

Regulatory Committee

Date: Tuesday, 3 December 2019
Time: 10.30 am
Venue: Committee Room 2, Shire Hall

Membership

Councillor Mark Cargill (Vice-Chair)
Councillor John Cooke
Councillor Bill Gifford
Councillor Bill Olnier (Chair)
Councillor Anne Parry
Councillor Caroline Phillips
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince

Items on the agenda: -

1. General

(1) Apologies

To receive any apologies from Members of the Committee.

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

(3) Minutes of the Previous Meeting 5 - 8

2. Delegated Decisions 9 - 10

Members are asked to note the applications dealt with under delegated powers between 24 October 2019 – 20 November 2019

Planning Applications

3. Planning application WDC/19CC005 11 - 26

Proposed kitchen extract ducting and cedar vertical panel screening, Milverton Primary School, Greatheed Road, Leamington Spa.

4. Planning application SDC/19CC014

27 - 38

Proposed extension to tarmac playground to the front of Quinton Primary School, Main Street, Lower Quinton, CV37 8SA

5. Planning Enforcement Update

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To update members on Planning Enforcement investigations.

Disclaimers

Webcasting and permission to be filmed

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Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

www.warwickshire.gov.uk/committee-papers 2

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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Regulatory Committee

Tuesday, 5 November 2019

Minutes

Attendance

Committee Members

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

Officers

Tom Evans, Senior Planning Officer
Jasbir Kaur, Planning Manager
Ian Marriot, Legal Service Manager

Others Present

1. General

(1) Apologies

Apologies were received from Councillor Richard Chattaway

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

None

(3) Minutes of the Previous Meeting

The Committee agreed that the minutes of the Regulatory Committee meeting held on 8 October 2019 be signed by the Chair as a true and accurate record.

There were no matters arising.

2. Delegated Decisions

There were no delegated decisions to note.

3. Planning Application SDC/19CC011

Tom Evans, Senior Planning Officer presented the report to the Committee and members were shown plans of the current training tower and the proposed addition of a house-like structure which would enable a wider range of training exercises for the Fire & Rescue Service.

The following were confirmed to the Committee;

- There would be no live fires on site
- There had been no objections to the application
- There would be a bat survey before construction is started

The recommendation was proposed by Councillor Kate Rolfe and was seconded by Councillor Mark Cargill. A vote was held and the Committee voted unanimously in favour of the application.

Resolved

That the Regulatory Committee authorises the grant of planning permission for alterations and extensions to existing fire training tower subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

4. Planning Application WDC/19CM018

Tom Evans, Senior Planning Officer presented the report to the Committee confirming that this was a retrospective application for leachate tanks that are already on the landfill site. It was confirmed that the tanks are above ground and sealed units.

The Committee noted that there had been pre-application discussions with the applicant and Warwickshire County Council Officers had advised that that the location of the tanks would not be the most suitable but the applicant had chosen to place the tanks there. Members were reminded that the issue is whether the application submitted is acceptable rather than whether it is the best possible proposal.

The Committee noted that the Parish Council had expressed concern about the retrospective nature of the application which is understandable but the application must be considered on its planning merits in their entirety.

It was noted that the report stated that the biodiversity impact for the application is low and the proposal for offsetting the visual impact is acceptable. Following a debate, it was agreed that

additional screening around the fence line highlighted on the plan should be required through the conditions.

The recommendation was proposed, with the addition of the requirement for additional landscaping, by Councillor Adrian Warwick and was seconded by Councillor Anne Parry.

A vote was held and the Committee voted as follows;

Councillor Dave Reilly voted against the application and Councillor John Cooke abstained. There were nine votes in favour of the application.

Resolved

That the Regulatory Committee authorises the grant of planning permission for installation of four additional bunded leachate tanks, forming part of the landfill's leachate treatment plant at Bubbenhall Landfill Site, Weston Lane, Bubbenhall (Retrospective) subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

The meeting closed at 11:12am

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Chair

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Regulatory Committee

3 December 2019

Applications Dealt with Under Delegated Powers between 24 October 2019 – 20 November 2019

Recommendation

That the Regulatory Committee notes the content of the report

Delegated Powers

C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 24 October 2019 – 20 November 2019		
Application reference & valid date electoral division case officer	Site location & proposal	Decision date
RBC/18CM023/MW 30/08/2018 Benn	Rugby Solid Fuel Recovery Facility Parkfield Road Newbold Rugby Variation of Condition 15 (Waste delivery times) of Planning Permission RBC/13CM024 (Development of a climafuel manufacturing facility) in order to extend the times over which waste deliveries may be made to the site from those currently permitted (0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours Saturday) to 0700 hours to 2200 hours Monday to Saturday	Approved 24/10/2019
SDC/19CM017/MW 12/08/2019 Felton	Southam Cement Works Southam Road Long Itchington The storage, importation and export of bagged cement at the former Southam Works	Approved 5/11/2019

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Regulatory Committee

3 December 2019

Proposed kitchen extract ducting and cedar vertical panel screening, Milverton Primary School, Greatheed Road, Leamington Spa, CV32 6ES.

WDC/19CC005

Application No.: WDC/19CC005

Advertised date: 10 May 2019

Applicant(s) Mr Craig Cusack
Warwickshire County Council
Enabling Services - Resources
Shire Hall
Warwick
Warwickshire
CV34 4RP

Agent(s) Mr Tony Harley
Warwickshire County Council
Enabling Services - Resources
Shire Hall
Warwick
Warwickshire
CV34 4RP

Registered by: The Strategic Director for Communities on 16 April 2019

Proposal: Proposed kitchen extract ducting and cedar vertical panel screening.

Site & location: Milverton Primary School
Greatheed Road, Leamington Spa, CV32 6ES. [Grid ref: 431243.266469].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the proposed kitchen extract ducting and cedar vertical panel screening subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The planning application seeks consent for the erection of extract ductwork to replace the temporary ventilation system that has been installed as an emergency measure to meet the Gas Regulations and to avoid the closure of the school kitchen facility.
- 1.2 The single storey flat roof kitchen building is 3.4 metres in height. The temporary / emergency ductwork currently in use has a maximum height of 4.27 metres above ground level. The proposed ductwork would have a maximum height of 3.93 metres above ground level, a reduction of 0.32 metre in height.
- 1.3 In order to screen the ducting on the roof from the view from neighbouring residential properties it is proposed to erect a cedar timber screen. The screening would comprise vertical timber planks, 88mm in height, 100mm in width positioned with a 25mm gap between planks with a maximum height of 4.28 metres from ground level. The cladding would be supported from a galvanised steel integrated frame mounted on the roof which would also carry the extract ductwork.
- 1.4 The proposed ductwork would be insulated and clad in butyl rubber.
- 1.5 The proposed development for the replacement flue is itself a temporary measure which is expected to be replaced in the next couple of years by an Air Handling Unit (AHU) for which a further planning application would be necessary.

