

MINUTES OF PLANNING COMMITTEE

11 OCTOBER 2023

PRESENT:

Membership of the Committee: Councillors Gillias (Chair), Edwards, Harrington, Mrs Hassell, Karadiar, Lewis, Mrs Maoudis, Rabin (substituting for Councillor Mrs Garcia), Sandison, Srivastava, Mrs Timms (substituting for Councillor Lawrence) and Ward

Observer: Councillor Roodhouse

NOTE Councillor Karadiar arrived at the meeting during Agenda Item 4 and took no part in discussion and voting on application R21/0152.

39. MINUTES

The minutes of meetings held on 13 September 2023 were approved and signed by the Chair.

40. APOLOGIES

Apologies for absence from the meeting were received from Councillors Mrs Garcia and Lawrence.

41. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Autumn Farm, Easenhall Road, Harborough Magna, Rugby CV23 0HX (R23/0211) – Councillors Gillias and Mrs Timms (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being ward councillors).

Item 4 of Part 1 – 16-26a Dunchurch Road, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby CV22 6AA (R23/0560) – Councillor Sandison (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a ward councillor and the applicant being known to him).

Item 4 of Part 1 – 16-26a Dunchurch Road, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby CV22 6AA (R23/0560) – Councillor Lewis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a councillor and the applicant being known to him).

Item 4 of Part 1 – 16-26a Dunchurch Road, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby CV22 6AA (R23/0560) – Councillor Gillias (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 Lawrence Sheriff Almshouses).

Councillor Gillias 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 – Plot 8, Ansty Aerodrome, Combe Fields Road, Combe Fields, Coventry CV7 9JR (R23/0727) – Councillors Gillias and Mrs Timms (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being ward councillors).

Item 4 of Part 1 – Cloudesley Bush Pumping Station, Mere Lane, Copston Magna (R23/0786) – Councillor Mrs Maoudis (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 – Cloudesley Bush Pumping Station, Mere Lane, Copston Magna (R23/0786) – Councillor Mrs Timms (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of having called the application in before Committee).

42. 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 and subsequent addendum.

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) R20/1030 Thurlaston Meadows Care Home, Main Street, Thurlaston, Rugby CV23 9JS

Councillor Robert Ashford, Chair of Thurlaston Parish Council Planning Committee (objector)

Mr Ian Gidley, Land and Planning Consultants (agent) (supporter)

ii) R21/0152 Thurlaston Meadows Care Home, Main Street, Thurlaston, Rugby CV23 9JS

Councillor Robert Ashford, Chair of Thurlaston Parish Council Planning Committee (objector)

Mr Bob Woollard, Planning and Design Group (agent) (supporter)

iii) R23/0211 Autumn Farm, Easenhall Road, Harborough Magna, Rugby CV23 0HX

Mr Justin de Vries, The Rural Planning Co (agent) (supporter)
Councillor Mrs Belinda Garcia (ward councillor) (supporter)

iv) R23/0786 Cloudesley Bush Pumping Station, Mere Lane, Copston Magna

Councillor Adrian Warwick, Chair of Wolvey Parish Council (supporter)

In accordance with the Council's public speaking procedure, Councillor Mrs Garcia 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) Erection of a two storey and single storey extension to the west elevation; demolition of air raid shelter and erection of a single storey extension to the south elevation; and a two storey extension to the north elevation with associated access and parking at Thurlaston Meadows Care Home, Main Street, Thurlaston, Rugby CV23 9JS (R21/0152) - Councillor Mrs Maoudis moved and Councillor Harrington seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

(1) the conditions and informatives set out in the draft decision notice appended to the report together with an additional condition being inserted to read,

“CONDITION 17

Prior to commencement of any above ground development the amount of car parking spaces shall be provided on a plan and agreed in writing with the Local Planning Authority in consultation with Warwickshire County Council Highway Authority. The parking spaces shall then be laid out in accordance with those approved details prior to the first occupation of the development.

Reason: To ensure highway safety in accordance with Policy D2 and Appendix 5 of the Local Plan.”

(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.

