

# Regulatory Committee

Tuesday, 3 September 2019

## Minutes

### Attendance

#### Committee Members

Councillor Mark Cargill (Vice-Chair)  
Councillor Richard Chattaway  
Councillor John Cooke  
Councillor Bill Gifford  
Councillor Bill Oler (Chair)  
Councillor Anne Parry  
Councillor David Reilly  
Councillor Clive Rickhards  
Councillor Kate Rolfe  
Councillor Jill Simpson-Vince  
Councillor Adrian Warwick  
Councillor Chris Williams

#### Officers

Jasbir Kaur, Strategic Planning and Development Manager  
Ian Marriott, Corporate Legal Service Manager  
Tom McColgan, Senior Democratic Services Officer  
Sally Panayi, Planning Assistant  
Scott Tompkins, Assistant Director for Environment Services

#### Others Present

Alison Doyle  
Shaun Foley  
Gary Philpotts, Vice Chair of Governors, High Meadow School  
Gavin Mitchell, Project Manager  
Graham Stanley, Safer Routes to School  
Jessica Consolaro, Safer Routes to School  
Tony Burrows, Development Management Engineer  
Bern Timings, Education  
Brian Fisher, Pick Everard

### 1. General

#### (1) Apologies

None

## **(2) Disclosures of Pecuniary and Non-Pecuniary Interests.**

Councillor Reilly declared that he was the local member for Coleshill North & Water Orton and he would withdraw from the meeting to speak on items 3 and 4.

## **(3) Minutes of the Previous Meeting**

The Committee agreed that the minutes of the Regulatory Committee meeting held on 6 August 2019 be signed by the Chair as a true and accurate record.

## **2. Delegated Decisions**

The Committee noted the delegated decisions made by officers since the last meeting as laid out in the report.

## **3. NWB/19CC007 - High Meadow School, Norton Road, Coleshill, B46 1ES**

*Councillor Reilly withdrew from the Committee for consideration of NWB/19CC007 as he had registered to speak as an objector.*

Sally Panayi introduced the application which had been deferred by the Committee at their previous meeting. The applicant had adjusted the location of the temporary classroom so that it was rotated 90 degrees from its original position which increased the distance from neighbouring properties and reduced overlooking which had been raised as a concern by objectors.

### Questions to the Planning Officer

In response to Councillor Cargill, Mrs Panayi stated that officers recommended a condition for the Applicant to submit details of the building finish for approval and that elevations facing the neighbours could be left grey.

In response to Councillor Rolfe, Mrs Panayi stated that the classroom had to be on raised foundations both to allow for drainage and to create a level floor. The change in location may allow for a reduction in the height of the elevation but drainage needs at the site would still necessitate elevated foundations.

In response to Councillor Warwick, Mrs Panayi stated that the construction schedule was quite tight and reducing the time the temporary classroom was in situ would not leave any leeway for delays.

### Public Speakers

The Chair invited Alison Doyle to address the committee in objection to the application. Mrs Doyle thanked the Committee and Officers for the consideration paid to neighbour objections made at the last meeting and noted that the classroom had now been moved and that obscure glazing had been installed. She stated that the plans showed that there was still some room on the site which may allow for the classroom to be moved further away from neighbouring houses and asked Members to consider calling for this. She also stated that she still felt the safety of children travelling to school had not been adequately addressed; pedestrians already had to walk in the

road as cars were being parked on the pavement and increasing traffic would only exacerbate this issue especially with the reduced parking available around the school due to dropped kerbs installed over the summer.

The Chair invited Councillor Reilly to address the Committee as a local Councillor. Councillor Reilly stated that he recognised the hard work that had been done by Officers to bring an acceptable application back to the Committee. He stated that residents at 25 Rose Road had decided not to come and speak on the application but had requested that the light over the door to the temporary classroom be shielded.

In response to the Chair, Mrs Panayi stated that she felt the amended position of the classroom was the best possible solution and did not think there was the flexibility on the site to allow the classroom to be moved again.

In response to Councillor Rickhards, Mrs Doyle stated that a number of dropped kerbs had been installed in the roads around the school meaning that the number of space available for on street parking had reduced by eight.

Mrs Panayi clarified that the transport assessment had identified 170 spaces within 500 metres of the school. The infant intake required 69 spaces and the additional year 3 class required 20 spaces bringing the total number of spaces required to accommodate parents during drop off and pick up to 89. Even with the loss of 8 spaces this still left 162 spaces within reasonable walking distance of the school. She also confirmed that no Highways objection had been received for NWB/19CC007 but Highways had objected to NWB/19CC006.

The Chair stated that there were always issues with parking around schools and that ensuring that there was proper signage on the road preventing parents from parking across dropped kerbs would help to mitigate issues. Councillor Gifford also noted that an increase in dropped kerbs might also result in less pressure on on-street parking as residents would be more likely to park in their driveways.

Mrs Panayi responded that white lining to provide 'H' bars across drives would have to be taken up by the Safer Routes to Schools team and then enforcement would be down to Warwickshire Police.