2. Consultation

- 2.1 **Warwick District Council – Planning:** No comments received
- 2.2 **Warwick District Council - Conservation Officer:** No objection
- 2.2 **Warwick District Council – Environmental Health:** A condition is recommended to be imposed to require the submission of details of the chosen noise mitigation for the proposed kitchen exhaust for approval prior to commencement. An adequate odour assessment is required to be undertaken for Environmental Health to be able to review the application.
- 2.3 **WCC Ecology:** Recommend notes relating to bats and nesting birds be attached to any planning permission granted.
- 2.4 **Royal Leamington Spa Town Council:** No comments received
- 2.5 **Councillor Bill Gifford:** No comments received
- 2.6 3 site notices posted – 09 May 2019

- 2.7 Press notice posted on - 10 May 2019
- 2.8 15 nearest residential properties individually notified on 09 May 2019

3. Representations

- 3.1 Objections have been received from 3 local residents in response to the proposed flue, making the following points:

Visual Impact:

- The plan compromises the integrity of the Conservation Area with an external structure more resembling a piece of space junk than a reasonable adjustment even when screened. The improvement to the extractor should be an internal building change not something added to the roof at a considerable height which was not there previously – there must be internal ducting which served this purpose before the need for the temporary structure.
- If the new extract unit on the roof and the proposed cedar panelled boarding is of such height so there is no visibility of the flue from the first floor bedroom, then I would support the proposal. I think the height of the panelling needs checking.
- The existing flue and supporting structure seem 'over-engineered' and sit elevated on large supports that are unnecessarily high. The proposal appears acceptable with the screening of a flue by a cedar screen, however we would like to see this approach extended to 'box in' the flue and the fan housing which could provide additional acoustic suppression and reduce the noise level of the operation.
- Can a smaller, lower bracket be used to reduce height of the flue?
- The route of the flue down to ground level should be amended to a more direct route shorter route to the edge of the roof and drop to a point away from the school boundary and to the centre of the school kitchen building.

Noise:

- The temporary structure is very noisy, the recently added silencer has reduced the noise but it is still audible inside the house some 30 metres from the structure. I would strongly hope that any repair or change would make no noise.
- A noise limiter must be included in the new proposed installation.
- When operating the structure produces a loud background hum noise and vibrations from the fan structure creating a noise nuisance which is characterised by a persistent loud rumble that can be heard anywhere from our garden and from inside the rear rooms of our house when the windows are open.
- Could a new fan and silencer be fitted and located so it is pointing away from the boundary and our property (in Rugby Road)?
- The operation of the fan should be subject to a condition that secures a satisfactory noise impact and lowering of the current noise and its impact on the surrounding area. Without this there is no means of controlling whether a new silencer is going to achieve any improvement.

Odour:

- Smell has been a problem since the installation of the temporary unit. This needs to be taken into account when designing the new installation. Having worked in the catering sector I suggest that improved filtration is added to the design of the fans.
- The flue feeds into fan/disperser contained in a box which is located immediately opposite our property and blows cooking smells directly into our garage.

Conservation Area:

- The application supporting documents fail to deal with the special requirements of the site being in the Leamington Conservation Area. (An amended version of the Design and Access Statement was submitted to address this issue)
- 3.2 On receipt of the Revised version of the Odour Survey and Odour Assessment a further consultation was undertaken with neighbours. In response a neighbour commented:
- The report introduces the principle of two potential solutions, Scenario 1 and Scenario 2 and I cannot now understand what the proposed flue solution is likely to be.

- The odour survey work was conducted in September 2019 and relates to a single day between 10:00 and 12 noon. This fails to recognise that the local odour conditions are very variable according to the lunchtime menu at the school. On some days the odour is undetectable and on other days the food smells can be very distinct, intrusive and sometimes unpleasant. It varies quite considerably.

4. Previous Planning History

- 4.1 There have been two applications approved for the expansion of the school, on each occasion to provide two additional classrooms, (Ref: W/91/0633 and W93/CC006).
- 4.2 The most recent planning application at the school site was for the increase in width of the Rugby Road pedestrian access from 0.7 to 1.6 metres.

Site and Surroundings

- 5.1 Milverton Primary School is located in a largely residential area between Rugby Road (A445) and Greatheed Road on the northern area of Leamington Spa. The site is within the Leamington Conservation Area.
- 5.2 The application relates to the single storey white painted brick built building in use as the school kitchen. The building is located at the western side of the school site, set back into the site to the rear of the school building facing onto Greatheed Road. The south-east facing wall of the kitchen faces onto the rear vehicular access which runs between the rear of the houses in Rugby Road; the school and the rear of the houses in Greatheed Road.

Planning Policy

The National Planning Policy Framework

- 5.3 The National Planning Policy Framework (NPPF) seeks to approve applications for sustainable development where possible and states that local planning authorities should look for solutions rather than problems. In meeting development needs the NPPF acknowledges the importance of minimising adverse effects on the local and natural environment.

- 5.4 Section 12 of the NPPF sets out policies for achieving well designed places. Paragraph 127 sets out means by which planning policies and decisions should ensure that developments meet these aims including:
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.5 Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 196 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.6 In considering applications for planning permission in Conservation Areas Local Planning Authorities are required by law (by the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character of the Conservation Area.

The Development Plan

- 5.7 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan 'unless material considerations indicate otherwise'.
- 5.8 The planning application must therefore be judged against the policies of the development plan, in this case the Warwick District Local Plan 2011 - 2029 adopted in September 2017. The following policies are considered to be of particular relevance for this proposal.
- 5.9 **DS5 Presumption in Favour of Sustainable Development:** states that the planning authority will work proactively with applicants to find solutions that mean proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 5.10 **SC0 Sustainable Communities:** requires development to be of high quality and protect and where possible enhance the historic environment and particularly designated heritage assets such as conservation areas.

- 5.11 **BE1 Layout and Design:** requires development to positively contribute to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they respect surrounding buildings in terms of scale, height form and massing and adopt appropriate materials and details.
- 5.12 **BE3 Amenity:** requires that new developments have an acceptable impact on local amenity including the impact of noise disturbance, visual intrusion or the impact of odour.
- 5.13 **HE1 Designated Heritage Assets and their setting:** states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.14 **HE2 Conservation Areas:** states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. The supporting text to this policy states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.
- 5.15 **NE5 Protection of Natural Resources:** states that development proposals will be permitted provided that they ensure the district's natural resources remain safe, protected and prudently used. Development proposals will be expected to demonstrate that they:
- a) do not give rise to soil contamination, or air, noise radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

Analysis

Amenity and Environmental Issues

- 5.16 The planning application was submitted following complaints reported to Warwick District Council Planning Enforcement Officers by local residents shortly after the erection of the emergency flue in February 2019. The complaints raised related to the appearance of the flue; the impact on the view from the neighbouring houses and the impact on the appearance of the Conservation Area. Subsequently comments were made about the noise generated by operation of the venting system and the smells emitting from the plant.

- 5.17 The temporary / emergency flue was installed to serve the kitchen facilities at the school when the previous system was condemned as unsafe. The scheme subject of this planning application seeks consent for the replacement of the emergency flue with an appropriate solution. However, the current proposal is itself a temporary solution prior to the installation of an air handling unit (AHU) which is expected to be the subject of a further planning application in the near future.
- 5.18 The proposed development is for the replacement flue to be routed across the roof of the kitchen, but in a more direct line than the emergency flue installed currently, with the benefit that the height of the structure would be slightly lower. Timber screening is proposed to be erected around part of the southern and western perimeter of the kitchen building and would screen views of the flue from neighbouring houses in order to reduce the visual impact.
- 5.19 The proposed replacement flue and the screening would be seen from the neighbouring residential properties and would have an impact on the visual amenity of neighbouring residential properties. However the impact on the visual amenity is not considered to be detrimental to a degree that would result in a recommendation of refusal.
- 5.20 A Noise Impact Assessment was provided to support the planning application at the request of the Warwick District Council (WDC) Environmental Health Officer (EHO).
- 5.21 The kitchen fan exhaust is currently located at ground level adjacent to the south-west corner of the kitchen building. The exhaust faces towards the service road and the garages and rear gardens of residential properties to the south of the school. The proposed development would also have the exhaust at ground level but re-directed towards the north.
- 5.22 The noise assessment outlined that noise monitoring was conducted at the school site to establish the typical prevailing background noise levels between 08:00 and 13:00 hours when there was no noise of children playing and no noise from the extractor fan. The assessment concluded that when implemented, the noise control measures of the proposed fan exhaust system would enable a 'low impact' outcome to be achieved in the nearby residential gardens and at the facades of the closest houses. It would be anticipated that noise generated could be heard but would not cause any change in quality of life.
- 5.23 The Noise Assessment was accepted by the WDC EHO subject to a condition requiring the applicant to submit details of the chosen noise mitigation for the proposed kitchen exhaust for approval prior to commencement.