(b) Erection of a Retirement Living Housing Scheme (Use Class C2) comprising of 35 bungalows with associated development together with alterations to existing access off Main Street (Outline - Principle, Layout and Access Only) at Thurlaston Meadows Care Home, Main Street, Thurlaston, Rugby CV23 9JS (R20/1030) - Councillor Rabin moved and Councillor Mrs Maoudis seconded that the Chief Officer for Growth and Investment be:

- (1) authorised to refuse planning permission for the reasons stated in the report; and
 - (2) given delegated authority to make minor amendments to the reasons for refusal outlined in the draft decision notice.
- (c) Conversion of existing agricultural barn into one dwelling at Autumn Farm, Easenhall Road, Harborough Magna, Rugby CV23 0HX (R23/0211) - this application had been deferred pending further evaluation.
- (d) New one and a half height building to eastern end of courtyard to provide four no. one bed almshouses. Alterations to existing alms-houses to include reconfiguration and replacement of windows and doors; removal of chimneys; insulated render applied to all elevations; installation of solar array; new wall and railings to east boundary at 16-26a Dunchurch Road, Lawrence Sheriff Almshouses, Dunchurch Road, Rugby CV22 6AA (R23/0560) - Councillor Sandison moved and Councillor Ward seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:
- (1) the conditions and informatives set out in the draft decision notice appended to the report together with additional conditions being inserted to read,

“CONDITION 13

Prior to the commencement of the construction of the new building, a detailed schedule of habitats and species mitigation and enhancement measures (to include timing of works, protection measures for nesting birds and small mammals and native species planting enhancements where possible) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation and enhancement measures shall thereafter be implemented in full.

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

“CONDITION 14

Prior to the commencement of the construction of the new building a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
2. Where infiltration is demonstrated to not be feasible, the Lead Local Flood Authority expect all post development discharge rates off site

not to exceed the site Greenfield rates calculated. Where it has been established to the satisfaction of the Lead Local Flood Authority this is technically not possible to achieve these rates, a minimum of 50% betterment should be applied to the pre-development discharge rate.

3. Where the drainage scheme proposes to connect into a third party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
4. Provide drawings/plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
 - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
7. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:
 - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - b. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.”

“CONDITION 15

No occupation of the new building shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved surface water drainage strategy (2042-PL15) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any as-built drawings and accompanying photos.
3. Results of any performance testing undertaken as a part of the application process (if required/necessary).
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges, etc.
5. Confirmation that the system is free from defects, damage and foreign objects.

REASON: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the National Planning Policy Framework and the Local Planning Policy.”

“CONDITION 16

No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the Local Planning Authority in consultation with the Lead Local Flood Authority. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

REASON: To ensure the future maintenance of the sustainable drainage structures.”

- (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) Erection of one commercial unit within Use Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) including ancillary office space and associated development including access,

plant, car parking, service yard, security fencing and landscaping on Plot 8, Ansty Aerodrome, Combe Fields Road, Combe Fields, Coventry CV7 9JR (R23/0727) - Councillor Srivastava moved and Councillor Mrs Maoudis seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- (1) the conditions and informatives set out in the draft decision notice appended to the report together with Condition 11 being amended to read,

PART 1

The unit hereby approved shall not be occupied until measures required to achieve a BREEAM excellent rating or above for the unit, including the provision of improvements to the building fabric, PV Panels over the car parking, air source heat pumps, and heat recovery on the ventilation systems, as set out within the Energy Report (221096-P04, 03-07-23), have: (a) been provided; (b) an independent verification report submitted by a suitably qualified independent surveyor (or equivalent) verifying and providing evidence that the approved details and measures for the unit have been provided; and (c) evidence that an application has been made for a post-construction certificate confirming that the unit achieves a minimum excellent BREEAM rating, has been submitted to and approved in writing by the Local Planning Authority. The measures provided within the unit shall thereafter be maintained and retained in perpetuity.

PART 2

Within one year of the unit hereby approved being occupied, a post-construction certificate confirming that the unit achieves a minimum excellent BREEAM rating shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of air quality, sustainable development, reducing carbon emissions and tackling climate change.”

