

Regulatory Committee

Date: Tuesday 2 March 2021
Time: 10.30 am
Venue: Microsoft Teams

Membership

Councillor Mark Cargill (Chair)
Councillor Neil Dirveiks (Vice-Chair)
Councillor John Cooke
Councillor Anne Parry
Councillor Caroline Phillips
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Adrian Warwick
Councillor Chris Williams

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.

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

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with (Standing Order 39).
- 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.

- (3) Minutes of the Previous Meeting** 5 - 14
- 2. Delegated Decisions** 15 - 16
- Members are asked to note the applications dealt with under delegated powers since the last meeting.
- 3. Warwickshire Property & Development Company (Warwickshire County Council); Non-Executive Director Appointment** 17 - 18

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Disclaimers

Webcasting and permission to be filmed

Please note that this meeting will be filmed for live broadcast on the internet and can be viewed online at warwickshire.public-i.tv. Generally, the public gallery is not filmed, but by entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's Standing Orders.

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These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

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 2 February 2021

Minutes

Attendance

Committee Members

Councillor Mark Cargill (Chair)
Councillor Neil Dirveiks (Vice-Chair)
Councillor John Cooke
Councillor Anne Parry
Councillor Caroline Phillips
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Adrian Warwick
Councillor Margaret Bell
Councillor Yousef Dahmash

Officers

Kieran Amos, Chief Fire Officer
Helen Barnsley, Democratic Services Officer
John Cole, Trainee Democratic Services Officer
Alison Fowler, Strategic Acquisitions and Disposals
Ian Marriott, Legal Service Manager
Isabelle Moorhouse, Trainee Democratic Services Officer
Sally Panayi, Senior Planning Officer
Paul Spencer, Senior Democratic Services Officer
Matthew Williams, Senior Planning Officer

Others Present

Tony Matthews – local resident in relation to Item 4
Councillor Dave Reilly – County Councillor and local resident in relation to Item 3
Councillor Mark Simpson – Local Councillor (NWBC) in relation to Item 3

1. General

(1) Apologies

Apologies were received from Councillor Dave Reilly who was replaced for this meeting by Councillor Margaret Bell.

Apologies were received from Councillor Chris Williams who was replaced for this meeting by Councillor Yousef Dahamsh.

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

In relation to Item 3, Councillor Neil Dirveiks and Councillor Margaret Bell confirmed they were members of the North Warwickshire Borough Council Planning Board; but that they had not taken part in the discussions or comment in relation to Item 3 at NWBC so that they could take part in the discussions today.

In relation to Item 4, Councillor Kate Rolfe confirmed that her children had attended the school in Henley when they were younger and that she had been on the Board of Governors. She no longer lives in the vicinity and has no current connection with the school.

In relation to Item 5, Councillor Neil Dirveiks confirmed that he had been a teacher at the school for many years but that he no longer had any links to the school, or staff.

None of the Councillors considered that they had an interest precluding them from participating in the agenda items concerned.

(3) Minutes of the Previous Meeting

The minutes of the meeting held on the 8 December 2020 were agreed 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/19CC013 New fire and rescue training centre including 'fire house' simulator and modular training building, land at DEFRA, Environment Agency Midlands Lea Marston Depot, Coton Road, B76 0BX.

Before the presentation started, the Chair confirmed with members of the Committee that they had all received, and read, the written update from Warwickshire Fire & Rescue Service that had been circulated on Monday 1 February 2021.

It was also confirmed that due to the limitations on being able to carry out site visits because of the pandemic, Warwickshire County Council commissioned the use of a drone to allow members to see the application site in context.

Sally Panayi, Senior Planner, presented the report to the Committee confirming that the application was the second of three applications submitted on behalf of Warwickshire Fire & Rescue Service. The first application was approved by the Committee in February 2020 and the third application is for a water rescue training facility which has yet to be presented.

The following points were highlighted to the Committee and details of the proposed structure were shown via a presentation, including photos taken by the drone.

- o It is proposed that the training facility would be used 16 days per month (averaging) up to 194 days per year.
- o It was confirmed that there would be some evening and weekend use of the facility to train retained fire fighters.
- o The proposed site is in the Green Belt and is not considered to fall within the definition of there is no previously developed land.
- o There have been no objections from Highways.
- o There is no material harm in relation to heritage.