- 5.24 An Odour Survey and Odour Assessment was submitted at the request of the WDC EHO. The revised version of the document provided by the applicant in November set out the significance of odour from the current temporary ventilation system and two proposed ventilation exhaust systems Scenario 1 and Scenario 2.
- 5.25 The details subject of this planning application are those of Scenario 2 in the assessment, with the outlet of the kitchen ventilation exhaust fan positioned at ground level. (Scenario 1 would be the proposal to be presented as a planning application in the future). WDC EHO reviewed the content of the whole document. It was advised that the odour control system in either Scenario 1 or Scenario 2 would be acceptable to prevent odour issues and recommended a pre-commencement condition be attached to any consent granted requiring the installation of plant in accordance with the submitted details.

Heritage

- 5.26 The application site is located within Area 25 (Rugby Road) of the Leamington Spa Conservation Area which includes residential dwellings and the school buildings in the vicinity of Rugby Road. There are no listed buildings within the immediate vicinity of the application site, the closest listed buildings which are not seen in the context of the school kitchen are located over 140 metres to the south-west.
- 5.27 The character and appearance of the Leamington Spa Conservation Area in the immediate vicinity of the application site is made up of a mixture of utilitarian buildings, predominantly flat roof garages and out buildings in a variety of designs and materials. The rear access road in general and the kitchen building in particular, are not seen from a public vantage point, although they may be viewed from the rear elevations of the surrounding residential dwellings. The kitchen building subject of this application is a modern, white painted, flat roofed building; also utilitarian in appearance and character and of no architectural merit.
- 5.28 The appearance of the silver coloured flue installed as an emergency measure is not considered to be acceptable in design as it has an adverse impact on the visual appearance of the Conservation Area and the amenity of neighbouring residents.
- 5.29 The proposed replacement flue would be slightly lower in height than the existing structure and clad in black butyl rubber to reduce the visual impact. The cedar cladding proposed to be erected around the edge of the kitchen building would screen the view of the flue from the neighbouring houses. The Conservation Officer at Warwick District Council advised that there was no objection to the application.

- 5.30 As stated above it is a legal requirement in considering a planning application in a Conservation Area that the development should preserve or enhance the character of that Conservation Area. It is considered that given the functional character of the rear access road; the utilitarian appearance of the kitchen building and the surrounding garages, the erection of the timber screen would have a beneficial effect by screening the appearance of the alterations to the building and in this way and would preserve the overall character and appearance of the Conservation Area in this location.

Environmental Implications

- 5.31 Environmental implications are addressed throughout this report. The benefit of the proposed development for the environment would be the reduction in noise levels and odour emissions from the school kitchen which are currently being experienced as a result of the poor filtration on the flue installed as an emergency solution.

6. Conclusions

- 6.1 The flue currently operating on the school kitchen building was fitted as an emergency measure in order to prevent the closure of the school facility but has an unacceptable impact in terms of appearance and as a result of the noise and odours generated by its operation.
- 6.2 The design of the proposed replacement structure is considered on balance to preserve the appearance of the Conservation Area. The proposed development is therefore considered to comply with the NPPF and policies BE1, BE3 and HE2 of the Local Plan.
- 6.3 The design and specification of the replacement flue has satisfied the requirements of the District Council Environmental Health Officer in relation to the noise and odour impact of the proposed development on neighbouring residents. and is considered to comply with the requirements of policies BE3 and NE5 of the Local Plan.
- 6.4 The proposed replacement flue is considered to accord with the policies of the NPPF and the development plan for the reasons above and is recommended for approval subject to the following conditions.

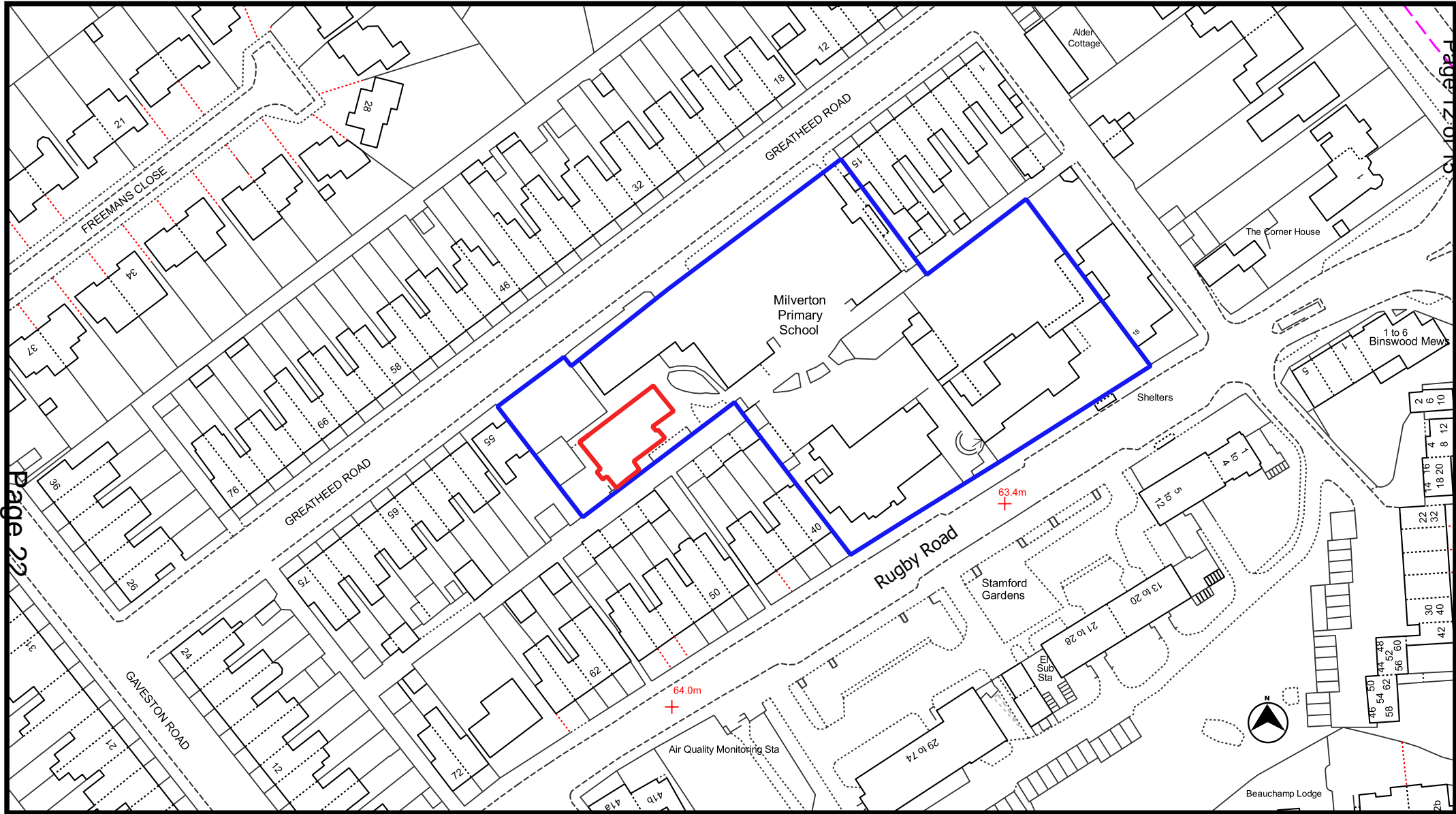
7. Supporting Documents

7.1 Submitted Planning Application – Planning reference WDC/19CC005

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

	Name	Contact Information
Report Author	Sally Panayi	sallypanayi@warwickshire.gov.uk 01926 41 2692
Assistant Director for Environment Services	Scott Tomkins	scotttomkins@warwickshire.gov.uk
Strategic Director for Communities	Mark Ryder	markryder@warwickshire.gov.uk
Portfolio Holder	Cllr Jeff Clarke	cllrclarke@warwickshire.gov.uk



