

Regulatory Committee

Tuesday 8 June 2021

Minutes

Attendance

Committee Members

Councillor John Cooke (Chair)
Councillor Jill Simpson-Vince (Vice-Chair)
Councillor Sarah Feeney
Councillor Dave Humphreys
Councillor Jack Kennaugh
Councillor Justin Kerridge
Councillor Jan Matecki
Councillor Chris Mills
Councillor Judy Falp

Officers

Helen Barnsley, Democratic Services Officer
Ian Marriott, Legal Service Manager
Sally Panayi, Senior Planning Officer
Matthew Williams, Senior Planning Officer

Others Present

Adrian Berry, Chair, Ratley & Upton Parish Council (Item 3)
Veronica Walters - (Item 3)
Michael Adkins - (Item 3)
Stephen Rice - (Item 3)
Simon Pile on behalf of Andrew Baughan (Item 3)

1. General

An amendment to the membership of the Regulatory Committee as printed on the agenda for this meeting was made as follows.

Councillor Kate Rolfe is no longer a member of this Committee. Councillor Judy Falp is a member of this Committee and should have been included on the agenda.

Councillor Chris Kettle is a member of the Committee replacing Councillor Rik Spencer.

(1) Apologies

Apologies were received from Councillor Jeff Clarke and Councillor Adrian Warwick.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

In relation to Item 3 on the agenda, Planning Application SDC/20CM009 (Edgehill Quarry), Councillor Chris Mills confirmed that he was the local member for the area, but he had not discussed the matter with the Parish Council or local residents. Councillor Mills also confirmed that Mr Simon Pile (applicant) was known to him.

In relation to Item 6 on the agenda, Planning application WDC21CC003 (Campion School), Councillor Judy Falp confirmed that she is the local member for the area and that she is a school Governor at Campion School. It was agreed that Councillor Falp would withdraw from the Committee for this item.

(3) Minutes of the Previous Meeting

The minutes of the previous meeting 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 : SDC/20CM009 - Edgehill Quarry, Edgehill

Matthew Williams, Senior Planner, presented the report and provided an overview of the application, sharing with the Committee the phased plans for the application site.

It was confirmed that the application proposed the following –

- An additional 11 HGV movements per day
- Working hours of 0800 – 1800 hours (Monday to Friday)
0800 – 1300 hours (Saturday)
- The restoration of the site would be largely a conservation and habitat area with the inclusion of an EcoPods leisure facility.

The Committee noted that there had been significant public interest in the application. Officers had received 36 representations in addition to those from local parish councils, and the OANB conservation board. It was noted that there was some acceptance of the proposal but the overriding objection was from the local community and was concerned with the proposed infill and leisure use.

The Committee was asked to consider the following factors –

- The location of the waste facilities.
- Whether the proposal would enhance the AONB
- Could the objections be solved by the inclusion of the conditions (as attached to the report)

The Committee was asked to note that the site will generate noise, but that the project has been designed with noise reduction in place. Noise assessments have concluded that the noise can be

controlled to an acceptable level. It was noted that there is a propose condition for noise monitoring moving forward should the application be approved

There is a proposed dust management plan as part of the conditions.

A landscaping impact assessment was submitted with the application and concluded that there were no significant effects on the site. Warwickshire County Council landscape team agreed and stated the restoration will be beneficial in the long term.

Wheel washing facilities have been proposed as well as additional conditions to ensure road is kept clean.

Following a question from Councillor Chris Mills, it was confirmed that the material being bought to the site will be from the local area but will depend on where new development sites are.

Following a question from Councillor Jill Simpson-Vince, it was confirmed that there will be a vehicle movement agreement put in place which is enforceable if not complied with. There is an enforceable condition limiting the number of HGV movements per day (22 in total). It was also confirmed that there had been no objections raised by Highways Officers in relation to the application.

PUBLIC SPEAKING

Mr. Adrian Berry, local resident, addressed the Committee in relation to the application and concerns from residents. Concerns in relation to the environmental impact of the quarry were highlighted, including traffic, noise, dust and light pollution.

Mr. Berry stated that there would be an increase in heavy traffic in the area with concerns about HGVs travelling through Edgehill and Ratley; irrespective of any requirements not to do so. Residents have low confidence in the existing signage.

Ms. Veronica Walters, local resident, addressed the Committee and highlighted concerns in relation to the Warwickshire County Council Waste Strategy, which states that sites such as the proposed site, should be established on the boundaries of already established towns. Edgehill is an AONB and does not conform to the requirements set out in the strategy.

Ms. Walters stated that residents were concerned that HGV drivers would not follow the routes stated and that HGV movements, six days a week for twelve years will have an immense impact on the village.

The Committee was asked to consider the costs likely to be faced by Warwickshire County Council for enforcing conditions at the site that will be broken.

The Committee heard that further concerns included the quality of infill being used. The Committee was asked to note that the adverse effects of dust from the site are cited in the report and this is a concern for residents. This is an inappropriate development, with enduring and negative consequences to the lives of residents.