In relation to the potential harm to the Green Belt, it was noted that as per the National Planning Policy Framework (NPPF) says that substantial weight must be given to the harm caused by inappropriateness, and this is often called could be deemed or policy harm, but we must also assess will include the potential for actual harm on the openness of Green Belt.

- Spatial harm to the Green Belt is considered moderate for this application, as there is no existing built structure on the site therefore which would not preserve the openness of the Green Belt would not be preserved area.
- Visual harm is limited. It was noted that there is are limited views of the site from the public viewpoints.
- Harm from the level of activity is moderate during the construction of the facility which would then reduce to a limited level of harm upon completion.
- In relation to permanency harm, the impact on the openness of the Green Belt would be permanent.

To summarise, the Committee is required to give the substantial weight to the harm caused by inappropriateness but that it is considered there is moderate actual harm to the openness of the Green Belt.

It was noted that North Warwickshire Borough Council object to the application on the grounds of substantial harm to the Green Belt and they disagree that there are very special circumstances that would outweigh the harm.

In relation to the visual and landscape impact, officers concluded that there is limited visual impact. In relation to potential noise impact, an assessment considered the noisiest activity would be the 6 portable water pumps and concluded that the Minerva unit would be unlikely to cause adverse impact on the nearest properties. Environmental Health Officers were satisfied with the noise assessment and raised no objections.

Following a question in relation to potential odour from the Minerva unit, it was noted that there is a filtration unit proposed to remove odour. There is likely to be a small element of odour remaining that would not be detectable beyond the application site. There is no objection from NWBC Environmental Health.

Regarding potential light pollution, it was noted that there would be some training exercises carried out at night. There is a condition recommended in place that recommends for zero additional lux above the current background light.

The lakes on site are of national significance for nesting birds and overwintering waterfowl. Following surveys undertaken, it was concluded that there could be a small impact on nesting birds and therefore there is a recommendation for works to be carried out between in place that work is completed from September and to March to avoid bird nesting season to the wildlife.

The site would be in Flood Zone 1 – the Environment Agency and the Lead Local Flood Authority have agreed a Drainage Strategy which is included in the proposed conditions and no objections have been raised.

The Committee were asked to assess the balance of the application. Substantial weight must be given to the policy harm to the Green Belt is substantial; but the actual harm to openness is considered to be moderate. Are there very special circumstances which outweigh these considerations harm?

The applicant had put forward the following considerations as very special circumstances. Legislation requires fire services to train adequately. Until 2013 Warwickshire Fire and Rescue Service used a breathing apparatus training facility at the Fire Service College there was a training site in Gloucestershire the use of which became unviable for financial and logistical reasons. The Fire Service currently uses limited facilities at Dunchurch but on occasion must travel as far as North Wales to ensure they meet all training requirements. Since 2013, alternative sites across Warwickshire have been reviewed. 34 sites have been considered in total. Details were shared with the Committee as to why they have been unable to advance with any of the sites identified. A long and rigorous search process failed to identify sites outside of the Green Belt. Kingsbury Water Park was identified as a site with an existing building which could be converted for classroom training. Other sites were found in close proximity including the Lea Marston Depot site. The joint use of the identified sites by the Fire Service, the EA and other emergency providers would benefit with major incident training scenarios. The benefit also would be to reduce travel for training and keep firefighters within Warwickshire during their training.

Drone footage was shared with the Committee including a 360-degree view at a height of approximately 10m; allowing Members to see what would be seen from the highest point of the site. Members noted the screening on site from existing trees.

To conclude, it was noted that the application was a departure from the development plan and as a result, if Members were minded to approve, the application, it would need to be referred to the Secretary of State.

Following a question from Councillor Clive Rickhards in relation to the noise assessment it was confirmed that only the water pumps had been included as they were considered to be the loudest scenario.

It was confirmed that proposed lighting on site would be directional LED lighting that would not increase lux levels outside the compound area.

It was confirmed that the nearest residential property was approximately 350 metres away from the site.

Councillor Adrian Warwick asked if there would be a change in the weighting given to the harms if the Committee imposed a time limit on the site e.g. 30 years. It was confirmed that this would make a difference if the development was not permanent.

