (Junction of Millers Lane and Fosse Way), Monks Kirby – appeal dismissed.
- (b) The Old Village Hall, Pailton Road, Harborough Magna, Rugby CV23 0HQ – appeal dismissed.
- (c) Land adjacent to Millers Lane, Fosse Way, Monks Kirby – appeals dismissed and enforcement notices upheld. Times to comply with enforcement notices were varied from 28 days and three months to 12 months.

RESOLVED THAT – the report be noted.

63. DELEGATED DECISIONS – 15 DECEMBER 2022 TO 18 JANUARY 2023

The Committee considered the report of the Chief Officer for Growth and Investment (Part 1 – Agenda Item 7) concerning decisions taken by her under delegated powers during the above period.

RESOLVED THAT – the report be noted.

64. 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 paragraph 2 of Schedule 12A of the Act.

65. PLANNING ENFORCEMENT UPDATE – JULY TO DECEMBER 2022

The Committee considered the private report of the Chief Officer for Growth and Investment (Part 2 – Agenda Item 1) concerning an update of current enforcement cases.

RESOLVED THAT – the report be noted.

CHAIRMAN