Mr. Michael Adkins, local resident, spoke to the Committee in relation to concerns about the proposed application, stating that he strongly opposes what is an ill-advised application for the area. The Committee noted that Mr. Adkins stated that in the past there had been excessive noise nuisance from the site that only stopped with intervention from Warwickshire County Council.

Mr. Adkins stated that the biggest threat to the village would be the dust from the site, with no guarantee that it will not contain any harmful substances.

Mr. Stephen Rice, on behalf of the applicant, spoke to the Committee in order to address some of the concerns raised during the meetings. Mr. Rice confirmed that the routing agreement, as part of the conditions of the application, will not allow any vehicles to pass through the village. It is made categorically clear to all HGV drivers that this condition is enforceable and that it will be. The Committee was asked to note that residents have been asked to provide photographs of HGVs coming through the village but that no evidence has so far been submitted to support the claims.

With reference to the concerns about the materials being brought onto the site, Mr. Rice stated that it was clear that every site similar to the proposed application site, is regulated by the council and the Environment Agency. The material on site will not include asbestos or other hazardous material. The owner of the site will not allow this to happen.

Mr. Rice continued by stating that the advantages of the development will benefit the locals with footpaths created through the site to link to other sites in the area that are currently only accessible via roads with no pavements.

Mr. Simon Pile, on behalf of the applicant, confirmed to the Committee that there had only been one complaint made against the site in the last five years (in 2017). There have been no other complaints in relation to noise, dust or traffic.

Mr. Pile continued by noting that the site will require a permit from the Environment Agency before it can be operational – this will ensure that processes in place do not have an adverse environmental impact; any breaches are enforceable by criminal prosecution.

DEBATE

Councillor Jill Simpson-Vince questioned if the work on site could be finished ahead of the proposed 12 years. In addition, Councillor Simpson-Vince asked if the proposed working hours on a Saturday could be removed. As the application stands, the 22 HGV movements could apply on a Saturday even with a proposed reduction in working hours.

Councillor Chris Mills raised a concern in relation to the EcoPods. Work is planned to start in five years on the glamping pods, but the site would not be complete for 12 years – would glampers want to use the site while work is ongoing? Councillor Mills also raised concerns in relation to the disturbance to local wildlife; questioning that although the finished site would perhaps attract wildlife, there would undoubtedly be an impact during the 12 years' work.

Councillor Jan Matecki raised concerns in relation to the recycling facilities and whether the benefit of the site would outweigh the impact on losses such as the AONB.

Councillor Kerridge also raised concerns about the Saturday working hours stating that they should be restricted. The area is an AONB and normal standards should not necessarily apply. The site is close to a community and that must be considered. The current activity is scheduled to cease later this year – this application would allow it to continue for an additional 12 years. Peace and quiet is appropriate in an AONB. HGV traffic, however little or managed, is inappropriate in this area.

Councillor Judy Falp supported the proposed removal of Saturday working hours but reminded the Committee that refusal of the application must be made on strong planning grounds.

Councillor Simpson-Vince asked the officer what would happen if the Committee did refuse the application. Matthew Williams confirmed that minimal restoration would still be required.

Following the questions and points of debate, Matthew Williams confirmed that the hours of operation could be reviewed, to consider the Committee's points about Saturday working. Councillor Matecki responded by asking that if the Saturday hours were removed, would this mean that the project would need to be extended beyond the proposed 12 years? Simon Pile, applicant, was able to confirm that the transport assessment did not consider 22 HGV movements on a Saturday. Development sites, where the material would be coming from, do not work on Saturday. Losing Saturday working hours would mean that the site operators would lose time dealing with the material on site and not bring material into the site.

An amended recommendation was proposed by Councillor Jan Matecki to reject the application on the grounds that the recycling facility on its' own would not be acceptable in the location. The amended recommendation was seconded by Councillor Chris Mills.

A vote was held, and there were 4 votes for the amended recommendation, and five votes against. Therefore, the amended recommendation was rejected by the Committee.

Councillor Jill Simpson-Vince proposed the original recommendation, with the addition of a condition to remove Saturday working hours. Councillor Judy Falp seconded the proposal.

A vote was held and there were 5 votes in favour of the application (with the removal of Saturday working). There were two votes against the proposal and two abstentions.

Therefore, the recommendation was approved by the Committee with the agreement to remove the Saturday working hours.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the Infilling of Redundant Quarry with Inert Soils and Clays to include Temporary Soils and Aggregates Recycling and Recovery Facility and Restoration of the Quarry to provide 10 No. Recreational EcoPods subject to a legal agreement controlling vehicle routing and to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities; with the addition of the removal of Saturday working hours.

4. Planning Application : NBB/21CC004

Matthew Williams, Senior Planner, presented the report to the Committee, confirming that moving forward the site would be known as The Warwickshire Academy. The proposed development would include a SEND school with a boundary fence, parking and sports pitches. Photographs shown to the Committee confirmed the location of the site and the proposed development site. The school will be for pupils who have significant challenges.

