

Minutes of the meeting of the Regulatory Committee held on 6 August 2019

Present:

Members of the Committee

Councillors Mark Cargill (Vice-Chair), Richard Chattaway, John Cooke, Pete Gilbert, Bill Oler (Chair), Anne Parry, Dave Reilly, Clive Rickhards, Dave Shilton and Jill Simpson-Vince

Warwickshire County Council Officers

Tom Evans, Senior Planning Officer
Ian Grace, Team Leader Planning Control
Jasbir Kaur, Strategic Planning and Development Manager
Ian Marriott, Corporate Legal Service Manager
Tom McColgan, Senior Democratic Services Officer
Sally Panayi, Planning Assistant
Matthew Williams, Senior Planning Officer

Others

Nick Atkins, Tarmac
Alison Doyle
Keith Duncan
Shaun Foley
David Pass, Fortress Recycling
Robert Pass, Fortress Recycling

1. General

1) Apologies

Councillor Gilbert was in attendance as a substitute for Councillor Warwick.
Councillor Shilton was in attendance as a substitute for Councillor Williams.
Councillor Chattaway was in attendance as a substitute for Councillor Webb.

Councillors Gifford and Rolfe had sent their apologies for the meeting.

2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests

Councillor Chattaway declared a non-pecuniary interest in item 7 Planning Application RBC/19CC008 as his daughter worked in Specialist Resourced Provision in Rugby. Councillor Chattaway confirmed that he would withdraw from the meeting for the consideration of the item.

3) Minutes of the previous meeting held on 4 June 2019 and matters arising

The Committee agreed that the minutes of the Regulatory Committee meeting held on 4 June 2019 be signed by the Chairman as a true and accurate record.

2. Delegated Decisions

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

3. Planning Application: NWB/19CC007 – The installation of a single storey modular building for a temporary period (52 weeks minimum) to provide interim accommodation at High Meadow School, Norton Road, Coleshill B46 1ES

Councillor Reilly withdrew from the Committee for consideration of NWB/19CC007 as he had registered to speak as an objector.

Sally Panayi introduced the planning application which was a retrospective application as the temporary classroom had been erected in the week before the meeting. She stated that the application preceded a further application which if approved would provide permanent additional accommodation at the school to allow it to move from an infant school to a primary school. The temporary classroom being considered by the Committee would allow the school to take on a Year 3 class for the 2019/20 school year and would be required by condition to be removed by 30 September 2020. She also recommended that the Committee include an additional condition that the rear window facing neighbouring properties be obscure glazed should the Committee be minded to grant planning permission.

Questions to Planning Officer

In response to Councillor Shilton, Mrs Panayi confirmed that the windows were double glazed and when closed would mitigate noise from the classroom.

In response to Councillor Rickhards, Mrs Panayi stated that the Highways objection had been withdrawn following an additional traffic survey undertaken by the developer. Highways felt that the existing on-street parking capacity would be adequate to accommodate the 20 additional car journeys which were expected to be generated from an additional 30 pupils attending the school.

In response to Councillor Gilbert, Mrs Panayi confirmed that there were 8 car parking spaces available at the school and that a portion of the playground was used to provide overflow parking. The application would remove the overflow parking as the new building would occupy the space used for overflow parking.

In response to Councillor Parry, Mrs Panayi confirmed that the elevation showed that the full height of the structure was 3.5 metres including the elevated foundation blocks.

In response to Councillor Cargill, Mrs Panayi stated that she could not confirm the exact mix of pupils attending the school. The school's catchment area extended beyond the County boundary and around a third of pupils came from outside of Warwickshire.

In response to Councillor Shilton, Mrs Panayi stated that vehicle access to the site was provided by a single gate which was closed at pick up and drop off times to prevent conflict with pedestrians. The Safer Routes to Schools Team were also looking at providing a 43 metre no stopping zone either side of the school gates.

Public Speaking

The Chair noted that Alison Doyle, Shaun Foley and Councillor Reilly had registered to speak in objection to the application and invited them to address the Committee.

