

# MINUTES OF PLANNING COMMITTEE

23 JUNE 2021

## PRESENT:

Councillors Picker (Chairman), Mrs Brown, Daly, Eccleson, Gillias, Lewis, McQueen, Rabin, Sandison, Srivastava, Ms Watson-Merret and Willis

## 4. MINUTES

The minutes of the ordinary meeting held on 28 April 2021 and the annual meeting held on 20 May 2021 were approved and signed by the Chairman.

## 5. APOLOGIES

An apology for absence from the meeting was received from Chief Officer for Growth and Investment.

## 6. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Land North of Coventry Road, Rugby Road, Church Lawford (R19/1097) – Councillor Willis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of having strong objections against the application).

Councillor Willis 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 at Fosse Corner (Junction of Millers Lane and Fosse Way), Monks Kirby (R20/1062) – Councillor Gillias (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor and also by being a member of Pailton Parish Council).

## 7. 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

R20/1062 – following the publication of the agenda, Monks Kirby Parish Council have requested their recently submitted comments be expressed with more clarity:

- Monks Kirby Parish Council wanted it to be noted that the site lies within Monks Kirby Parish.
- They disagreed that the development complied with Policies GP2 and GP5 of the Local Plan and Policy E of the Planning Policy for Traveller Sites 2015.
- They sought reassurance that the Monks Kirby Parish Plan was considered, as they did not feel the agenda report made this clear.
- They felt that the comments from WCC Highways and the Landscaping and Tree Officer conflicted and therefore one or the other must be considered to be an objection.
- They felt that the order in which Parish Council comments were recorded in the report showed a lack of knowledge of the position of the site within Monks Kirby Parish which should have meant that their comments were given greatest priority.
- They felt that the representation of their comments in the agenda report was redacted and did not represent all of their responses and felt that their comments should have been recorded in full.
- They felt that no effort was made to validate the claims made by the applicants which the Case Officer stated were justifiable reasons to consider this to be a very special circumstances case.
- They felt that there was no mention within the agenda report of their objections on planning policy grounds.
- They stated that the site had flooded for many years, and whilst they did not suggest that this development caused flooding, they felt that this flooding made the site unsuitable for any form of development.
- They felt that the agenda report did not take into account that the applicants had not worked with the LPA prior to moving onto the site and developing it without planning permission, nor that they had then ignored Stop Notices.

(b) Third Parties

R19/1097 – two additional objections were received after the preparation of the agenda detailing similar issues to those listed in the report:

- An objection from a local resident expressing concerns about a spoiled village, smell and noise, increased lorry movements, flooding, ammonia.
- An objection from PETA (People for the Ethical Treatment of Animals) expressing concerns about extreme confinement of pigs, suffering and stress.

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

(i) R19/1097 Land North of Coventry Road, Rugby Road, Church Lawford

Cllr Jeremy James (Chair of Church Lawford Parish Council) (objector)  
Mr Ian Pick, Ian Pick Associates Limited (agent) (supporter)  
Cllr Andrew Bearne (Ward Councillor)

- (ii) R20/0635 Magpie Lodge Farmyard, Lilbourne Road, Clifton Upon Dunsmore, Rugby, CV23 0BB

Cllr Alastair Robinson (Vice Chair of Clifton Upon Dunsmore Parish Council)  
(objector)

Mr Andrew Gore, Marrons Planning (agent) (supporter)

- (iii) R20/1062 Land at Fosse Corner (Junction of Millers Lane and Fosse Way), Monks Kirby

Cllr Bill Woolliscroft (Chair of Monks Kirby Parish Council) (objector)

Mr Philip Brown, Philip Brown Associates Limited (agent) (supporter)

Cllr Mrs Heather Timms (Ward Councillor)