In response to Councillor Chattaway, Gary Philpotts confirmed that the school would be able to shield the entrance light as requested by Councillor Reilly on behalf of Rose Road residents.

### Debate

Councillor Parry stated that she felt the Committee had given much consideration to the application and residents' concerns and that the application before Members was acceptable. She moved that the Committee grant planning permission.

Councillor Simpson-Vince seconded the motion stating that the new location of the classroom was the best compromise that could reasonably be achieved.

Councillor Warwick asked for an additional condition requiring that elevations facing neighbouring properties be left grey rather than being decorated.

The Chair paid tribute to the work Sally Panayi had done to bring the revised application back to Committee so quickly and to the objectors, particularly Alison Doyle, who had engaged in a constructive and reasonable way.

The Chair called a vote on the motion to grant permission as outlined in the report, with the addition of a condition requiring elevations facing neighbours be coloured grey and one requiring that the external light over the door to the classroom be shielded, which was agreed unanimously.

### **Resolved**

That the Committee authorises the grant of permission as recommended with the inclusion of additional conditions requiring the two elevations facing neighbouring properties to be coloured grey and the shielding of the external light over the door to the classroom.

#### **4. NWB/19CC006 - High Meadow School, Norton Road, Coleshill, B46 1ES**

*Councillor Reilly withdrew from the Committee to speak on the application as he had registered to speak as an objector. Councillor Rolfe was not present for the vote on NWB/19CC006.*

Sally Panayi introduced the application and circulated amended conditions and removed a condition relating to maintaining the condition of the highway as it related solely to County Council functions. She also stated that Fire and Rescue had made a late comment which required access for a fire engine to the new building which could be achieved within the existing site layout but would need the vehicle entrance to be adjusted, and a condition had been added to achieve that. In addition, she recommended that Condition 3 be further amended to include a reference to construction working hours as part of the construction management plan.

#### Questions to Planning Officer

In response to the Chair, Mrs Panayi stated that construction was due to take around 45 weeks from October 2019 to April 2019 and the timing of the construction activity including piling work would be detailed in the construction management plan.

In response to the Chair, Mrs Panayi stated that the new building was 30 metres from the nearest neighbour and so obscure glazing was not being recommended.

In response to Councillor Cargill, Mrs Panayi stated that the new building would be at the same level as the rest of the site which would ensure accessibility within and between the school buildings. Digging into the site had been considered but the applicant had ultimately decided this was not feasible. Alternative sites had also been considered but there were none within Coleshill which meant that if the school was not built on the existing site it would have to be located on a greenfield site outside of Coleshill.

In response to Councillor Cargill, Mrs Panayi stated that if the Applicant was not able to provide access for emergency vehicles Fire and Rescue would ask for sprinklers to be installed. She acknowledged Members' desire to see increased provision of sprinklers in schools but it was cost prohibitive and unless building regulations were changed it was unlikely that the prevalence of sprinklers would increase.

Councillor Warwick noted the Highways objection to the application and the advice from officers that Members could only refuse the application if they felt that the impact on the local road network was severe and the difficult position this placed the Committee in. He asked how Planning Officer had come to the opinion that the Highways objection did not show a severe impact on the road network. Councillor Chattaway also added his concern that the County Council was arguing with itself and had not been able to resolve the issue.

Scott Tompkins responded that Planning Officers looked to the Planning Inspectors to define what 'severe impact' meant in planning terms and that it was the opinion of the officers that given the nature of the roads surrounding the site and the weighting given to school expansion it was unlikely that a refusal would stand up to appeal. This was not to say that the Planning Officers did not take the concerns from Highways seriously and they were seeking to address them through a school travel plan which needed to become a living document for the school that was regularly revised and looked to and the Highways objection and concerns of the Committee helped to raise its profile.

Councillor Warwick stated that he was keen to see an enforceable travel plan that encouraged greener transport options and asked if more could not be done to encourage modal shift.

Mrs Panayi responded that development of travel plans was an ongoing process and although the school already had one condition 13 required it to be updated to address on-street parking and a staggered drop-off and collection regime to spread out the school day. She also suggested that Members could consider additional conditions around cycle storage provision.

In response to Councillor Rolfe, Mrs Panayi confirmed that the decking on the south west side of the building would be screened and would primarily be used as a fire escape route. She also confirmed that the trees due to be removed would be replaced by substantial trees but she wanted to seek advice from the Council's arboriculturalist on the species of tree as she felt the sweet chestnut suggested by the applicant may not be suitable.

Councillor Simpson-Vince asked officers to confirm if the existing school facilities such as the hall and kitchen/ cafeteria would be able to accommodate a more than doubling of pupil numbers as they were not due to be expanded. She also stated that it was a shame that no solar panels had been suggested for the roof of the new building given its positioning.

