

MINUTES OF PLANNING COMMITTEE

17 JULY 2019

PRESENT:

Councillors Miss Lawrence (Chairman), Mrs Brown, Butlin, Eccleson, Ellis, Mrs Garcia, Gillias, Mrs New (substituting for Councillor Roodhouse), Picker, Sandison and Mrs Timms (substituting for Councillor Bearne).

15. MINUTES

The minutes of the meeting held on 19 June 2019 were approved and signed by the Chairman.

16. APOLOGIES

Apologies for absence from the meeting were received from Councillors Bearne, Brown and Roodhouse.

17. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Land at Streetfields Farm, Watling Street, Churchover, LE17 4HU – Councillor Gillias (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of having undertaken work for the applicant in the past in the capacity of his employment and by also by being a member of Pailton Parish Council.

Item 4 of Part 1 – Land at Streetfields Farm, Watling Street, Churchover, LE17 4HU – Councillor Mrs New (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a member of Greenpeace).

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

18. 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

None

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

(i) R19/0073 Bell House, 320 Lawford Road, New Bilton, Rugby, CV21 2JQ

Mr A Tibbs (objector)

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

- (a) installation of a ground mounted solar farm comprising substations, transformers, electrical cabins, storage cabin, solar arrays, perimeter security fencing and gates, CCTV poles and cameras, internal access tracks and landscaping at land at Streetfields Farm, Watling Street, Churchover, LE17 4HU (R19/0259) – Councillor Sandison moved and Councillor Picker seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report together with the following amended and additional conditions:

CONDITION 2

Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

Plans

Site Location Plan Drawing STR_SLP_01, dated 11th January 2019
Site Layout Drawing STRF_01 Rev9 dated 18th October 2018
Auxiliary Transformer Details Drawing AUX-01 dated 2nd May 2018
AC Box Drawing ACB_01 dated 5th February 2018
CCTV Pole Details Drawing CCTV-01 dated 02nd May 2018
Customer Substation Drawing CSS-01 dated 02nd May 2018
DNO Building Drawing DNO-01 dated 2nd May 2018
Deer Fence Details Drawing DRF-01 dated 2nd May 2018
Detailed Planting Plan Drawing P18-1706-13 rev D dated 5th July 2018
Panel Elevation Drawing PNL-4L-BI dated 29th November 2018
Road Cross Section Drawing RCS-01 dated 2nd May 2018
Storage Details Building Drawing STG-01 dated 2nd May 2018
Transformer details Drawing TFM-01 dated 2nd May 2018
Monitoring House/Communication Building Drawing MTH-01 dated 2nd May 2018
Gate Details Drawing GTD_01 dated 2nd May 2018
Switchgear/Production Substation/
MV&LV Kiosk Details Drawing SWS_01 dated 2nd May 2018
Toilet Cabinet Details Drawing TLT_01 dated 2nd May 2018

Documents

Agricultural Land Classification Dated 8th January 2019
Archaeological Desk Based Assessment (reference: PN2007) December 2018
Written Scheme of Investigation (reference: PN2007) Dated April 2019
Biodiversity Management Plan reference: Light-068-2259 Issue V3 Dated 2nd July 2019
Biodiversity Impact Assessment Calculator Dated 2nd July 2019
Construction and Decommissioning Method Statement reference: Streetfields_CDMS) Dated January 2019
Design and Access Statement Dated January 2019
Ecological Assessment Report reference: Light-068-2259 Issue V2 Dated 11th January 2019
Great Crested Newt eDNA Survey Report Dated 9th May 2019
Flood Risk Assessment (reference: L454-DOC02 Issue 3) Dated April 2019

Geophysical Survey Report reference: MSSP409 Issue 1.1 Dated January 2019
Landscape and Visual Impact Assessment Dated January 2019
Planning Statement Dated January 2019
Sequential Analysis Study Dated January 2019
Heritage Settings Impact Assessment (reference: PN2007) Dated December 2018
Transport Statement (reference: L454 Issue 3) Dated 22nd January 2019
Arboricultural Impact Assessment Dated April 2019
Arboricultural Method Statement Dated April 2019
Statement of Community Involvement (reference: Streetfields_SCI),
Dated January 2019

CONDITION 3

Prior to commencement on site and post completion of the development, a joint survey shall be undertaken with the County's Area Surveyor/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 Area Surveyor/Locality Officer (Area Team – County Highways - telephone number 01926 412515).

- i) No construction will be undertaken until a construction management plan which should contain a construction phasing plan and HGV routing plan is submitted and approved by the Local Planning Authority in consultation with the Highway Authority. The construction management plan must take into account the largest vehicle that will use the proposed access/egress during the construction period. The access/egress will need to be in a bound material, details of which must be submitted to the local authority and the distance from the edge of the public highway to be commensurate with the size of the largest vehicle using the access/egress.
- ii) The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site.
- iii) Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority.
- iv) No other development shall commence until a turning area has been provided within the site so as to enable construction vehicles to leave and re-enter the public highway in a forward gear.