- (2) referral to the Government’s Department for Levelling Up, Housing and Communities 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.
- (f) Residential conversion of existing water reservoir to create a new dwelling at Cloudesley Bush Pumping Station, Mere Lane, Copston Magna (R23/0786) - Councillor Mrs Maoudis moved and Councillor Harrington seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to 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:

Documents received by Council 24-Jul-23

ApplicationForm.pdf (Application Form)

Drawing No:517-01A (Location Plan 1:1250)

Drawing No:517-100D (Proposed Site & Roof Plan 1:100)

Drawing No:517-101D (Proposed Ground Floor Plan 1:50)

Drawing No:517-102A (Proposed First Floor Plan 1:50)

Drawing No:517-103B (Proposed Second Floor Plan 1:50)

Drawing No:517-104C (Provisional Proposed Landscaping Plan 1:100)

Drawing No:517-200A (Proposed Elevations 1:100)

Drawing No:517-300A (Proposed Section 1:50)

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 be as specified on the application form, received by the Council on 24-Jul-23 and on plans outlined in Condition 2.

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

“CONDITION 4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking or re-enacting those orders, no development shall be carried out which comes within Classes A,B,C,D,E,F,G,H of Schedule 2 Part 1 and Class A Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

REASON: In the interest of visual amenity and to ensure a satisfactory external appearance is retained.”

“CONDITION 5

No above ground development shall commence unless and until details of all proposed walls, fences, railings and gates, including elevations, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interest of visual amenity.”

“CONDITION 6

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (a) to (d) below have been complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall 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 shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) 8th October 2020.

(b) 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 shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

(c) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall 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 that demonstrates the effectiveness of the remediation carried out shall be prepared and subject to approval in writing by the local planning authority.

(d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be

reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by the local planning authority in accordance with condition (c).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.”

“CONDITION 7

No development shall commence until full details of the surfacing, drainage and levels of the access, car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Council. The development shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles.

REASON: In the interest of Highways Safety.”

“CONDITION 8

The development shall not be occupied until the vehicular access to the site has been widened/remodelled in general accordance with approved plan 517-100 Rev D and shall not be used unless laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON: In the interest of Highways Safety.”

“CONDITION 9

The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 215 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON: In the interest of Highways Safety.”

“CONDITION 10

The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the Local

Planning Authority expect to see details concerning appropriate working practices and safeguards for badgers, bats, breeding birds and other wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

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

“INFORMATIVE 1

The applicant is encouraged to incorporate measures to assist in reducing their impact upon the Air Quality Management Area as part of this development. Initiatives could include the installation of an ultra-low emission boiler (<40mg/kWh), increased tree planting/landscaping, solar thermal panels, and the incorporation of electric vehicle charging points on any car parking. More information on plants that can be incorporated into landscaping for green walls and roofs can be found here:

https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf Such measures contribute towards improving air quality. Further information can be obtained from Environmental Health on 01788 533857 or email ept@rugby.gov.uk.”

“INFORMATIVE 2

Environmental Services advise that in order 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 - 7.30am - 6pm
Saturday - 8.30am - 1pm
No work on Sundays and Bank Holidays”

“INFORMATIVE 3

Condition number 8 requires works to be carried out within the limits of the public highway. Before commencing such works the applicant/developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority’s Area Team. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515. In accordance with 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 Streetworks 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."

"INFORMATIVE 4

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."

"INFORMATIVE 5

Prior to commencement of the development, the applicant is required to enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer."

"INFORMATIVE 6

Due to the small site boundary, care must be taken when storing construction materials to ensure that vegetation and the canopies of surrounding trees are not adversely impacted."

43. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS

RESOLVED THAT – no further site visits be approved.

44. DELEGATED DECISIONS – 24 AUGUST TO 20 SEPTEMBER 2023

The Committee considered the report of the Chief Officer for Growth and Investment (Part 1 – Agenda Item 6) concerning decisions taken by her under delegated powers during the above period.

RESOLVED THAT – the report be noted.

CHAIR