Alison Doyle stated that she was representing residents of neighbouring properties on Rose Road. She urged the Committee to consider re-orientating the classroom 90 degrees and moving it to 12 metres from the boundary with Rose Road properties. Alison Doyle stated that she believed the actual elevation of the property was considerably more than the 3.5 metres quoted on the diagrams as it rose well above the 2 metre high fence at the back of her garden. The overlooking caused by the height of the building was compounded by its proximity to the boundary line which at 4 metres fell well short of the Borough Council's guidance which sought 22 metres of separation. Alison Doyle also asked for Members to condition that the rear window be obscure glazed and fixed shut to prevent overlooking and mitigate noise generated in the classroom, that any portion of the classroom visible from neighbouring properties be coloured grey and that the date of removal be fixed.

Shaun Foley stated that he felt there had not been a proper consultation carried out by the Council on the application and that the Applicant's Agent had breached data protection rules when submitting their survey results. He stated that he objected to the application as he felt it would have serious implications for the safety of pupils and residents using the surrounding roads. The area around the school was already overcrowded with cars often parking on the pavement forcing children to walk in the road. The excess of parked cars had also led to two occasions in recent months when fire engines had become stuck in Norton Road. The road was also very steep and there had been a number of occasions when drivers had not properly applied their hand brakes and empty runaway cars had rolled down the hill towards a blind corner. He stated that neighbours were not against the principle of the school expanding and asked the Committee to apply additional conditions such as providing single yellow lines and requiring the school to operate a walking bus scheme in order to mitigate the impact of increased journeys resulting from increased pupil numbers. He also highlighted that there was a covenant on the land which prevented the expansion of the school.

Councillor Reilly reiterated the comments made by the previous speakers stating that they should be commended for attending the meeting in the face of harassment they had received over social media. He emphasised that residents were not objecting to the principle of expanding the school but were keen to see that development was carried out in a manner that respected the neighbours. He stated that he felt the additional conditions called for (fixed obscured glazing to the rear window, changing the orientation of the building to reduce overlooking, leaving the side of the building facing neighbours neutrally decorated, implementing parking restrictions, and a walking bus scheme) would ensure that the school remained a good neighbour and pupils were safeguarded.

Councillor Rickhards asked Mrs Panayi to clarify the walking bus/ park and stride scheme that was mentioned in the report and by the public speakers.

Mrs Panayi responded that discussion was ongoing with a local supermarket to use their car park as a drop off/ pick up point but no commitment to the scheme had been made and it was not something that would be conditioned as part of a planning application.

The Chair asked Mrs Panayi to confirm that the rear window could be obscure glazed and locked shut and to clarify if it was feasible to re-orientate the classroom so that the rear window faced onto a neighbouring garden with more adequate screening.

Mrs Panayi confirmed that obscure glazing as well as locking and screening of the window could all be secured by condition. She stated that she could not confirm whether it was possible to re-orientate the structure and the application would need to be deferred to allow officers to investigate if changing the site layout would be feasible and to allow further consultation with neighbouring residents.

In response to Councillor Shilton, Mrs Panayi confirmed that the colouring and decoration of the building could also be secured by condition.

Councillor Cargill asked why the application appeared to have been rushed and was now coming to the Committee as a retrospective application when decisions about the published admission number at the school and term times must have been known well in advance.

Gordon O'Dell responded that construction had to be timetabled in the summer holidays and that the application was only to provide temporary accommodation ahead of the application for permanent building work which was expected to come to the Committee in the coming months.

In response to Councillor Shilton, Mr O'Dell responded that the County Council would be happy to accommodate the further conditions asked for as long as they were feasible given costs and the site layout.

In response to Councillor Simpson-Vince, Mrs Panayi confirmed that the temporary building had been placed where it was to allow for further construction should the Committee grant permission for the four permanent classrooms to be built.

Debate

The Chair stated that he was frustrated that the application had come before the Committee with the structure already in place and he felt that Members should defer determining the application to allow officers to consider the additional conditions proposed in the meeting and for further negotiations with the objectors.