Application No: WDC/19CC005

Milverton School, Greatheed Road, Leamington Spa

Proposed kitchen extract ducting and cedar vertical panel cladding

Regulatory Committee 03 December 2019

Scale 1:1250 Drawn by: SP Dept: Communities

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Warwickshire County Council

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APPENDIX A

Appendix B

Proposed kitchen extract ducting and cedar vertical panel screening, Milverton Primary School, Greatheed Road, Leamington Spa, CV32 6ES.

WDC/19CC005

Planning Conditions.

1. The development hereby approved shall commence no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be implemented in accordance with the details shown on drawings numbered 121880M02 Rev A and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to secure a satisfactory standard of development.

3. The development hereby permitted shall not commence until details of the timber cladding and external colour samples to be used for the development have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in strict accordance with the approved details and thereafter retained and maintained in accordance with those approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: To ensure the satisfactory appearance of the completed works.

4. The development hereby approved shall not commence until the details of the chosen noise mitigation for the proposed kitchen exhaust have been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in strict accordance with the approved details and thereafter retained and maintained in accordance with those approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: In the interests of the amenity of local residents.

5. The development hereby approved shall be implemented in strict accordance with the details of the odour control system Scenario 2 as detailed in the Odour Survey and Odour Assessment dated November 2019 either:
1. ESP module 630mm x 1020mm x 640mm (h x w x l) followed by a carbon filter enclosure (0.4 seconds dwell time) with a size of 2100mm x 1850mm x 1200mm (h x w x l).
 2. ESP module 630mm x 1020mm x 640mm (h x w x l) followed by UV ozone module 350mm x 636mm x 1570mm (h x w x l) (to be ducted into the air stream).

The system shall thereafter be retained and maintained in accordance with the approved details unless the County Planning Authority gives prior written approval to any subsequent variations.

Reason: In the interests of the amenity of local residents.

Development Plan Policies Relevant to the Decision.

Warwick District Local Plan 2011 - 2029

Policy DS5 - Presumption in Favour of Sustainable Development

Policy SC0 - Sustainable Communities

Policy BE1 - Layout and Design

Policy BE3 - Amenity

Policy HE1 - Designated Heritage Assets and their setting

Policy HE2 – Conservation Areas

Policy NE5 - Protection of Natural Resources

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.

Notes

Nesting Bird note:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Bat Note:

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

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Regulatory Committee

3 December 2019

Proposed extension to tarmac playground to the front of Quinton Primary School, Main Street, Lower Quinton, CV37 8SA

SDC/19CC014

Application No.: SDC/19CC014

Advertised date: 25 October 2019

Applicant(s) Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Agent(s) Mr John Gallagher,
Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Registered by: The Strategic Director for Communities on 15 October
2019

Proposal: Proposed extension to tarmac playground to the front of
Quinton Primary School.

Site & location: Quinton Primary School, Main Street, Lower Quinton,
CV37 8SA. [Grid ref: 417753.247179].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the proposed extension to tarmac playground to the front of Quinton Primary School, Main Street, Lower Quinton subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The application seeks planning permission for the extension of the tarmac playground area to the front/south of the Quinton Primary School buildings
- 1.2 The proposed playground extension would be a tarmac surface some 195 m² in area. The proposed hard surface would extend eastwards from the side of the existing playground towards the pedestrian access path. There are several trees in the vicinity of the area of the extended playground which are to be retained.
- 1.3 Part of the grass area to be surfaced currently has a number of tyres as a play feature which would be relocated to the area of grass and conifers to the east of the pedestrian access path.

2. Consultation

- 2.1 **Stratford District Council – Planning:** No objection.
- 2.2 **Stratford District Council – Environmental Health:** No objection.
- 2.3 **Quinton Parish Council:** No comment received.
- 2.4 **Councillor Izzy Seccombe:** No comments received by 19 November 2019.
- 2.5 **WCC Flood Risk and Water Management:** The location is in an area of high risk surface water therefore any alterations to the existing levels need to be considered in relation to the impact on surface water. Levels should remain as existing if possible. No justification for the lack of use of permeable surfacing or provision of sustainable drainage systems to offset the increase in impermeable area has been provided. Source control Suds are widely used in school environments and can be used as a teaching resource, features such as rain gardens should be considered in line with the Suds Manual CIRIA C753.
- 2.6 **WCC Highways:** No objection.
- 2.7 **WCC Archaeology:** No comments to make on this application.
- 2.8 **WCC Ecology Services:** It is recommended that any tree removal is avoided and the design of the layout should retain and protect the existing trees on site. If any tree removal is proposed a bat survey is recommended. If any trees are removed, they should be replaced on a like for like basis. If any trees require lopping a bat survey may be required. Please consult with Ecology Services further for advice if necessary.

In the light of the proximity of the trees to the proposed playground extension, it is recommended that the existing trees are protected during construction in line with British Standard 5837:2012. A tree protection plan should be provided to avoid impacting on root protection zones and to implement appropriate mitigation to avoid damage to the roots. A Tree Protection Plan condition is recommended. Notes relating to nesting birds and Great Crested Newts should be attached to any permission granted.

2.9 **WCC Arboricultural Officer:** An Arboricultural Implications Assessment (AIA) should be undertaken in order to inform in the preparation of an Arboricultural Method Statement (AMS), including Tree Constraints Plan (TCP) and Tree Protection Plan (TPP) as required by BS5837 – British Standard for Trees. This assessment would set out what conflicts are likely and what will need to be put in place for the successful retention of the trees. A pre-commencement condition is recommended for the necessary tree survey work.

2.10 2 site notices posted – 24 October 2019

2.11 Press notice posted on - 25 October 2019

2.12 12 nearest residential properties individually notified on 24 October 2019

3. Representations

3.1 No comments have been received at the time of report writing.

4. Previous Planning History

4.1 The original school building on this site was constructed during the 1950s and has been extended several times. The most recent extension was granted consent in 2013 (Ref: SDC/13CC016) for the addition of three classrooms to provide for the increased capacity when the school roll increased from 96 to 210 pupils.

5. Assessment and Observations

Location

5.1 The application site is located in the village of Lower Quinton, some 8 kilometres south-west of the centre of Stratford-upon-Avon. The Primary School is positioned on the northern side of Main Road. The front boundary of the school grounds is substantially screened from the road by a mature hedge and mature deciduous trees.

5.2 Magdalen Close to the west is a cul-de-sac characterised by bungalows with short rear gardens bounding the school.

- 5.3 The boundary between the school and the cul-de-sac of Aylestone Close to the east is marked by a substantial screen of mature deciduous trees, mature hedgerow and a drainage channel which runs along the western edge of the highway. The two storey houses on Aylestone Close face across the cul-de-sac towards the tree screen on the boundary and the school grounds beyond.
- 5.4 On the southern side of Main Road, to the south of the school are two storey houses and a single storey building occupied by Cygnets children's Nursery.