Mrs Panayi responded that she understood that the existing facilities would be used separately by infant and junior classes so increased capacity was not required. She also stated that the building would have air source heat pumps and was designed to be energy efficient while having minimal impact on the visual amenity of neighbours which is why it had been designed with a grey roof rather than the standard aluminium and solar panels which would have detracted from this.

### Public Speakers

The Chair invited Councillor Reilly to address the Committee as a local Councillor. Councillor Reilly stated that the positive aspects of the application for both pupils and the community were clear and the impact on visual amenity was acceptable. He still had serious concerns about the impact on the local highways network especially given the site's proximity to the proposed HS2 line which would cause severe disruption during construction. Councillor Reilly stated that he felt the

Highways objection could be overcome but that the conditions attached to the application clearly did not achieve this.

The Chair invited Shaun Foley to speak in objection to the application. Mr Foley stated that there were still substantial road safety concerns with the application and the traffic survey that had been put forward was full of inaccuracies and the methodology had breached GDPR rules. The area around the school already suffered from congestion with access for emergency services being blocked and an unacceptable number of incidents of unattended runaway vehicles.

The Chair invited Alison Doyle to speak in objection to the application. Mrs Doyle stated that she did not believe that the conditions attached to the permission were adequate to address the highways issues and the lack of parking available. She also felt that the overlooking caused by the new building had been understated. She stated that the timings of construction on the site needed to be controlled and that the best option was still to seek an alternative site in Coleshill for a junior school.

The Chair asked officers to respond to Mrs Doyle's suggestion of an alternative site and concerns about overlooking.

Mrs Panayi reiterated that alternative sites in Coleshill had been looked at but there were no other suitable sites within the town meaning any alternative site would be greenfield and out of town. The Chair invited Gary Philpotts, Vice Chair of Governors to address the committee on behalf of the applicant. Mr Philpotts stated that High Meadow School was rated outstanding by Ofsted and was an accredited storytelling, eco and maths teaching school which had received international recognition and the school also had links with the Royal Shakespeare Company. Mr Philpotts stated that the school wanted to maintain a positive relationship with local residents and work to find a solution to the traffic issues and to encourage parents to use alternative modes of transport. He highlighted that the school had moved away from a parents' evening to a parents' day which meant that smaller numbers of parents were arriving throughout the day rather than concentrating all the traffic in the evening.

### Debate

Councillor Chattaway stated that he regretted the omission of sprinklers and accepted the significant issues caused by the additional traffic generated by the application. He felt that these issues did not provide the Committee with strong enough grounds to refuse the application and proposed that planning permission be granted.

Councillor Cooke seconded the motion and stated that he felt the only ground on which the application could be refused was the Highways objection and he was concerned that this would not hold up.

Councillor Warwick stated that he did not feel he could support the application. The education provided at the school was clearly outstanding but a school also had a duty of care to pupils and the safety concerns raised by the objectors demonstrated the potential risks of an overcrowded site. The Highways objection stated that they did not have confidence in the transport assessment which made it very difficult to judge how severe the impact on the local road network would be. Councillor Warwick stated his preferred option would be to defer the application until a more

accurate travel assessment could be completed. He stated that expanding the school was the right thing to do but the transport aspects of the application felt rushed.

Councillor Parry stated that she sympathised with Councillor Warwick's position and that she would also prefer to defer the application. She stated that she had never voted to grant planning permission for an application which had an outstanding Highways objection and felt that the application had been rushed because of the need for additional school places to the detriment of local residents.

Mrs Panayi stated that a traffic survey and revised traffic assessment was not a quick process and if the application was deferred it would likely come to the November meeting at the earliest. This delay would mean that construction would not be completed in time for September 2020.

Councillor Cargill stated that every school had parking issues but it was clear that aspects of the travel plan were not completed to a high enough standard. He stated that it was very frustrating that the application had been brought to the committee at such a late stage.

Councillor Gifford stated that he agreed with Councillor Cooke's statement that a refusal would not stand up and that the only option left to the committee was to grant permission.

The Chair stated that he felt that there was consensus that the principle of expanding the school was agreed but that the travel plan was where the issue lay. The Chair suggested that Members grant permission with the condition that a travel plan including an updated travel assessment be brought back to the Committee.

In response to Councillor Warwick, Ian Marriott advised that the Committee could reserve the travel plan for its approval but that, given its importance, the Committee may wish to amend Condition 13 so as to require submission of the travel plan before occupation of the classroom block and receive a preliminary report on the preparation of the travel plan, and improved data to support its preparation, before Christmas.

Councillor Chattaway stated that he would be happy to amend the motion to include a requirement that the travel plan be submitted to the Committee for approval.

The Chair called a vote on the motion to grant permission with the travel plan to be submitted to the Committee for approval on the terms proposed by Mr Marriott which passed with 9 votes for and 1 abstention.

## **Resolved**

That the Committee authorises the grant of permission subject to the conditions as recommended by the officers with instructions that when submitted the travel plan be brought back to the Committee for approval and that the Committee receive a preliminary report on the preparation of the travel plan before Christmas..