Public Speaking - objections

Councillor Mark Simpson spoke as the shadow Chairman of NWBC Planning Board and confirmed that NWBC has been trying to work with the applicant to find an alternative site. Councillor Simpson stated that it was clear that the harm to the Green Belt was substantial; otherwise the matter would not have to be referred to the Secretary of State. NWBC absolutely understand the operational needs of the Fire Service and the need to ensure adequate training. However, NWBC feel there is no justification for the use of the proposed site but that there would be no objection from the Borough Council if the application site was relocated a short distance away within the Environment Agency land.

Councillor Dave Reilly spoke to the Committee as the local county councillor and as a local resident. It was noted that Councillor Reilly agreed with the points raised by NWBC; it is inappropriate development in the Green Belt. Points of correction were also made.; Paragraph 5.4 of the report states that the site was a mineral extraction site but. Councillor Reilly stated that the site is an ecological offset project taking out heavy metals in the water from Birmingham and that there is a plan already in place to restore the river to its original form which would involve removing the sluice gates. He also confirmed that the site is a nationally important migratory site for wetland birds. In addition, no assessment of for the noise generated by the filtration unit and the generated noise and no S106 discussion as to how the development could be made acceptable have taken place.

Public Speakers – supporters

Kieran Amos, Chief Fire Officer for Warwickshire Fire & Rescue Service stated that he understood the concerns raised. He confirmed that a condition is recommended in relation to light pollution. The lights on the site would be LED and directional, pointing downwards. He also confirmed that the loudest possible noise impact was considered in the Noise Assessment. The use of water pumps would be limited on site with occasions being few and far between. Mr Amos stated that filtration pumps have a far lower decibel output than the water pumps. He continued by stating that this is a vital application for the Fire Service and that firefighters must have this training. Following a question from the Chair, Mr Amos confirmed that conversations have been had with the Environment Agency in relation to alternative sites but the provision of training and budget constraints meant that the site proposed is preferable; any additional work to assess alternative sites would exceed increase the budget.

In relation to the possibility of imposing a time limit for the use of the site to 30 years, Mr Amos agreed that training requirements in 30 years' time are likely to be different to what they are now and that a 30 year limit would be reasonable.

Debate

Councillor Adrian Warwick stated that there is a difficult balance to consider for this application. Reasonable efforts have been made over 7 years to find a suitable training site and that the addition of a time frame would remove the permanency and assure residents that there will be an end. The Committee should consider the facts presented today and nothing else. Councillor Warwick stated he would be happy to support this application with a 30-year time frame.

Councillor Kate Rolfe suggested that over the issue of a potential relocation of the application site to another location suggested that there were more conversations to be had on the matter.

Councillor John Cooke agreed with the statement made by Councillor Adrian Warwick on very special circumstances but added that he felt additional conversations were needed in relation to the position of the application site to lessen its impact. Councillor Cooke proposed an amendment to the recommendation to approve, and that the Committee defer their decision to get answers to the questions raised during the meeting.

Councillor Anne Parry agreed with Councillor Cooke's statement adding that she was not sure limiting the application to 30 years was the answer to reducing the and that in doing so, damage to the Green Belt. would be reduced. Councillor Parry seconded Councillor Cooke's proposal to defer the application.

Councillor Neil Dirveiks agreed that more information was needed before the Committee could make a decision and that he had not been convinced by the arguments put forward in relation to very special circumstances.

Councillor Margaret Bell expressed support for the Fire Service, but operational issues are not planning issues and, the cost should not be taken into account. The application site is within a very important site identified to be enhanced in the NWBC Local Plan. The Warwickshire Wildlife Trust object; they together with the Tame Valley Wetlands Partnership have a vision for this area, removing the weirs and other changes. If co-location of the 3 sites is important, they should have come forward together. If discussions had taken place with NWBC other sites on the depot site or industrial areas in North Warwickshire could have been looked at. Where very special circumstances are put forward based on a need for the development, alternative locations could be considered.

Councillor Jill Simpson-Vince stated that this Committee has a good record of going into minute detail, asking questions and deferring where necessary if they do not feel they have the answers. This is a difficult application. In addition, Councillor Simpson-Vince added that she would like to see a landscaping plan – the addition of trees around the fencing. Disagreements between NWBC and the applicant are not planning matters and have been answered in the report.

