

Regulatory Committee

Tuesday 11 July 2023

Minutes

Attendance

Committee Members

Councillor Jill Simpson-Vince (Chair)
Councillor John Cooke (Vice-Chair)
Councillor Judy Falp
Councillor Dave Humphreys
Councillor Justin Kerridge
Councillor Chris Mills
Councillor Ian Shenton
Councillor Adrian Warwick
Councillor Caroline Phillips
Councillor Andy Jenns

Officers

Sally Panayi, Senior Planning Officer
Caroline Gutteridge, Delivery Lead Commercial & Regulatory
Andy Carswell, Democratic Services Officer
Helen Barnsley, Senior Democratic Services Officer
Scott Tompkins, Director of Environment, Planning & Transport

Others Present

Martin Hall, objector
David Bristow, objector
John Gough, agent for application SDC/22CM003
Shaun Smart, applicant for application SDC/22CM003
Maxwell Griffin, agent for application NBB/22CM010

1. General

(1) Apologies

Apologies were received from Councillor Jeff Clarke.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None.

(3) Minutes of the Previous Meeting

The minutes of the meeting held on 6 June were approved as a true and accurate record.

2. Delegated Decisions

Members noted the delegated decision made by officers since the last meeting, as set out in the report.

3. Planning application SDC/22CM003 - revised design of Bishops Bowl Fishery utilising the importation of inert material and soils at Bishops Bowl Lakes, Bishops Itchington, Southam, CV47 2SR

Sally Panayi (Senior Planning Officer) presented the report and provided an overview of the application, which related to a revised design of Bishops Bowl Fishery utilising the importation of inert material and soils at Bishops Bowl Lakes, Bishops Itchington, Southam CV47 2SR. The application sought to grant approval and was subject to a number of conditions, which were outlined in the report to members.

Full details presented to the Committee included the following:

- Following the previous planning consent to reduce the depth of the lakes in 2018, the current application sought consent to reduce the depth of further bodies of water at the site. The current lake depth did not provide a good habitat for fish. Decreasing the water depth and introducing reed beds would improve this habitat. Implementation of the previous application had imported the permitted volume of inert material. However, partially as a result of an error in setting out, an additional volume of material was required to be imported to complete the reduction of the depth of the water, as approved in the previous application.
- The high cliffs at the site were unstable and presented a danger for people jumping from them into the water.
- There was a danger during hot weather of people wanting to swim in the lakes, which was dangerous due to the depth and temperature of the water.
- A causeway had been constructed between two bodies of water as part of the initial reduction in depth of the lakes, to facilitate vehicular access. This would be retained once work had been completed.
- A causeway was to be created along the edge of the Greenhill Lake North to provide access to the Site of Special Scientific Interest.
- The import of infill material required a maximum of 100 vehicle movements per day, although it was anticipated the average would be 50 movements. As for the previous planning consent, a condition was recommended for operating hours between 7am-6pm on weekdays and between 7am-1pm on Saturdays. No import or works would be permitted on

Sundays or Bank Holidays. Using this timescale, it was anticipated the work would take three years to complete.

There had been 12 letters of objection from residents raising a number of issues, including the routing of vehicles. Residents had complained that following the previous approval, vehicles had been using C roads and unclassified routes to access the site. Bishops Itchington Parish Council had also raised an objection on the grounds of vehicles travelling through Bishops Itchington and had suggested an alternative route. The Committee was told a Section 106 agreement that included a routing agreement requiring only the use of the permitted route had been prepared by the applicant's solicitor. Sally Panayi said the Section 106 agreement existed in draft form and had not been signed. A planning condition was recommended for no more than 25 lorries per day to turn right out of the site exit and travel via Bishops Itchington.

Other recommended conditions included a requirement for the access road to be narrowed once the work had been completed; use of a wheel wash facility and water bowsers to prevent mud on the road and for the control of dust; all lorries accessing the site to be fully sheeted to prevent mud and debris; and for CCTV to be installed to monitor access to the site. Members were told that local residents objecting to the scheme had suggested a reduction in operating hours to 9am-4pm and on weekdays only. Sally Panayi advised that a reduction on operating hours would lead to the infill operation potentially taking twice as long to complete. Stratford District Council's environmental health officer had raised no objections to the application, but had requested the replication of the planning conditions that had been attached to the previous application. No objections had been raised by Highways, or by Harbury Parish Council.

QUESTIONS

Responding to Councillor Chris Mills, Sally Panayi said the lake would initially be drained as part of the process.

Responding to Councillor Caroline Phillips, Sally Panayi said there would be a requirement for the CCTV footage to be retained for a period of three months. This would enable officers to review it and take enforcement action if necessary, as the CCTV would provide a suitable evidence base. In particular the footage would be used to ascertain the number of vehicles turning right out of the site and whether vehicles arrived at the site fully sheeted. The footage would not be actively monitored, but if in the event of complaints being received it could be studied to ascertain if a breach of the conditions had occurred.

Responding to Councillor Justin Kerridge, Sally Panayi said construction traffic could potentially arrive at the site from a number of locations, depending on where the infill material was sourced from. Use of the suggested alternative permitted vehicle routes would require traffic to take unnecessarily long diversionary routes.

Responding to Councillor Dave Humphreys, Sally Panayi said there was nothing to prevent the applicant from making subsequent applications to increase the timeframe to complete the work, through a Section 73 agreement. However, this would be a separate application for future consideration.

