

# Regulatory Committee

Tuesday, 7 January 2020

## 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 Caroline Phillips  
Councillor Adrian Warwick

#### Officers

Jasbir Kaur, Planning Manager  
Helen Barnsley  
Ian Grace, Team Leader Planning Control  
Ian Marriott, Legal Service Manager  
Sally Panayi, Planning Assistant  
Scott Tompkins, Assistant Director for Environment Services

#### Others Present

Alison Doyle – Local Resident (Item 3 only)  
Press

### 1. General

The Chair announced to the Committee that former County Councillor Peter Barnes had passed away. Councillor Barnes was a former Chairman of Warwickshire County Council and had served on and chaired the Regulatory Committee during his time.

Councillor Mark Cargill announced that Councillor Barnes had been a long serving member of planning committees and that he consistently held the interests of residents at heart. He expressed sympathy and extended his thoughts to the late Councillor's family.

Councillor Kate Rolfe stated that Councillor Barnes had been a colleague for many years at Stratford-on-Avon District Council and that he had been extremely helpful and supportive. She praised Councillor Barnes as an excellent Chair of the Regulatory Committee at Warwickshire

County Council and commented that he was a unique character who would be missed by many.

Councillor Anne Parry endorsed these comments and stated that Councillor Barnes had offered her great support, advice and patience since her election to the Council. She praised Councillor Barnes as a great mentor and paid tribute to his record of 30 years as an elected councillor. She extended her thoughts to his family.

The Chair acknowledged these comments adding that, although he had not known Councillor Barnes, the high regard in which he was clearly held by Members demonstrated his great commitment to those he represented. The Committee stood for a minute's silence.

### **(1) Apologies**

Apologies were received from Councillor Chris Williams

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

Councillor Dave Reilly declared a non-pecuniary interest as the elected member for Coleshill North & Water Orton where High Meadow Infant School is located. He is also working to support residents in relation to Item 3.

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

The Committee agreed that the minutes of the Regulatory Committee meeting held on Tuesday, 3 December 2019 be signed by the Chair as a true and accurate record. There were no matters arising.

## **2. Delegated Decisions**

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

## **3. Planning Application NWB/19CC015; The retention of an existing unauthorised temporary modular classroom in its existing location until April 2020**

Ian Grace, Team Leader Planning Control acknowledged to the Committee that this was not a popular, or easy, recommendation for the Committee or the residents to be faced with. Assurances were given that, despite the applicant being Warwickshire County Council, officers did not deal with them any differently to non-council applications; decisions to recommend approval, or not, are made through planning assessments only.

The following three points were given as reasons for the Committee to support the application and grant approval;

- The proposal is only temporary. Any adverse effects will not be forever.
- The impact of the temporary classroom on neighbouring properties is a planning consideration. The application is unfortunate but not unacceptable.

- The operational needs of the school are material considerations that the Committee must take into account. Members must consider only the application presented before them at the meeting.

Sally Panyai, Planning Assistant presented the report, with a photo presentation to the Committee setting out the full context of the application.

The Chair spoke for the Committee in noting frustration that no discussion took place with planning officers before the temporary classroom was put on site.

It was confirmed that work for the permanent classrooms to be put on the site was on schedule to start on 17 February 2020.

### **Public Speaking**

Alison Doyle, local resident, stated that the application was unfair and that she disagreed with the three points made by Ian Grace as to why the application should be approved. It was noted by the Committee that Ms Doyle does not believe that the application is compliant with planning law, or the policies of Warwickshire County Council.

Following a question from Councillor Kate Rolfe, it was confirmed that the noise level from the temporary classroom includes being able to hear children move around the classroom, as well as the movement of furniture in the room. The classroom is normally in use from 8am to 6pm. The noise levels also affect Ms Doyle's work as she works from home in an office at the back of her house.