Planning Policy

The National Planning Policy Framework (NPPF)

- 5.5 The NPPF February 2019 explains that there is a presumption in favour of sustainable development and that planning applications for development proposals which accord with the development plan should be approved without delay.
- 5.6 The Development Plan relevant to the proposal in this case consists of the Stratford-on-Avon District Council Core Strategy (Adopted July 2016). Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.
- 5.7 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

- 5.8 **Policy CS.1 Sustainable Development:** requires that all development proposals should contribute towards the character and quality of the District and to the well-being of those who live and work in and visit the District.
- 5.9 **Policy CS.6 Natural Environment:** states that proposals will be expected to minimise impacts on biodiversity and where possible to secure a net gain in biodiversity.

- 5.10 **Policy CS.4 Water Environment and Flood Risk:** In all development, there should be no flooding, from all sources, to properties up to the 100-year flood event, including an allowance for climate change. Development will not be permitted where it results in an increase in the risk of flooding elsewhere.
- 5.11 **Policy CS.5 Landscape:** states that development will be permitted where proposals that will have an impact on woodlands, hedges and trees incorporate measures to protect their contribution to landscape character, public amenity and biodiversity.
- 5.12 **Policy CS.9 Design and Distinctiveness:** requires that the character and distinctiveness of the District be reinforced by ensuring new development of a high-quality design.

Amenity and Environmental Issues

Need for the Development

- 5.13 The playground is required to be extended as a result of the increase in the number of pupils at the school. In the past the school has had some 70 pupils but following expansion the current school roll has a total of 230 pupils. As a result of the increase in size of the school, children are not all able to play in the playground at lunchtime at the same time. A staggered system is in operation with half the pupils remaining indoors while half play outdoors. The proposed playground area would allow all pupils to play outdoors and would provide a larger area for P.E.
- 5.14 The proposed playground extension is positioned between the front elevation of the school buildings and the boundary with Main Road and to the east of the existing hardstanding playground area. The distance between the proposed area of playground and the rear of the closest bungalow on Magdalen Close is over 50 metres. There would therefore not be any increased impact on the residents of Magdalen Close as a result of the playground extension.
- 5.15 The dwellings on the southern side of Main Road would be within 30 metres of the playground extension but are screened to a large degree by the trees and hedgerow on the boundary of the school. There is not considered to be a significant adverse impact on the amenity of these dwellings as a result of the expanded playground.
- 5.16 The closest house in Aylestone Close is number 3 on the corner plot adjacent to the junction with Main Road. The house is some 35 metres from the site of the playground extension and is separated by the substantial vegetation on the school boundary. There is considered to be no significant adverse impact on the amenity of this property or others in Aylestone Close as a result of the proposed development.

Noise

- 5.17 The provision of a larger playground area would allow all pupils at the school to use the play space at lunch and break times. It is acknowledged that the increased number of children would be likely to result in an increase in noise levels during those lunchtime and breaktime periods of the day. However, the use of the space by the whole school would be at a time of day when it could be expected to hear noise from a school playground. Such increased noise levels are for a limited period of time; occurring during the day time and while they would have some impact on the amenities of local residents, it is not considered to be to a degree that would warrant a recommendation of refusal.

Ecology

- 5.18 The proposed extension to the playground area is designed to retain the trees within the playground and those close to the front boundary of the school.
- 5.19 The Bean tree (with a wooden seat around the trunk) to the north of the proposed hard surface is to be retained. In addition, trees along the front boundary to school grounds (cherry, sweet chestnut and hornbeam) are not proposed to be removed as a result of the development.
- 5.20 The WCC Arboricultural Officer recommended that an Arboricultural Implication Assessment should be undertaken. This Assessment would inform in the preparation of an Arboricultural Method Statement; Tree Constraints Plan and Tree Protection Plan. The further details would be required to ensure that the trees are suitable for retention; that a detailed design of the extended playground area and the method of installation/construction of the surface are approved prior to the works being carried out. A pre-commencement condition is recommended for the submission of and written approval of the necessary reports (condition 5).
- 5.21 The County Ecologist commented that there may be a requirement for a bat survey if any of the trees are to be removed or lopped. Notes relating to nesting birds and Great Crested Newts are recommended to be attached to any permission granted.
- 5.22 In relation to the impact of construction of the playground extension on the nearby trees, a condition is recommended for a Tree Protection Plan (condition 3).

Flood Risk and Drainage

- 5.23 The school site is located within Flood Zone 1 and not liable to fluvial flooding. However, the Environment Agency map for the area indicates that the site is at medium to high risk of surface water flooding including the playground and grassed areas to the south of the school buildings. The application details indicate that the proposed hard surface area would be tarmac.
- 5.24 The Local Lead Flood Authority (LLFA) confirmed that the playground is an area at high risk of surface water flooding and stated that any alterations to the existing levels need to be considered in relation to the impact on surface water. Levels should remain as existing if possible. A pre-commencement condition is recommended for the submission and approval of details of surface water drainage to ensure there is no discharge of surface water from the application site resulting in flooding of adjoining land (condition 4).

Heritage

- 5.25 There are a number of Listed properties located in the eastern area of the Lower Quinton over 400 metres from the school. The proposed playground extension is substantially screened from views beyond the school grounds and is not seen in the same context as any Listed Buildings in the locality. The village of Lower Quinton is not within a Conservation Area. The proposed development is not considered to have an impact on local heritage.

Environmental Implications

- 5.26 Environmental implications are considered throughout this report.