Councillor Rickhards stated that if the application was deferred he would expect Highways to produce a more detailed explanation of the additional information they had received that had led to them withdrawing their objection.

Councillor Chattaway stated that with term starting the same day as the next Committee meeting it would be necessary to expedite consideration of the application to avoid any changes disrupting classes.

Councillor Simpson-Vince suggested that the October half-term could be used to move the building to avoid disrupting operation of the school if the Committee decided that a move was the best option.

Councillor Cargill stated that the Committee could delegate the decision to the Chair and Vice Chair who could work with officers to reach an acceptable position before the next meeting. If the Chair and Vice Chair were unable to come to a decision the application would return to the Committee as undetermined.

The Chair asked officers to confirm how long re-consultation would take on the revised position of the building.

Mrs Panayi responded that the standard consultation period was three weeks. This could be expedited but as it was August neighbours were likely to be on holiday and may not be available to respond to a consultation immediately.

Councillor Chattaway proposed that the Committee defer the application and delegate to the Chair and Vice Chair to determine the application before the next meeting if possible.

The motion was seconded by Councillor Simpson-Vince.

In response to Councillor Rickhards, Ian Marriott confirmed that the additional conditions around the rear window and decoration of the classroom had essentially been agreed as appropriate by the Committee and as he understood the intention of the motion, the purpose of deferral was to investigate the feasibility of re-orientating the classroom and the delegation would be to grant permission for a re-orientated building, subject to the recommended conditions and those additional conditions if, following adequate consultation, it was considered reasonable to do so. Otherwise, the application would be considered again by the Committee at its next meeting.

The Chair called a vote and the motion was approved with 7 votes for, 2 against and no abstentions.

Resolved

That the Committee defers consideration of the item and delegates authority to the Assistant Director Communities, acting in consultation with the Chair and Vice Chair of the Committee, to grant planning permission if he is satisfied (following local consultation) that it is reasonable to require the re-orientation of the classroom.

4. **Planning Application: WDC/18CM020 – Retrospective application for extension to existing building to provide additional storage, proposed external waste handling bay, car parking extension, erection of litter fencing, security fencing and other internal site alterations at Fortress Recycling, Blick Road, Heathcote Industrial Estate, Warwick CV34 6TA**

Sally Panayi, Planning Assistant introduced the application which was a retrospective application. She outlined the changes Fortress Recycling had made to their operation to improve the flow of waste through the site to allow for all waste to be cleared by the end of the day and the site to be cleaned. Fortress Recycling had also submitted an odour management plan which had been approved by the Environment Agency and Warwick District Environmental Health had not objected to the application. The application also included expansion of the parking area with the removal of a grass area on the eastern side of the site.

Questions to Planning Officers

In response to the Chair and Councillor Cargill, Mrs Panayi stated that the issues with odour management arose from contamination when customers disposed of food waste in the Fortress bins. The representatives from Fortress Recycling outlined the measures they were taking to reduce contamination including clearly labelling bins and visual inspections before waste was collected and again before it was sorted at the depot. Contaminated waste was placed into quarantine containers which were emptied regularly.

In response to Councillor Rickhards, Mrs Panayi confirmed that the Highways Team were satisfied by the tracking diagrams submitted by the Applicant which showed that there was room for HGVs to manoeuvre even with on street parking.

In response to Councillor Shilton, Mrs Panayi confirmed that there was no external storage of waste. Waste was stored in sealed vehicles until it could be processed.

Debate

Councillor Chattaway moved the recommendation as presented in the report and stated that the application was to enable an industrial process in an industrial estate.

Councillor Gilbert seconded the proposal stating that the site appeared to be well run and he welcomed the steps that had been taken to manage odour.

The Chair called a vote and the proposal was agreed unanimously.

Resolved

That the Committee authorises the grant of permission as recommended.