REPRESENTATIONS

Resident Martin Hall addressed the Committee about his concerns in relation to traffic travelling along restricted routes to access the site, stating that in the past lorries had been using the shortest available route, even if this meant using unclassified roads. He said it was essential the Section 106 agreement allowed for complaints and concerns relating to traffic management to be addressed. Sally Panayi reiterated that the Section 106 agreement would allow enforcement action to be taken if necessary. Martin Hall requested that the previous planning permission be revoked to ensure vehicles could not take an incorrect route under that previous consent. Caroline Gutteridge (Delivery Lead – Commercial and Regulatory) said the previous consent could be removed as a clause in the Section 106 agreement.

Resident David Bristow also addressed the Committee, stating that because of a previous lack of enforcement action regarding vehicle movements residents did not have confidence that traffic management could be properly monitored and sanctions be applied. Additionally, some of the B roads around Bishop Itchington were frequently used by cyclists, particularly at weekends, and the amount of construction traffic would present a risk to them. He suggested a compromise could be reached that work should not take place on Saturdays.

The applicant's agent, John Gough, addressed the Committee. He said the work would help to improve biodiversity and improve access to the SSSI, which had been agreed with Natural England during a site visit. He said the infill material would be sourced from a number of locations, and this would be done in a sustainable manner. He added the Section 106 agreement would address residents' concerns about traffic. Mr Gough said the applicant was willing to forego Saturday working, if this would help allay concerns from residents. The applicant, Shaun Smart, told the Committee that foregoing Saturday working would not unduly affect the timescale for completion. Infill material is not usually delivered to the site on a Saturday as the site was open to anglers at the weekend. It was agreed to amend the recommended hours of operation to reflect this.

DEBATE

Councillor Adrian Warwick said the discussions showed a great example of an applicant listening to and addressing the concerns of residents. He said the conditions would give assurances to members of the public that enforcement action could take place if required. Councillor Warwick proposed a motion to approve the application.

Councillor Judy Falp seconded the motion to approve, subject to the updated and amended conditions.

Councillor Justin Kerridge proposed a further reduction to the operating hours, suggesting a start time of 8am. Sally Panayi said no concerns over timings had been raised by Environmental Health or Highways, and it was not recommended that further amendments were needed. Members noted that it would be residents to contact the Council if there were any concerns about breaches of the conditions, with a view to potential enforcement action taking place if necessary. Mr Smart told members that he encouraged residents to do so.

A vote was held on the recommendation to approve. Nine members voted in favour in approval and there was one vote against.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the revised design of Bishops Bowl Fishery utilising the importation of inert material and soils, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities. Approval was also subject to an amendment in the operating hours from 7am-6pm on weekdays only, and for the previous consent terms agreed for the last application to be withdrawn in favour of a revised consent scheme being implemented with the new Section 106 agreement.

4. Planning application NBB/22CM010 Temporary upgrade of an existing agricultural access off Higham Lane, St Nicolas Park, Nuneaton, CV11 6GS

Sally Panayi presented the report and provided an overview of the application, which related to the temporary upgrade of an existing agricultural access off Higham Lane, St Nicolas Park, Nuneaton CV11 6GS until March 2025. The application sought to grant approval and was subject to a number of conditions, which were outlined in the report to members.

Full details presented to the Committee included the following:

- The application sought to widen an existing field access to facilitate construction work of a pipeline between the two sewage treatment works at Hinckley and Hartshill.
- A 20 metre hardsurfaced haulroad would be constructed as permitted development.
- HGV movements would be limited to 24 per day. In addition traffic would include access for personnel to the construction site.
- The removal of a section of hedgerow was required to provide adequate sight lines for vehicles exiting the site. The hedgerow would be replanted following completion of the works. Details of the hedgerow replanting scheme had been submitted to the landscaping team at Warwickshire County Council since the publication of the agenda. Wording of a revised planning condition was recommended to require the hedgerow replanting in accordance with the agreed scheme.

Six letters of objection from local residents were received relating to the removal of the hedgerow and increase in number of vehicles. Representation was also made by the local member from Nuneaton and Bedworth Borough Council objecting to the proposed no right turn into the proposed access. County Highways required a road safety audit to be prepared. Amended plans were submitted following the road safety audit removing the no right turn. The local member suggested that the speed limit on this section of Higham Lane the site should be reduced from 40mph to 30mph; however given the site's proximity to a roundabout it was not considered necessary. Wheel wash facilities would be on site with a dedicated jet wash operative to ensure vehicles were clean before leaving the site. There had been no objections raised by other statutory consultees. Sally Panayi said the proposed development was in accordance with local policies and with the NPPF.

QUESTIONS

Responding to Councillor Adrian Warwick, Sally Panayi said traffic accessing the site would be expected to enter via the A5 and not travel further along Higham Lane. Maxwell Griffin, the agent, said there was a routing plan included as part of the construction plan that indicated construction traffic would travel via the A5 to enter and exit the temporary access on Higham Lane. Councillor Warwick asked for this route to be included within the condition.

DEBATE

The recommendation to approve was proposed by Councillor Adrian Warwick and seconded by Councillor John Cooke.

A vote was held on the recommendation to approve. Nine members voted in favour in approval and there was one abstention.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the temporary upgrade of an existing agricultural access off Higham Lane, St Nicolas Park, Nuneaton subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities. This was also subject to an amendment to Condition 3 to state that Heavy Commercial Vehicles are required to approach and leave the site via the A5 and may not turn right on exiting the site. Additionally, Condition 4 was amended from a pre-commencement condition to a condition stating; The development hereby permitted shall be implemented in accordance with the ADAS BNG Mitigation Planting: Access 12a drawing no: 1120048_ADAS_XX_XX_X3007 Issue 3 before the end of the first available planting season following practical completion of the development hereby permitted. Any plants that are removed, die or become seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required. Reason: In order to comply with accordance with NPPF, ODPM Circular 2005/06.