6. Conclusions

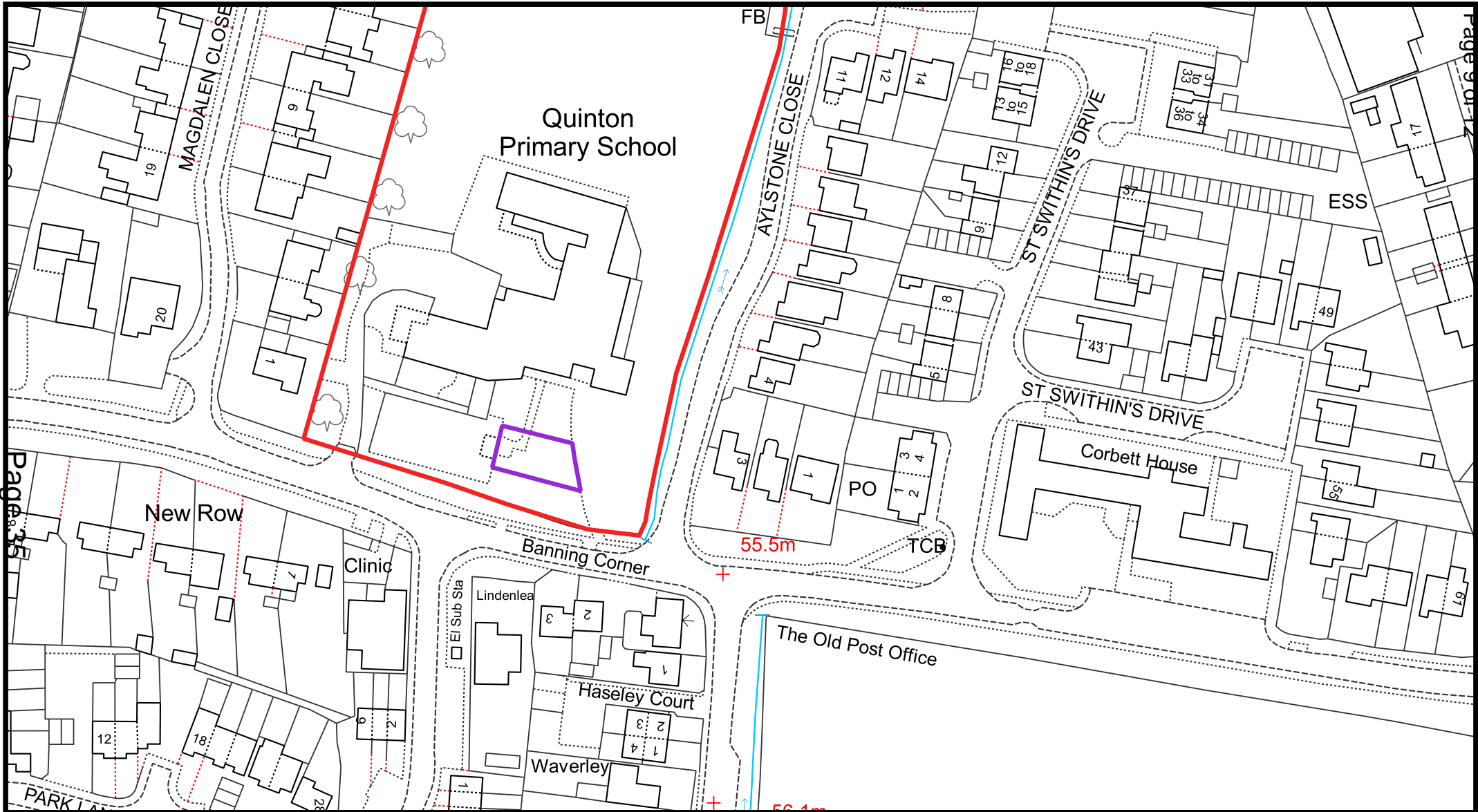
- 6.1 The application proposes the extension of the hard surface playground area to the front of the school buildings to provide more play space to accommodate the increased number of pupils attending the school. Where children are currently unable to all play in the playground at one time, the development would provide a larger area suitable for the whole school and capable of use in all weathers.

- 6.2 The existing playground area is substantially screened by the mature vegetation surrounding the school and the extended area would be similarly screened. As a result, the visual impact on neighbouring properties is not considered to result in an adverse impact on the amenities of the residents. While it is acknowledged that noise levels would be increased as a result of the larger number of pupils playing, the increase would be during the day and at times of day when it would be expected to hear children playing at a school. The impact of noise on the amenity on local residents is not considered to be to a degree that would be unacceptable. The playground extension is considered to comply with Policy CS.9 of the Local Plan.
- 6.3 A pre-commencement condition requiring a detailed scheme for surface water drainage to be approved and implemented is recommended to ensure that there is no adverse impact on the local area as a result of the development in accordance with the requirements of the NPPF and Policy CS.4 of the Local Plan.
- 6.4 A pre-commencement condition is recommended for the preparation of assessment reports in respect of the trees adjacent to the playground extension and details of the method of construction to ensure that measures are taken to protect their contribution to the area and to accord with Policy CS.5 of the Local Plan.
- 6.5 The proposed creation of an additional area of hardstanding to the front of the school buildings is considered to accord with the policies of the NPPF and the development plan and is recommended for approval subject to the following conditions.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference SDC/19CC014
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Application No: SDC/19CC014
Quinton Primary School
Proposed extension to playground to the front

Regulatory Committee 03 December 2019
 Scale 1:1250 Drawn by: SP Dept: Communities



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Appendix B

Proposed extension to tarmac playground to the front of Quinton Primary School, Main Street, Lower Quinton, CV37 8SA

SDC/19CC014

Planning Conditions.

1. The development hereby approved shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be implemented in accordance with the plans and documents numbered:
 - 121848/01 'Resurface playground and extend to footpath',
 - JGAL1 'Quinton Primary School Playground Extension shown in red',
 - Photos annotated to illustrate extent of playground extension,

and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: To define the permission and to ensure that the permission is implemented in all respects in accordance with the submitted details.

3. No part of the development hereby permitted shall be commenced and neither shall any equipment, machinery or materials shall be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the County Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and neither shall the ground levels be altered or any excavation take place without the prior consent in writing of the County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To protect trees and other features on site during construction.

4. No part of the development hereby permitted shall be commenced until a detailed surface water scheme designed in accordance with CIRIA C753 has been submitted to and approved in writing by the County Planning Authority. Once approved the surface water drainage scheme shall be implemented at the same time as the installation of the playground.

Reason: In order to ensure that the site is served by an adequate surface water disposal system and to ensure the development does not result in excessive surface water from the site adversely affecting other properties in the locality.

5. No part of the development hereby permitted shall be commenced until an Arboricultural Implication Assessment (AIA) and subsequent information required as a result of the AIA has been submitted and approved in writing by the County Planning Authority. Development shall subsequently be implemented in accordance with the approved details.

Reason: To ensure the development does not have an adverse impact on the trees in the school grounds.

Notes:

Nesting Bird note:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

Great crested newt note:

In view of the local records, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately while Natural England are contacted on 02080 261 089 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works.

Further information about species licensing and legislation can be obtained from the Species Licensing Service on 02080 261089.

Development Plan Policies Relevant to the Decision.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

Policy CS.1 Sustainable Development

Policy CS.6 Natural Environment

Policy CS.4 Water Environment and Flood Risk

Policy CS.5 Landscape

Policy CS.9 Design and Distinctiveness

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.

Regulatory Committee

3 December 2019

Planning Enforcement Investigations

Recommendation

That Members note the information in this report.

1.0 Key Issues

- 1.1 This report is to provide details on current active and recently resolved Planning Enforcement investigations by Warwickshire County Council Planning Enforcement where there has been either formal action taken by the Council or a planning application submitted.
- 1.2 This report does not cover matters being investigated by district or borough councils or other agencies or where the complaint has not been received by Warwickshire County Council.
- 1.3 Section 6.0 contains the current cases under investigation. The cases are divided by district.
- 1.4 Section 7.0 contains a list of recently resolved matters that are no longer under active investigation
- 1.5 Section 8.0 contains a list of sites on the regular regime of monitoring arranged by frequency of visit.

2.0 Options and Proposal

- 2.1 Members may provide feedback on individual cases

3.0 Financial Implications

- 3.1 The cost of the enforcement service can be met within the existing budgetary framework

4.0 Timescale

- 4.1 This report is a six-month update; a further report will be presented in June /July 2020.

5.0 Environmental Implications

- 5.1 The environmental implications will vary from site to site but the effective application of planning controls is essential for the protection of the environment and the achievement of sustainable development.

6.0 Planning Enforcement Cases

NORTH WARWICKSHIRE

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Daw Mill Colliery, Daw Mill Lane, Arley, CV7 8HS <i>Non-compliance with restoration conditions</i>	July 2014	Planning application to redevelop the site refused by NWBC. Appeal submitted; dismissed March 2018. Legal challenge dismissed.	Enforcement Notice being prepared
Marston Fields Farm, Kingsbury Road, Marston, Sutton Coldfield, B76 0DP <i>1. Failure to comply with conditions re landscaping and aftercare</i> <i>2. Additional land raising and hard standing</i> <i>3. New small bund adjacent to highway</i>	December 2014	1 – Some landscape planting undertaken in the winter of 2018 / 2019. Further planting to be carried out in winter 2019 / 2020. 2 – Waste material previously deposited on site to raise land levels and to create a track were removed in summer 2019 and the site restored. 3 – Bund now completed and planted with shrubs / trees. Scale of the bund and the planning history of the site is such that formal enforcement action is not likely to be expedient.	1 – Further works to take place to comply. 3 – Consider formal action if not resolved.
Biogen AD Plant, Merevale Lane, Atherstone, CV9 2LA <i>Odour nuisance</i>	April 2017	Site visit determined tanks not constructed in accordance with plans. Enforcement Notice issued. Notice appealed. Appeal upheld and notice quashed. PINS granted permission for alterations to tanks to be completed within 3 months subject to details to be approved by WCC.	WCC received some information but insufficient so further details to be submitted. Works commenced to comply with PINS condition. Matter ongoing.