- 5. Planning Application: WDC/19CC003 – Construction of a new detached Forestry Storage Building with associated Welfare Facilities and Office accommodation and a shared modular Welfare Building for use by all end users along with modification to existing car parking layouts to provide increased provision.**

Councillors Gilbert and Parry were not present for the consideration of WDC/19CC003

Ian Grace presented the application highlighting that the application was on Green Belt land and that part of the application was inappropriate development in the Green Belt and thus needed to demonstrate very special circumstances. If Members were to grant permission the application would then be referred to the Secretary of State for him to decide whether to call it in for his determination.

Questions to Planning Officers

In response to the Chair, Mr Grace stated that the Secretary of State would take a decision on whether the application would be called in or not in 28 days. If the application was subject to an inquiry it would likely be around six to eight months before the outcome was known.

In response to Councillor Cooke, Mr Grace stated that the outstanding objection from the Flood Risk and Water Management Team resulted from a difference in approach rather than a disagreement about fact. He stated that he felt condition 6, which required a surface water drainage scheme be approved before any construction could take place, adequately answered the outstanding objection although he was aware that the Flood Risk and Water Management Team preferred to have this in place before a planning application was brought forward to Committee.

In response to Councillor Rickhards, Mr Grace stated that the applicant's circumstances could form part of the justification for very special circumstances. In the case of the application the applicant had an underused site at Montague Road which could be vacated if the permission was granted allowing Warwick District Council to bring forward housing at the Montague Road site allowing them to fulfil the housing allocation identified in their local plan.

In response to the Chair, Mr Grace stated that the County Council was bringing forward the development but he could not say whether any subcontractors would be based at the site.

Debate

Councillor Shilton proposed that the recommendations as laid out in the report be approved stating that although the loss of trees at the site was regrettable he was sure that the Forestry Service would work hard to replace them tenfold across the county.

Councillor Cargill seconded the motion.

The Chair called a vote and the motion was agreed unanimously.

Resolved

That the Committee authorises the grant of planning permission as recommended.

- 6. Planning Application: WDC/19CC002 – Addition of Warwickshire County Council’s Forestry Department’s Chippings and Log Storage facility to existing Highway Departments’ Old Budbrooke Road chippings site, with extended fencing and new secure gateway at end of shared access driveway, and a new temporary storage bunker.**

Councillors Gilbert and Parry were not present for the consideration of WDC/19CC002

The Chair proposed that consideration of the application be deferred and stated that in the briefing officers had provided before the meeting it had been clear that there were outstanding issues with the application that would benefit from giving officers more time to resolve them. Councillor Cargill seconded the motion which was agreed unanimously.

Resolved

That the Committee defers consideration of the item.

- 7. Planning Application: RBC/19CC008 – Erection of a new building to provide a Key Stage 1 Specialist Resourced Provision (SRP) for East Warwickshire / Rugby at Paddox Primary School, Fareham Avenue, Rugby CV22 5HS**

Councillor Chattaway declared a non-pecuniary interest in RBC/19CC008 and withdrew from the meeting for consideration of the item. Councillors Gilbert and Parry were not present for consideration of the item.

Tom Evans, Senior Planning Officer introduced the application and recommended an additional condition requiring the applicant to submit details of any air handling plant prior to its installation and any noise mitigation proposals that may be necessary to ensure no adverse impact on residential amenity.

Questions to the Planning Officer

In response to Councillor Cargill, Mr Evans confirmed that there had been no Highways objection to the application. There was a single vehicle access lane into the site with passing places. Traffic on the site was well managed with set drop off times for pupils.

Councillor Simpson-Vince noted that the resident who had submitted an objection to the application did not live in the locality.

Debate

Councillor Rickhards proposed that the Committee agrees the recommendations as presented in the report with an additional condition around sound levels as proposed by officers stating that there was a very strong educational need for the development and there did not seem to be any valid planning objections.

Councillor Cooke seconded the motion.

The Chair called a vote and the motion was agreed unanimously.

Resolved

That the Committee authorises the grant of planning permission as recommended with the inclusion of an additional condition requiring the applicant to submit details of any air handling and refrigeration plant and related noise mitigation measures prior to its installation.

