

# Regulatory Committee

Tuesday 4 October 2022

## Minutes

### Attendance

#### Committee Members

Councillor Jill Simpson-Vince (Chair)  
Councillor John Cooke (Vice-Chair)  
Councillor Jeff Clarke  
Councillor Dave Humphreys  
Councillor Justin Kerridge  
Councillor Caroline Phillips  
Councillor Ian Shenton  
Councillor Rik Spencer  
Councillor Adrian Warwick

#### Officers

John Cole, Senior Democratic Services Officer  
Dan Cresswell, Team Leader – Project and Programme Management  
Sally Panayi, Senior Planning Officer  
Scott Tompkins, Assistant Director – Environment Services  
Paul Williams, Delivery Lead – Governance Services

#### Others

John Gregory, Head of Planning and Licensing, Wright Hassall

### 1. General

#### (1) Apologies

Apologies were received from Councillor Jan Matecki and Councillor Sarah Feeney.  
Councillor Rik Spencer and Councillor Caroline Phillips were present as substitutes.

Apologies were also received from Councillor Judy Falp and Councillor Chris Mills.

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

Councillor Phillips stated that the planning application for Abbey Green Gardens (NBB/22CC001) was within her electoral division, Nuneaton Abbey.

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

The minutes of the meeting held on 5 July 2022 were approved as an accurate record.

## **2. Delegated Decisions**

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

### **3. Planning Application NBB/22CC001 - Creation of cycle path through Abbey Green Gardens, Corporation Street, Nuneaton**

Sally Panayi (Senior Planning Officer) provided a summary of the application, stating that Abbey Green Gardens was a triangular area of grassed open space bordered by mature trees and surrounded by roads on all sides. The application sought consent for the installation of a shared cycleway/footpath to run through Abbey Green Gardens. She advised that:

- The pathway would replace the existing pedestrian and cycling facilities on Corporation Street.
- It would comprise an asphalt surface raised to approximately 300mm above the existing ground level.
- The proposed installation would be a non-dig construction, ensuring that the roots of trees located close by would not be disturbed.
- Informal planting areas would be provided either side of the pathway. Seven new trees would be planted along the route.
- It was not proposed to remove any of the mature trees located to the west of the path.
- Six lighting columns would be installed along the route of the pathway.
- Residents of the 84 neighbouring properties had been consulted. One objection had been received from a resident querying the need for a pathway in this location. The objection also referred to a covenant on the land which could preclude any work being undertaken on the Green. However, this had been resolved.
- No objection had been raised by WCC Ecology; however, provision of a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan was recommended prior to commencement of the works.
- No objection had been raised by the Lead Local Flood Authority subject to a planning pre-commencement condition for the approval in writing of a detailed Surface Water Drainage Scheme.
- The red line area did not extend beyond the boundary of Abbey Green Gardens. However, the application provided details of the junctions to the north and south of the site. A Road Safety Audit had been instigated to overcome concerns raised during initial consultation with WCC Highways. Amendments had been made, leading to withdrawal of the Highways objection.
- The application accorded with the policies of the Local Plan and would support delivery of improved cycling infrastructure.
- Subject to the conditions outlined within the report, the recommendation to the Committee was for approval.

## **Questions**

In response to Councillor Warwick, Sally Panayi advised that the option to locate the path on the side of Abbey Green Gardens adjacent to Corporation Street had been ruled out in anticipation of

potential changes to the highway layout at the junction of Corporation Street and the A444 to improve the flow of traffic.

Dan Cresswell (Team Leader – Project and Programme Management) advised that changes to the layout of Corporation Street were proposed as part of the wider Transforming Nuneaton scheme. He advised that non-dig construction could not be achieved on the carriageway side of Abbey Green Gardens. To do so, it would be necessary to elevate the level of the existing highway and footway which was not practicable.

In response to Councillor Clarke, Sally Panayi advised that creation of the footpath was a standalone project that could be implemented within three years of permission being granted. It could be delivered independently of any other development work within the locality.

Dan Cresswell advised that the proposed path was a funded scheme which formed part of the wider Corporation Street highway redevelopment project.

In response to Councillor Phillips, Sally Panayi advised that a planning condition would be included to specify replacement of any damaged trees within five years of initial planting. She acknowledged the problem of vandalism of newly planted trees.

Councillor Warwick highlighted the importance of enacting measures to ensure that cyclists' safety was prioritised in anticipation of changes to the junction of Corporation Street with the A444.

Councillor Cooke stated that there were no obvious planning reasons to refuse permission for the application. However, in common with other members of the Committee, he highlighted that the overall area of green open space was quite small. The proposed path would significantly reduce the amount of available green space. However, he expressed support for the rationale of the scheme.