In response to questions from the Chair, Ian Marriott, Legal Service Manager, advised that a 30 year time limit would assist only if Members considered that the application was in that window between being unacceptable if permanent but acceptable if limited to 30 years and also that alternative locations may be a material consideration where there is a serious planning objection but the development is sought to be justified on grounds of need.

The Chair brought the debate to a close having received a proposer and seconder for deferment of the application. Ian Marriott, Legal Service Manager, confirmed that when considering such a motion the Committee should identify the issues on which material new information could and should be provided and members of the Committee identified the following issues:

- Why alternative locations within the EA site that have less impact on the Green Belt have not been pursued
- Illustrative material on how landscaping might mitigate visual impact
- More detail on whether and how noise from the filtration unit has been assessed
- What plans the EA have for restoration and how that will affect the visual context
- Whether it would assist to time limit a permission to 30 years
- Light pollution
- Chemical pollution.

It was agreed that there is legitimate ground for further enquiry as the matter of relocating the site has not been fully answered today.

Councillor John Cooke proposed an amendment to the recommendation and that the Committee defer making a decision in relation to the application until further information has been provided by the applicant. Councillor Anne Parry seconded the amendment.

A vote was held and there were ten votes in favour of deferment and two votes against.

Resolved

That the Committee agrees to defer the application NWB/19CC013 (New fire and rescue training centre including 'fire house' simulator and modular training building, land at DEFRA, Environment Agency Midlands Lea Marston Depot, Coton Road, B76 0BX) and request the further information now indicated in relation to the questions and concerns raised at the meeting.

4. Planning application SDC/20CC009 proposed erection of a modular classroom to replace existing modular building; additional car parking and associated works at Henley-in-Arden CofE Primary School, Arden Road, Henley-in-Arden, B95 5FT

Sally Panayi, Senior Planner, presented the report to the Committee, confirming that the report had come to Committee as a result part of the delegation agreement; the education department at Warwickshire County Council is under the same directorate as planning which means it should be considered by the Committee. There has also been an objection but in other circumstances this level of objection could be dealt with as a delegated matter.

The Committee noted that the proposed application is for a Special Educational Needs (SEND) unit at the Henley-in-Arden Church of England Primary School. The development which would increase the available provision within Warwickshire and thereby reduce the number of SEND pupils who currently have to travel out of county. The application is for the removal of an existing temporary classroom to be replaced with a larger modular building.

The following points were noted by the Committee –

- o There is no issue in relation to the new building overlooking neighbouring properties.
- o Two trees would need to be removed but a condition is recommended to ensure the replacement trees proposed by the applicant are provided and maintained.
- o There has been no objection received from Highways and there is no change proposed in relation to the access into the school from the highway.
- o A condition is recommended for request made for the school to provide a green travel plan within six months of the project being completed.

Following a question from Councillor Clive Rickhards in relation to the green travel plan it was confirmed that the plan will cover the whole site – the SEND provision and the primary school. It was noted that drop off and pick-up times have been staggered; the main school pupils will arrive earlier and leave later than the SEND pupils to avoid congestion.

Mr Tony Matthews, local resident, raised concerns in relation to the application. Mr Matthew's primary objection was in relation to the traffic on Arden Road (a cul-de-sac with no turning area). The proposed application will result in 14 additional pupils, resulting in 14 extra vehicles on the road in the morning and the afternoon. Mr Matthews acknowledged that drop offs in the morning usually have a quick turnaround but at pick-up time in the afternoon, often cars will be waiting for pupils to finish; where will they wait?

Alison Fowler, Strategic Acquisitions and Disposals, confirmed that the Head Teacher had advised that SEND students are dropped off much later and that the pick-up time would be before the primary school.

Mr Matthews asked why the existing building could not simply be refurbished. It was confirmed that the increase in the size of the building was necessary due to the type and number of rooms required for the SEND unit. The current building would not allow the required infrastructure.

Following a question from Councillor Neil Dirveiks it was confirmed that the aim was to complete the replacement of the building over the summer holidays. The current temporary classroom would be removed in sections and the new modular building would be taken onto site also in sections.