In accordance with the Council's public speaking procedure, Councillors Bearne and Mrs Timms 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 stable block, provision of a hard surface area and retention of a driveway and gates (part retrospective) on land on the west side of Overstone Road, Withybrook (R18/0011) - Councillor Eccleson moved and Councillor Picker seconded that the Chief Officer for Growth and Investment be authorised to refuse planning permission for the reasons stated in the report.
- (b) Demolition of existing barns and the erection of five dwellings (Outline Only - Principle, Access, and Layout Only) at Magpie Lodge Farmyard, Lilbourne Road, Clifton Upon Dunsmore, Rugby, CV23 0BB (R20/0635) - Councillor Gillias moved and Councillor Eccleson seconded that the Chief Officer for Growth and Investment be authorised to refuse planning permission for the reasons stated in the report.
- (c) Pig fattening building on land north of Coventry Road, Rugby Road, Church Lawford (R19/1097) - Councillor Eccleson moved and Councillor Rabin seconded that the Chief Officer for Growth and Investment be authorised to refuse planning permission for the following reasons:

**REASON FOR REFUSAL:**

The proposed pig fattening building due to its scale, massing and positioning, is considered to have a materially adverse impact on the existing rural character and appearance of the surrounding open countryside, in which it is located, which is a countryside location where new development is resisted, unless national policy allows. As such the development would be contrary to Policies NE3, SDC1 and GP2 of the Rugby Local Plan (2019) which seek to ensure that development should; be of a scale density and design that responds to the rural character of the area that it is situated in, where it positively contributes to the existing landscape character, and avoids locations where new development will be resisted when it is not intrinsically appropriate to a countryside setting.

Note: Policy SDC1 has now replaced Policy CS16 in the Rugby Core Strategy (2011).

- (d) Change of use of land to use as a residential caravan site for 2no. gypsy families, including siting of 2no. static caravans and 2no. touring caravans together with laying of hardstanding and erection of 2no. stable/utility buildings (retrospective). Permission sought for a temporary period of three years on land at Fosse Corner (Junction of Millers Lane and Fosse Way), Monks Kirby (R20/1062) – Councillor Gillias moved and Councillor Eccleson seconded that the Chief Officer for Growth and Investment be authorised to refuse planning permission for the following reasons:

#### **REASON FOR REFUSAL 1:**

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 changes of use of land and erection or siting of new buildings and structures 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 the site as a gypsy and traveller site, together with the siting of the structures proposed, constitutes inappropriate development which is by definition harmful to the Green Belt and would have adverse impact on the openness of the Green Belt.

In the opinion of the Local Planning Authority the very special circumstances detailed by the applicant fail to justify the granting of planning permission for this development in the face of a strong presumption against inappropriate development derived from the prevailing policies. The proposed development is therefore contrary to policies GP1, GP2, DS2 and SDC1 of the Rugby Local Plan 2011-2031, June 2019 and the NPPF.

#### **REASON FOR REFUSAL 2:**

In terms of access to services, facilities and modes of transport the gypsy and traveller site is not deemed to be in a sustainable location by virtue of its distance from nearby settlements that would offer such services and facilities that residents are likely to regularly rely on. Allowing the proposal would result in an over-reliance on the private car as a necessary means of transport and access to services and facilities. This is contrary to the aims of the NPPF and the provisions of Paragraph 23 of The Planning Policy for Traveller Sites 2015. It also conflicts with the environmental directions of policies GP1, DS2, and SDC1 of the Rugby Borough Council Local Plan 2011-2031, June 2019 and in so doing also conflicts with the standards and guidance set out in Section 2 of the NPPF 2019.

### **REASON FOR REFUSAL 3:**

The site is unsuitable for development due to existing issues with ineffective drainage leading to localised flooding in and around the development site. The proposed development would increase the risk and impact of existing flooding issues and fail to comply with policy DS2 of the Rugby Borough Council Local Plan 2011-2031, June 2019 and para 163 of the NPPF.

### **8. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS**

The Committee considered an advance notice of a site visit which had been submitted in accordance with the Council's procedures.

**RESOLVED THAT** – a site visit be held at 2 Fisher Avenue, Rugby (R21/0364) on a date and time to be agreed in liaison with the Chairman.

### **9. URGENT DECISION UNDER EMERGENCY POWERS - PLANNING APPLICATION R20/0919**

The Committee considered the report of the Executive Director (Part 1 – Agenda Item 6) concerning a decision taken under emergency powers on 27 May 2021 as a result of technical and logistical difficulties linked to the constraints of the ongoing pandemic.

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

### **10. DELEGATED DECISIONS – 8 APRIL 2021 TO 2 JUNE 2021**

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.

**CHAIRMAN**