Councillor Dave Reilly spoke as the councillor representing Coleshill North & Water Orton, the division that the school is in, and in support of the residents. Councillor Reilly acknowledged that this is a difficult application. He stated that the application contravenes the local plan for North Warwickshire Borough Council.

It was confirmed that Councillor Reilly has arranged a meeting for the 22 January 2020 to discuss the application. Local residents, Ian Budd (Assistant Director – Education Services) and Scott Tompkins (Assistant Director – Environment Services) have been invited to attend. It was confirmed that Clare Gibb would also be attending the meeting.

Clare Gibb (Interim Service Manager - Property, Construction & Engineering) spoke in support of the application. The Committee heard that officers recognised the issues with the application. Ms Gibb confirmed that it was unacceptable that work had been completed on site before permission had been granted and apologised to the Committee. The Committee heard that lessons have been learnt by officers and departments involved and that moving forward no work will start on any site until all appropriate regulations have been approved.

In response to a question regarding why the work to move the temporary classroom had not been carried out earlier, for example during the autumn half term, it was confirmed that this had been considered, but due to child safety regulations had not been possible.

The timeline for the work programme was confirmed as follows;

Temporary classroom to be moved from current position by the end of the school Easter holidays in April 2020

Work on the permanent replacement classrooms to start 17 February 2020 with a completion date of December 2020

Complete removal of temporary classrooms scheduled for September 2020

Following a question from the Committee in relation to why the temporary classroom was scheduled to be removed before the completion of the permanent build; it was confirmed that the plan involved a partial handover of two (out of four) classrooms in September 2020 to enable children to move in. If this is not possible the likelihood is that an extension application will be made to the Committee.

Scott Tompkins, Assistant Director – Environment Services acknowledged that the situation was unfortunate for Warwickshire County Council and should not have happened. It was stated that there were no excuses, mistakes had been made; work should have been completed before the temporary classroom was put on site.

In response to the issues and concerns raised it was confirmed that new, regular joint meetings were now in place with education, planning and s106 officers all in attendance. The purpose of these meetings is to engage with members of the Regulatory Committee where appropriate.

Discussions were held regarding the issue of noise reduction and what could be done to help reduce the impact on residents. Consideration was given to the options of sound proofing, acoustic fencing and insulation. Claire Gibb confirmed that following the meeting, she would commission immediate noise reduction work to be started on site and would communicate a timeline of work to the Committee as soon as possible. Members requested that a condition be added to the permission allowing two weeks for this to be done and solutions to be put in place.

## **Debate**

Moving in to debate Councillor Mark Cargill stated that he appreciated the new procedure for joint meetings as outlined by Scott Tompkins.

Councillor Adrian Warwick stated that the Committee and residents now have no confidence in the process and that the Committee should not dismiss what has happened. It was noted that planning officers have presented a very difficult application and the Committee thanked them for their due diligence. The Committee must act in good faith and not respond to the application based on the imposition of conditions alone.

Councillor John Cooke echoed the comments made by his colleagues on the Committee, stating that the Committee must now move forward and decide based on the application presented; strictly in terms of planning merits and along with the material considerations of the educational needs of the children at the school.

Councillor Jill Simpson-Vince stated that any abuse targeted at residents, who were objecting to the application, was completely unacceptable. They are not at fault at all. The Committee agreed that they all wish for relations between residents and the school to be restored.

The recommendation was proposed by Councillor Bill Gifford and was seconded by Councillor Adrian Warwick. A vote was held and there were nine votes in favour of the application with one member abstaining. Councillor Dave Reilly did not take part in the vote.

### **Resolved**

That the Regulatory Committee authorises the grant of planning permission for the retention of the existing unauthorised temporary modular classroom in its existing location until April 2020, High Meadow Infant School, Norton Road, 2 of 18 03 High Meadow Reg 20.01.07 Coleshill, B46 1ES subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities and subject to the addition of two further conditions requiring a noise mitigation scheme to be approved and implemented and for the classroom to be painted grey before it is relocated in April.