The Committee noted that the provision of the school in this area would mean that SEND pupils would no longer have to go out of the area to attend school.

The Committee noted that the main issue in relation to the application was the traffic management and the proximity to Exhall Grange School. It was confirmed that Highways had added conditions to the application in relation to traffic management. In relation to parking, it was noted that the site will include drop off spaces. Pupils are likely to arrive individually at the school and there is a possibility for multiple vehicles to arrive at the same time; provision has been made for this.

The Committee noted that the application is for the positive reuse of a school that has not been used for some time. There are conditions proposed for traffic and boundary management.

The recommendation was proposed by Councillor Jill Simpson-Vince and was seconded by Councillor Chris Mills. A vote was held, and the Committee voted unanimously in favour of the recommendation.

Resolved

That the Regulatory Committee authorises the grant of planning permission for conversion and adaptation of existing premises to include external works, to form New Special Educational Needs and Disability School, to include new boundary fence, introduction of new parking and provision of external unlit sports pitches at the former Pears RNIB Site (renamed The Warwickshire Academy) subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

5. Planning Application WDC/21CC002 - Proposed installation of replacement Air Handling Unit and associated ductwork and extension to screen cladding at Milverton School, Greatheed Road, Leamington Spa, CV32 6ES.

Sally Panayi, Senior Planner, presented the report to the Committee confirming that the proposal was for the replacement of an Air handling unit and an extension to screen cladding.

The Committee noted that in February 2019, emergency insulation was fitted to school kitchen to allow the school to remain open. The installation led to complaints from local residents due to visual impact. It was confirmed that the previous application was to improve the installation. This application is for a further installation and cladding.

The Committee noted that the application was supported by a noise impact assessment and an odour assessment.

The recommendation was proposed by Councillor Jill Simpson-Vince and was seconded by Councillor Jan Matecki. A vote was held, and the Committee voted unanimously in favour of the recommendation.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the installation of a replacement Air Handling Unit (AHU) with associated ductwork and extension to screen cladding subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities

6. Planning application WDC21CC003 Erection of a two-storey Sixth Form Centre, re-cladding and re-roofing of existing sports hall, provision of a new MUGA and other enabling works at Champion School, Sydenham Drive, Leamington Spa, CV31 1QH

Councillor Judy Falp left the meeting due to her interest in this item.

Sally Panayi, Senior Planner, presented the application to the Committee confirming that it is for a 6th form building, MUGA and the refurbishment of the current sports hall. It was noted that residential development in the local area has increased pupil numbers.

This proposal is for phase two to allow for the predicted continued increase in pupil numbers. Details of the proposed application were shared with the committee, including floor plans and external views

The following points were noted by the Committee –

- Alterations have been agreed in principle by Highways and there are no objections from Highways Authority subject to attached conditions,
- There is a recommended condition in relation to the pinch point within the access road – there is a need for it to be widened before the 6th form is completed. This has been completed already so the condition can now be removed.
- In relation to ecology; the Committee learnt that 11 trees will need to be removed but that they are to be replaced by 28 additional trees of varying species.
- There have been no objections from residents.
- The boundaries will be screened by vegetation.
- There are conditions attached to the application to control the level of noise and lighting.

The recommendation was proposed by Councillor Jill Simpson-Vince and was seconded by Councillor Chris Mills. A vote was held, and the Committee voted unanimously in favour of the recommendation

Resolved

That the Regulatory Committee authorises the grant of planning permission for the erection of a two storey Sixth Form Centre, re-cladding and re-roofing of the existing Sports Hall, provision for a

new MUGA and other enabling works subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

7. Discharge of Condition for Planning application NWB/19CC006 High Meadow School, Coleshill - 4 classroom extension - Green Travel Plan

Sally Panayi, Senior Planner provided an update to the Committee in relation to the discharge of conditions on a previous application approved by the Committee.

The application was in relation to High Meadow School in Coleshill. Previous members of the Committee felt that due to the nature of the application that they should be involved in the approval of the green travel plan.

Highways agreed that it was now acceptable to discharge the condition in relation to the green travel plan; but added that it will need to be reviewed and updated once pupils are in the classroom. The Committee noted that this requirement is a normal part of a green travel plan.

The recommendation was proposed by Councillor Jill Simpson-Vince and was seconded by Councillor Jack Kennaugh. A vote was held, and the Committee voted unanimously in favour of the recommendation.

The Committee took the opportunity to wish the pupils all the best in their new classrooms.

Resolved

That the Regulatory Committee authorises the discharge of Condition 13 of planning consent NWB/19CC006 for a Green Travel Plan.

8. Any Other Business

The Chair wished his thanks to be placed on record to the planning officers, other officers and the broadcasting team who all helped the meeting to run smoothly in unusual circumstances.