

# MINUTES OF PLANNING COMMITTEE

8 NOVEMBER 2023

## PRESENT:

Councillors Gillias (Chair), Edwards, Mrs Garcia, Harrington, Mrs Hassell, Karadiar, Lawrence, Lewis, Mrs Maoudis, Sandison, Srivastava and Ward.

## 45. MINUTES

The minutes of the meeting held on 11 October 2023 were approved and signed by the Chair.

## 46. APOLOGIES

There were no apologies for absence.

## 47. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Land Adjacent to Tree Tops, Shilton Lane, Shilton (R21/1234) – Councillor Maoudis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor).

Item 6 of Part 1 – Planning Appeals update - Councillor Sandison (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor for an appeal listed within the report).

## 48. 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) R23/0794 62 Lawford Road, Rugby, CV21 2ED

Councillor Mistry, Ward Councillor (objector)

Mr J McLoughlin (applicant) (supporter)

In accordance with the Council's public speaking procedure, Councillor Mistry 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) retrospective application for the Change of use of land from a paddock to provide two residential gypsy pitches including two amenity blocks with associated parking, access and entrance gates at land adjacent to Tree Tops, Shilton Lane, Shilton (R21/12324) - Councillor Mrs Maoudis moved and Councillor Mrs Hassell seconded that the Chief Officer for Growth and Investment be authorised to refuse planning permission for the following reasons:

“The application site is within the Green Belt and comprises of inappropriate development which is by definition harmful. The change of use from agricultural land to two residential gypsy pitches, amenity blocks and associated parking is considered to significantly harm the openness of the countryside by means of the erection of built form, extent of hard landscaping and stationing of mobile homes/caravans in a rural location outside any defined settlement boundary. The Written Ministerial Statement dated 31st August 2015 establishes that Intentional Unauthorised Development is a material consideration to be weighed in the determination of planning applications and subject to the best interest of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt. Thus the harm to the Green Belt resulting from the development is not clearly outweighed by other considerations and, accordingly, ‘Very Special Circumstances’ do not exist. The development is therefore contrary to policies GP1, GP2, DS2 & SDC1 of the Rugby Borough Council Local Plan 2011-2031, the Planning Policy for Traveller Sites 2015, and the Section 13 of the National Planning Policy Framework 2023.”

The Committee considered that the retrospective proposal was intentional unauthorised development, as well as inappropriate development in the Green Belt.

- (b) proposed conversion of existing shop and dwelling to a 13 bed house of multiple occupation, with associated bin and cycle store, rear extension, dormers, and new wall to the front boundary at 62, Lawford Road, Rugby, CV21 2ED (R23/0794) - Councillor Mrs Garcia moved and Councillor Ward seconded that the Chief Officer for Growth and Investment be authorised to grant planning permission subject to:

- (i) the conditions and informatives set out in the draft decision notice appended to this report together with the additional conditions and informatives contained in the addendum circulated and published prior to the meeting and an additional condition being inserted relating to single occupancy units only as listed below:

**CONDITION:**

Prior to any works which would impact the roof or loft space, one further nocturnal bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON: To ensure no protected species are harmed by the development.

**CONDITION:**

Unless non-material amendments are otherwise agreed in writing with the Local Planning Authority, no aboveground development shall begin until a scheme detailing the on-site measures to be incorporated within the development in order to meet air quality neutral standards or to provide suitable mitigation, has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development, the approved scheme shall be implemented and maintained in perpetuity.

REASON: In the interests of air quality.

**CONDITION:**

When carrying out work as part of this development hereby permitted, in the event that contamination is found it shall be reported in writing immediately to the local planning authority. Each of the following subsections a) to c) shall then be subject to approval in writing by the local planning authority.

- a) An investigation and risk assessment shall be undertaken 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.
- b) Where remediation is necessary 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.
- c) 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 which shall be subject to approval in writing by the local planning authority.

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:**

Prior to occupation 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 noise levels that could adversely affect the proposed development. Regard shall be had to noise from road traffic and general residual noise from other existing business operations in the area.

Regard may be had to BS8233:2014, BS4142:2014+A1: 2019, the World Health Organisation (WHO) Guidelines for Community Noise and the ProPG: Planning & Noise guidance May 2017. The report shall include recommendations for any necessary acoustic mitigation works, to protect the occupants both inside the dwelling and the external amenity spaces, having regard to current guidance for the residential development. Any recommended works shall be completed prior to occupation of the development and should be maintained thereafter.

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

**CONDITION:**

The House of Multiple Occupancy as outlined in the plans included in Condition 2 of this permission shall be limited to no more than 13 occupants at any one time.

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

**INFORMATIVE NOTE:**

As per the condition the applicant is required to incorporate measures to assist in reducing their impact upon the Air Quality as part of this development. In order to achieve air quality neutral standards it is suggested that the approved scheme could include the installation of ultra-low emission boilers (<40mg/kWh) if gas is used for space/water heating, increased tree planting, green walls and roofs, the incorporation of electric vehicle charging points on any car parking or provision of secure cycle storage. 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](https://www.museumoflondon.org.uk/application/files/4915/2604/2216/2018-05-11-phytosensor-final-web-ok-compressed_1.pdf) ; and

- (i) 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.

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

**RESOLVED THAT** – no further site visits be approved.

**50. PLANNING APPEALS UPDATE**

The Committee considered the report of the Chief Officer for Growth and Investment (Part 1 – agenda item 6) concerning an update on planning appeals.

The Development and Enforcement Manager provided the following update to the Committee in relation to outstanding appeals at Appendix B:

- Willoughby House, Moor Lane, Willoughby, Rugby, CV23 8BU (R22/1276) – appeal allowed
- Plot 14, Top Park, Top Road, Barnacle, Coventry, CV7 9FS (R22/0772) – Plots 14-19 had now all lodged appeals and these would be considered at a hearing in January 2024 by the Planning Inspectorate.
- Coventry Stadium, Rugby, Road, Coventry, CV8 3GJ (R18/0186) – the first stage of the inquiry had been held in September 2023 by the Planning Inspectorate and adjourned until 27 and 28 November 2023.

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

**51. DELEGATED DECISIONS – 21 SEPTEMBER – 18 OCTOBER 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.

**CHAIR**