NORTH WARWICKSHIRE continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Hartshill Quarry, Mancetter Road, Hartshill, Nuneaton, CV10 0RT <i>Re-activation of quarry –issues include condition of highway and blasting</i>	August 2017	Various correspondence and site visits. Planning Contravention Notice issued – reply received. Further correspondence. Certificate of lawful use application approved confirming status of plant processing area. Blasting – various meetings and communications. PCN issued to determine compliance with blast plan.	Further applications expected to regularise plant, office building etc. and to regularise phasing of work. These applications are currently invalid. Discussions on-going with the site operator
Rear of Grange Farm Tamworth Road, Wishaw, B76 9PX <i>Importation of soils</i>	September 2017	Site visit, Land Registry and letter to land owner. No reply to letter and waste remains in situ. Planning Contravention Notice issued October 2017 and reply received. Waste not removed despite assurances. Enforcement Notice issued February 2019. No appeal.	Revisit to determine compliance with Notice.
High Meadow School, Norton Road, Coleshill	August 2019	Installation of a temporary Classroom building. Matter potentially resolved by the grant of permission NWB/19CC007 but timescales for relocation have become an issue.	Further application submitted on 15/11/19 (NWB/19CC015) which will be considered on 7/1/20.

NUNEATON & BEDWORTH

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Griff Quarry, Gipsy Lane, Nuneaton, CV10 7PH <i>Traffic lights (Breach of Condition / Legal Agreement)</i>	March 2014	Works to reach agreement on traffic lights have stalled. Site operator has undertaken own updated transport assessment which suggests that lights are not required. Planning application NBB/18CM015 submitted.	Await outcome of application. Ongoing discussions with agent.
Canner Aggregates Ltd, Rear of Unit 4, Pool Road, Nuneaton, CV10 9AE <i>Waste transfer and extension to the site</i>	April 2017	Multiple site visits carried out and some evidence has been gathered. Planning Contravention Notices served and reply received. EA also investigating. Planning application NBB/18CM009 withdrawn prior to determination. Enforcement Notice issued 22 June 2018. No appeal submitted. Operator carried out works in contravention of Notice. Injunction sought and obtained.	Operator failed to comply with injunction so matter referred back to the High Court. Operator found guilty and fined. Works undertaken to comply with the enforcement notice.
MAC Contracting, Griff Clara Industrial Estate, Griff Lane, Nuneaton, CV10 7PP <i>Building contrary to plans, mud/debris on highway, additional waste types</i>	February 2018	Informal site visits and discussions with business and agent. Application (NBB/19CM003) to regularise buildings now approved. Works to improve wheel wash and road have commenced and are largely complete.	Revisit to ensure operator complying with conditions.

NUNEATON & BEDWORTH continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Circom Ltd, Telford Road, Bayton Road Industrial Estate, Exhall, Coventry, CV7 9ES <i>Waste processing operation</i>	April 2019	Visited site to establish nature of operation. Advised planning permission needed via letter.	Planning application NBB/19CM015 submitted – awaiting determination.
A B Crushing, Whitacre Road, Nuneaton, CV11 6BW <i>Waste processing operation</i>	May 2019	Visited site to establish nature of operation. Land owner and operator advised permission required.	The operator was intending to relocate – revisit necessary.

RUGBY

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Gun Range Farm, Shilton Lane, Shilton, CV7 9LH <i>Scrap metal storage</i>	2010	Previous visits carried out to ensure waste is on land permitted by previous certificates of lawful use. Site visit July 2018; improvements to site in accordance with legal agreement although further works required.	Further site visit to be arranged to monitor progress.
Charles Trent Ltd, Newbold Road, Rugby, CV21 1HF 1) <i>Extension of operational area (north)</i> 2) <i>Failure to discharge conditions attached to RBC/17CM011</i> 3) <i>Further extension of operational area (east)</i> 4) <i>Further extension of operational area (central)</i> 5) <i>Breach of condition re: HGV numbers</i> 6) <i>New building</i>	December 2014	Planning applications submitted seeking consent for: <ul style="list-style-type: none"> • A new building (retrospective) RBC/19CM006 • A small extension to the vehicle storage area (retrospective) RBC/19CM013 • Yard extensions and new access (part retrospective) RBC/19CM014 	Await the determination of the three planning applications by committee.

RUGBY continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Whites of Coventry, Ryton Mill, London Road, Ryton on Dunsmore, CV8 3DX <i>Breach of conditions (site access), additional waste activity</i>	December 2014	Correspondence and site meetings. Agent working with Highways England in relation to access and producing proposals for unauthorised waste activity. Potential change of site ownership.	Liaise with existing / potential new owner to resolve outstanding issues.
Foxley Farm, Southam Road, Kites Hardwick, CV23 8AA <i>Waste importation and land raising</i>	March 2015	Informal visits & letter. PCN issued and reply received. Amount of material increased despite assurances it would be removed. Enforcement Notice issued January 2017; compliance due November 2017. Application submitted; awaiting additional information. (RBC/19CM011)	Await outcome of application
Moonhill Barn, London Road, Stretton-on-Dunsmore, CV23 9HY <i>Waste transfer station</i>	May 2016	Operator is developing authorised site in Warwick. Use did not cease in line with timescales given. Enforcement Notice issued January 2017. Appeal against Notice withdrawn by appellant.	Works to Warwick site progressing which will facilitate business relocation and compliance with the Notice
Holywell House, Watling Street, Shawell, Lutterworth, LE17 6AR <i>Importation of inert waste material</i>	June 2016	Site visit with operator and owner. Application to regularise works submitted. (RBC/16CM020). Working with Historic England as part of site is Scheduled Ancient Monument. Scheduled Ancient Monument Consent in progress	Submission of revised details to progress application expected once Historic England have issued consent.

RUGBY continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Land on corner of Main Road and Overstone Road, Withybrook, CV7 9LU <i>Inert waste tipping on scheduled ancient monument</i>	October 2016	Historic England also investigating. Stop Notice and Enforcement Notice issued June 2017; compliance due January 2018. Non-compliance with Notice. Planning application made to Rugby Borough to retain some of the works. First court hearing 22 January – nullity argument entered; adjourned to 5 March. Further adjournment due to previous trial overrunning; adjourned to 30 April. At hearing 30 April a court listing error resulted in a further adjournment. In the meantime, Historic England had first hearing 5 March which was adjourned to 2 April as only 2 of 3 Defendants appeared. At hearing 2 April not guilty pleas entered and trials to take place in the summer.	Matters now considered and resolved in court. Landowners found guilty and fined. Compliance being progressed with Historic England.
Land at Nettle Hill Conference Centre, Brinklow Road, CV7 9JL <i>Inert waste tipping creating a low mound</i>	October 2016	Enforcement Notice issued September 2017. Appeal dismissed August 2018. Agent has provided plan showing the removal of material and the reprofiling of the site. The plan has been accepted as complying with the Enforcement Notice.	Material removed from the site and the site is being reprofiled. Revisit site autumn 2019 to determine compliance.