Councillor Shenton stated that the application accorded with planning policies and expressed support for permission to be granted.

In response to Councillor Clarke, Sally Panayi advised that details of offsite permitted developments had been submitted alongside the application to show how the proposed cycleway/footpath would link to the wider road network. However, these were outside of the red line area and did not form part of the planning application.

Councillor Humphreys stated that the junction of Corporation Street with the A444 was a busy part of the network. He expressed concern for the safety of cyclists re-joining the network from the proposed cycleway.

In response to the Chair, Dan Cresswell advised that design work for the layout of the revised Corporation Street/A444 junction was underway. This would include consideration of the safety of cyclists making use of the proposed path through Abbey Green Gardens.

Councillor Warwick acknowledged the need for the Committee to assess the application on its own merits. However, he underlined the importance of ensuring that the safety of cyclists was treated as a priority, particularly those exiting the proposed route to re-join Corporation Street at its

junction with the A444. He suggested that a planning condition be included to specify that the proposed highway scheme be completed prior to construction of the cycleway/footpath.

Councillor Clarke echoed Councillor Warwick's concerns regarding cyclists' safety when re-joining the flow of traffic. He suggested that consideration be given to the inclusion of an additional planning condition.

Scott Tompkins (Assistant Director, Environment Services) underlined the Council's commitment to promote cycling. He stated that councillors' input would be sought on any proposals coming forward as part of the Transforming Nuneaton initiative. He emphasised that a detailed Road Safety Audit had been undertaken; officers would not propose a scheme that endangered road users.

## **Debate**

Councillor Cooke highlighted Section 2.7 of the report which provided a summary of the Principal Highway Control Engineer's response to the application. The initial Highways objection had been resolved. He emphasised the need for the application to be assessed on its own merits. He expressed support for the inclusion of an additional condition to address concerns relating to safety; however, it was not for the Committee to redesign the scheme.

John Gregory (Head of Planning and Licensing, Wright Hassall) advised that it would be possible to include a condition which prohibited use of the cycleway, or commencement of work, prior to completion of the offsite works. However, he suggested that the Committee consider whether such a condition was necessary to make the scheme acceptable. He highlighted that the Principal Highway Control Engineer had expressed a view that, following completion of the Road Safety Audit, the proposal was sound. As a statutory consultee, Highways had not resolved that an additional condition was required.

Sally Panayi advised that the Road Safety Audit had looked beyond the red line area at conditions more widely that could impact on cyclists' safety. In response, Councillor Warwick expressed confidence that his concerns had been addressed.

Councillor Kerridge expressed confidence that the Road Safety Audit had enabled safety considerations to be explored in detail. This had been well explained and he was content to proceed with the recommendation as set out by the report.

Councillor Shenton stated his view that an additional condition was not required. He commented that, by taking cyclists away from the road, the proposed path created a safer environment for cyclists.

Councillor Spencer expressed his support for the proposal which would lead to improved provision for cyclists.

Councillor Phillips stated that examination of safety considerations had been worthwhile; it was reassuring that proper attention had been given to cyclists' safety. She expressed support for the recommendation set out within the report.

The recommendation was proposed by Councillor Cooke and was seconded by Councillor Shenton. A vote was held, and the Committee voted unanimously in favour of the recommendation.

**Resolved:**

That the Regulatory Committee authorises the granting of planning permission for the upgrading and relocation of the Corporation Street pedestrian and cycling facilities, with soft landscaping and street lighting subject to the conditions, and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

**4. Trustees of King Edward VI Grammar School, Stratford upon Avon**

Paul Williams (Delivery Lead, Governance Services) introduced the report, stating that King Edward VI Grammar School in Stratford upon Avon was supported by a registered charity which was overseen by a Board of Trustees. He advised that a position on the Board was reserved for an individual nominated by Warwickshire County Council. Previously, this role had been held by former county councillor, Mr Mike Brain. Mr Brain had taken the decision to step down from the Board. There was agreement across political groups that Councillor Tim Sinclair be appointed as the Council's nominated trustee. He sought the Committee's approval for the nomination of Councillor Sinclair to the Board of Trustees.

The recommendation was proposed by Councillor Clarke and was seconded by Councillor Cooke. A vote was held, and the Committee voted unanimously in favour of the recommendation.

**Resolved:**

That the Regulatory Committee approves the nomination of Councillor Tim Sinclair to the Board of Trustees of the King Edward VI Grammar School, Stratford upon Avon.

The meeting rose at 11:16.

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Chair