The recommendation was proposed by Councillor Mark Cargill and was seconded by Councillor Jill Simpson-Vince. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the proposed erection of a modular classroom to replace the existing modular building, the provision of car parking and associated works, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

5. NBB/20CC005 - Proposed segregation fencing & vehicular access gates for Hydrotherapy Pool area at the former PEARS RNIB site, Coventry

Matthew Williams, Senior Planner, presented the report to the Committee, confirming that the report had come to Committee as part of the delegation agreement; the education department at Warwickshire County Council is under the same directorate as planning which means it should be considered by the Committee.

The Committee noted that the proposed Hydrotherapy Pool would not be for use by the PEARS site; it would be transferred for use by Exhall Grange School.

The Committee noted that there are three phases planned for the PEARS site. This application is the first of three. The second application is being worked on and will be presented to the Committee at a later date. The third application is still in the development stage.

The Committee noted that the plans showed an internal road on site, leading to a car park, which the proposed fence would cut across. Concerns were received from Highways who highlighted the potential for a shortage of car parking spaces which could then lead to congestion if the PEARS school was re-opened. It was noted that the application for phase two would address this but as part of this application a condition is included that the PEARS site cannot be brought back into use until the car park issue is resolved.

The recommendation was proposed by Councillor Neil Dirveiks and was seconded by Councillor Mark Cargill. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission.

Resolved

That the Regulatory Committee authorises the grant of planning permission for segregation fencing and vehicular access gates between the existing Hydrotherapy Pool building and the Pears Centre site, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

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Regulatory Committee – 2 March 2021

Applications Dealt with Under Delegated Powers between

3rd Feb 2021 – 22nd Feb 2021

Recommendation

That the Regulatory Committee notes the content of the report

Delegated Powers

C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 3rd Feb 2021 – 22nd Feb 2021		
Application reference & valid date electoral division case officer	Site location & proposal	Decision date
<u>WDC/20CM011/SP</u> 24/08/2020 Cubbington & Leek Wootton	Finham Sewage Treatment Works St Martins Road Stoneleigh Proposed Thermal Hydrolysis Plant (THP) and associated infrastructure.	Approval 3/02/2021

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Regulatory Committee

2 March 2020

Appointment of Director Warwickshire Property and Development Company

Recommendation

That the Committee notes and approves the appointment of Mr Steve Smith as a Director of Warwickshire Property and Development Company Limited.

1.0 Background

- 1.1 Warwickshire Property and Development Company Limited (“**WPDC**”) will be incorporated as a wholly owned trading company of Warwickshire County Council. The Council will be the sole shareholder, and in line with a delegation granted by Cabinet on 8 October 2020, the Shareholder’s Representative is the Strategic Director for Resources.
- 1.2 In order to establish the company and put in place the governance arrangements approved by cabinet on 28 January 2021 a Council appointed Director is required.
- 1.3 It is proposed that Mr Steve Smith be appointed as the Council Director pursuant to the requirements of the Shareholders Agreement upon incorporation of WPDC. It is considered that he has the appropriate skills and experience to fulfil the Directorship duties.
- 1.4 Pursuant to Part 2(6) of the Constitution, the Regulatory Committee is required to approve such appointments.
- 1.5 The ongoing monitoring and overview of WPDC’s performance will continue to be undertaken through the Shareholder’s Representative and reported through the appropriate officer oversight boards and to members through the annual accounts and business plan.

2.0 Financial Implications

- 2.1 This post is not remunerated and therefore the appointment does not have any direct financial implications for the County Council or WPDC.

3.0 Environmental Implications

- 3.1 None as a direct result of this appointment.

4.0 Timescales associated with the decision and next steps

4.1 The name of the Director will be included in Companies House filings once approved by the committee.

Background papers

None

	Name	Contact Information
Report Author	Nichola Vine	nicholavine@warwickshire.gov.uk Tel: (01926) 47 6379
Assistant Director	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk Tel: (01926) 41 2090
Strategic Director	Rob Powell	robpowell@warwickshire.gov.uk
Portfolio Holder	Peter Butlin	peterbutlin@warwickshire.gov.uk

The report was not circulated to members prior to publication.