RUGBY continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Featherstone Farm, Leamington Road, Ryton on Dunsmore, Coventry, CV8 3EL <i>Soil screening</i>	June 2017	Planning Contravention Notice issued. The works are unlikely to be considered to be permitted development. Further visit determines works require planning permission. PCN issued and reply received. Application expected in first half 2019.	Application RBC/19CM016 submitted but now withdrawn. Discussions continue with the landowner / operator.
Clews Recycling Ltd, 17, Hunters Lane, Rugby, CV21 1EA <i>Breach of condition (waste storage)</i>	Officer observation April 2019	Site visit and email to operator. Site operator has appointed a planning agent who will seek to regularise the situation	Await the submission of a retrospective application.
Greenway Farm, 41 Rugby Road, Pailton, CV23 0QH <i>Waste (soils) importation</i>	May 2019	Site visited and soils noted. Land owner written to in order to investigate exact nature of breach.	Further site visit required.
The Acre, Lawford Heath Lane, Lawford Heath, CV23 9HG <i>Car breaking</i>	May 2019	Previously investigated and no breach found. However, change in occupation and activity does appear to consist of car breaking. Letter to owner to gather further information.	The landowner may have required the operator to vacate the site. Further site visit required.

STRATFORD

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Land off Kings Lane, Snitterfield <i>Deposit of waste</i>	December 2012	Notice issued August 2016. Compliance with Notice has not taken place. At court hearing 30 January Defendant did not attend; WCC unable to obtain warrant for arrest so proceedings withdrawn to be resubmitted at a later date. At court 10 July 2018 landowner given 12-month conditional discharge and ordered to pay council costs. Reminder letters sent to owner. Works to comply with Notice commenced April 2019. SDC issued Temporary Stop Notice so these works have ceased and are unlikely to recommence until late May 2019 at the earliest.	Material removed in compliance with the Enforcement Notice. Compliance confirmed by WCC. Site now in new ownership.
Land at Whitemoor Lane, Sambourne, B96 6NT <i>Construction and demolition waste recycling operation.</i>	December 2018	Meeting with landowner and operator. Planning advice given. Owner advises use will cease and operator will relocate. Planning Contravention Notice issued.	Revisit to confirm cessation of use.
Hill Farm, Danzey Green, Tanworth-in-Arden, B94 5BJ <i>Waste storage and burning on site</i>	December 2018	Letter to land owner. Site visit shows waste still present. Further letter to owner. Legal Services instructed to issue Planning Contravention Notice.	Joint working with Environment Agency may have resolved this matter. Further site visit required.

STRATFORD continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Walnut Hill Farm, Ullenhall, B95 5NQ <i>Importation of waste</i>	January 2019	Site visit. Legal Services issued Planning Contravention Notices. Reply received.	Meeting with representatives of Ullenhall parish Council arranged for 20/11/19.
Land off Fosse Way, Moreton Morrell <i>Inert waste recycling</i>	Officer observation January 2019	Site visits. Correspondence with Agent. Legal Services issued Planning Contravention Notices.	Await PCN reply
Land off Wellesbourne Road, Lighthorne <i>Importation of inert waste</i>	February 2019	Site visit. Planning Contravention Notice issued. Letter to owner advising planning permission may be required.	Subsequent site visits have negotiated a solution to the problem
Pure Recycling, Warwick Road, Ettington <i>Breach of conditions – waste stored outside building</i>	Officer observation February 2019	Site visit and meeting. Correspondence identifying breach of conditions.	Building approved (SDC/19CM002) for waste processing but not built. Further discussions required.
Land adjacent to Claverdon Sewage Treatment Works. <i>Storage of waste material and skips.</i>	March 2017 complaints received about commercial activities on the land adjacent to the STW.	Research and investigation indicated that the activity involved the storage of waste materials and skips. Enforcement notice issued 27/7/17 but appeal lodged passing jurisdiction to the Planning Inspectorate (PINS).	At the public inquiry the appellants successfully argued that the material was not waste and thus was beyond the County Council's jurisdiction. Notice withdrawn – Costs awarded by PINS against WCC.

WARWICK

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
2 - 8 Lock Lane, Warwick, CV34 5AG <i>Materials recycling facility</i>	May 2014	Application to extend time to provide building approved by Regulatory Committee April 2017 (ref WDC/16CM019). Conditions being discharged.	Works progressing to complete development. This site is connected to Moonhill Barn (See Rugby cases above).
Magpie Hall, Rouncil Lane, Kenilworth, CV8 1NN <i>Waste transfer station and skip hire business</i>	April 2017	Planning application (WDC/18CM016) submitted but subsequently withdrawn. Certificate of lawful use application expected but not received.	The site is occupied by mixed uses some of which are not County Matter developments. Thus it has been agreed that WDC will take the lead in this matter.
Fortress Recycling, Insight House, Blick Road, Warwick, CV34 6TA <i>Extension to building</i>	October 2017	Retrospective application submitted. Application (WDC/18CM020) considered and approved by the Regulatory Committee.	Matters resolved by the grant of planning permission.
Heathcote Primary School, Vickers Way, Leamington Spa, CV34 7AP <i>Failure to provide landscaping in accordance with agreed timetable</i>	September 2018	Phase two of the school's expansion has been started.	Conditions discharge progressing.

WARWICK continued

Address <i>Breach of planning control in italics</i>	Date reported	Action to date	Proposed Next Steps
Milverton Primary School, Greathed Road, Leamington Spa <i>External flue</i>	March 2019	Correspondence with internal colleagues. Planning application submitted April 2019 (WDC/19CC005)	Await outcome of planning application to be considered at this meeting.

7.0 Recently Resolved Cases

- Land off Kings Lane, Snitterfield. (see report above).
- Wellesbourne Road, Lighthorne (see report above).
- Field Brook Farm, Spon Lane, Grendon, Atherstone, CV9 2EX – waste storage operation ceased, operator has left the site
- Newdigate Colliery, Astley Lane, Bedworth, CV12 0LP – works to comply with Enforcement Notice have been completed

8.0 Monitoring Visits**8.1 Sites visited once per year**

- Coleshill Quarry, Gorsey Lane, Coleshill
- Cross Hands Quarry, Near Little Compton, Moreton in Marsh
- Kingsbury Brickworks Landfill, Rush Lane, Dosthill

8.2 Sites visited twice per year

- Bishops Bowl Lakes, Bishops Itchington, Southam
- Brinklow Quarry, Highwood Farm, Coventry Road, Brinklow
- Bubbenhall Quarry, Weston Lane, Bubbenhall
- Bubbenhall Landfill, Weston Lane, Bubbenhall
- Dunton Landfill, Lichfield Road, Dunton
- Griff No. 4, Gipsy Lane, Nuneaton
- High Cross Quarry, Copston Lane, High Cross

- Kingsbury Brickworks Quarry, Rush Lane, Dosthill
- Ling Hall Landfill, Coalpit Lane, Lawford Heath
- Mancetter Quarry, Quarry Lane, Mancetter
- Middleton Hall Quarry, Bodymoor Heath Lane, Middleton,
- Packington Landfill, Packington Lane, Little Packington
- Southam Quarry, Southam Works, Long Itchington
- Ufton Landfill, Southam Road, Ufton
- Wolston Fields, Wolston Lane, Ryton-On-Dunsmore

8.3 Sites visited quarterly

- Edgehill Quarry, Edgehill, Banbury,
- Folly Fields Farm, Ladbroke Road, Bishops Itchington, Southam
- Hartshill Quarry, Nuneaton Road, Hartshill
- Judkins Landfill, Tuttle Hill, Nuneaton

Background papers

None

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