REASON:

In the interest of highway safety

CONDITION 4

No development shall commence unless and until:

- a) A programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI (Written Scheme of Investigation) (reference: PN2007) dated April 2019 has been undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- b) The programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken. A report detailing the results of this fieldwork shall be submitted to the Local Planning Authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the Local Planning Authority. This should detail a

strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

REASON:

In the interest of archaeology.

CONDITION:7

The landscaping scheme, as detailed on the approved plans, shall be implemented no later than the first planting season following first occupation of the development. If within a period of 10 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 non-material variations.

REASON:

To ensure the proper development of the site and in the interest of visual amenity.

CONDITION: 8

Within 35 years and 6 months following the first export of renewable electrical power from the site, or within 6 months should the permanent cessation of the renewable electrical power generation occur, whichever is the sooner, all infrastructure associated with the development hereby approved shall be removed from the site and the land restored to its original condition. The date of the first export of renewable electrical power is to be provided in writing to the Local Planning Authority within 30 days of the event.

REASON:

To ensure the proper development of the site

CONDITION:9

The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) L454-DOC02 dated January 2019 by PFA Consulting and in particular the following mitigation measures detailed within the FRA:

The use of swales to intercept overland surface water flows and to provide attenuation in excess of 200 cubic metres at strategic locations across the site
Permanent and temporary access tracks across the site to be constructed with permeable material;

Finished floor levels of any buildings in areas identified at surface water flood risk are set no lower than 300 mm above existing ground level; &

Operation and maintenance of the surface water drainage scheme for the lifetime of the development.

REASON

To prevent the increased risk of flooding.

CONDITION:10

The development hereby permitted, including any site clearance works, shall proceed in accordance with the mitigation measures and ecological enhancement details as detailed in the Biodiversity Management Plan (v3) prepared by Avian Ecology dated 02/07/2019 and received by the Local Planning Authority on 02/07/2019.

REASON:

To ensure that protected species are not harmed by the development and to enhance the nature conservation value of the site in accordance with the NPPF.

INFORMATIVE

The management and maintenance of the trees and hedgerows shall be carried out as detailed in section 5 "Habitat Management" in the approved the BMP.

- (b) outline planning permission for proposed new dwelling and garaging on land to the rear of The Bakehouse, all matters reserved apart from access at The Bakehouse, Main Street, Willoughby, CV23 8BH (R18/1426) - Councillor Mrs Garcia moved and Councillor Butlin seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report.
- (c) provision of four no. traveller pitches and amenity block at Treetops, Shilton Lane, CV7 9LH (R18/1941) - Councillor Gillias moved and Councillor Mrs Timms seconded that the Head of Growth and Investment be authorised to refuse temporary planning permission for the following reasons:

"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 use of land for the provision of 4 no. traveller pitches and amenity block constitutes inappropriate development which is by definition harmful to the Green Belt and would have an 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. Furthermore, the unmet need did not clearly outweigh harm to the Green Belt and any other harm and, therefore, conflicts with paragraph 16 (Policy E) and paragraph 27 (Policy H) of the Department for Communities and Local Government Planning Policy for Traveller Sites. Therefore, resulting in the proposal being contrary to Local Plan Policy GP2 and Section 13 of the NPPF."

The Committee considered that the special circumstances submitted by the applicant were not robust enough to demonstrate a requirement for planning permission to be granted. It was also considered that the personal circumstances and unmet need did not clearly outweigh harm to the Green Belt and any other harm and, therefore, conflicted with paragraph 16 (Policy E) of the Department for Communities and Local Government Planning Policy for Traveller Sites. The Committee considered that the proposed development conflicted with paragraph 27 (Policy H) of the same policy as the site was located within designated greenbelt land. It was also considered that there were a number of similar sites within the immediate locality which demonstrated a conflict with Policy GP2.

- (d) demolition of existing care home and erection of 18 flats at Bell House, 320 Lawford Road, New Bilton, Rugby, CV21 2JQ (R19/0073) - Councillor Gillias moved and Councillor Sandison seconded that the application be deferred pending further discussions with the applicant and technical consultees with regard to parking provision on the site.

19. TREE PRESERVATION ORDER NO. 410

The Committee considered the report of the Head of Growth and Investment (Part 1 - agenda item 5) concerning the proposed confirmation of a Tree Preservation Order at Manor Cottage, Draycote Road, Draycote.

RESOLVED THAT – Tree Preservation Order NO. 410 be confirmed without modification to the schedule (being the Tree Preservation Order Plan).

20. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS

RESOLVED THAT – no further site visits be approved.

21. DELEGATED DECISIONS - 15 MAY 2019 – 19 JUNE 2019

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

RESOLVED THAT – the report be noted.

22. 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 involves the likely disclosure of information defined in paragraphs 1, 2 and 7 of Schedule 12A of the Act.

23. ENFORCEMENT UPDATE

The Committee considered the private report of the Head of Growth and Investment (Part 2 – agenda item 1) concerning progress on enforcement activities.

RESOLVED THAT – the report be noted.

CHAIRMAN