8. Planning Application: NWB/19CM009 – Variation of the permitted hours of operation in order to extend the hours over which empty Heavy Goods Vehicles may return to the site at Mancetter Quarry, Mancetter

Matthew Williams introduced the application and distributed revised wording for condition 43 and a further representation from Mancetter Parish Council. He stated that following meetings between the applicant and neighbours Tarmac had indicated that they were willing to accept a condition limiting ten HGVs a day returning to the site after 17:30 on weekdays or 12:00 noon on Saturday and were willing to accept that the extended operating hours be granted for an 18 month provisional period. He stated that Tarmac had also offered to produce a quarterly newsletter informing residents of activity at the quarry which Mancetter Parish Council had asked to be included as a condition however officers had felt that this was not suitable for inclusion as a planning condition but noted that there was a robust liaison group which could hold Tarmac to account for the production of a newsletter.

Public Speaking

The Chair noted that there were two speakers registered and invited them to address the committee.

Keith Duncan spoke in objection to the application stating that he was representing the properties that neighboured the quarry. He stated that neighbours did not want to prevent Tarmac from operating but requested that the Committee condition a weekly limit on the volume of HGVs that could return in the extended operating window. Keith Duncan stated that a limit of 10 HGVs per day amounted to around 300 HGVs a month which was well in excess of what Tarmac predicted they would need. Keith Duncan stated that neighbours felt that 20 per week still afforded Tarmac the flexibility in operation they said they needed while protecting neighbours from significantly increased evening HGV traffic.

Nick Atkins spoke in support of the application highlighting that the quarry was recognised as a resource of national importance and that the application was seeking to regularise the occasional late return of vehicles due to unforeseen delays rather than adjusting the operational window at the quarry. Since Tarmac had made the application there had been a single instance where trucks had been delayed when out on delivery and had returned after 17:30. He stated that Tarmac were happy to comply with the 10 per day limit and to accept an 18 month probationary period. He also highlighted existing conditions limiting monthly and yearly output from the quarry so an extension of operating hours would not allow Tarmac to physically remove any more material from the site.

In response to Councillor Simpson-Vince, Mr Atkins confirmed that drivers returning after 17:30 would be finishing their shifts, not refilling and leaving to make another delivery.

In response to Councillor Shilton, Mr Atkins confirmed Tarmac's commitment to producing a quarterly newsletter from local residents.

In response to the Chair, Mr Atkins stated that the last HGV left to make a delivery at between 15:30-16:00 in an effort to ensure they were able to return by 17:30.

In response to Councillor Rickhards, Mr Duncan stated that Tarmac had reported that generally one or two trucks arrived late and that on the worst occasion 8 HGVs had been delayed beyond 17:30. A weekly limit of 20 per week would allow for one or two a day and still leave enough flexibility to cover Tarmac's worst case scenario.

In response to Councillor Parry, Mr Atkins stated that it was difficult to predict when delays would occur and ten vehicles per day allowed for 50% of Tarmac's fleet to be delayed as depending on the size of the order they may be travelling to and from the same destination.

In response to Councillor Gilbert, Mr Duncan stated that broadly residents recognized the description of the quarry's operation given by Tarmac but that they had concerns that drivers were not following the routing restrictions which caused issues on what were narrow country roads.

In response to Councillor Gilbert, Mr Williams responded that he was aware of residents' concerns but the County Council had not received any evidence that Tarmac's vehicles were not following the one way system in place for them. He stated that there was an industrial estate and another quarry close by all of which received HGV traffic and it was not necessarily obvious where lorries were headed. Mr Atkins added that Tarmac's vehicles were tracked and so Tarmac would be able to identify drivers not following the one way system. Tarmac would also be painting large numbers on the side of their vehicles so that residents would find it easier to identify them rather than having to note down a number plate. Details of the new identification scheme and how to report vehicles not using the proper route would be included in the quarterly newsletter.

In response to Councillor Gilbert, Mr Williams stated that if Tarmac breached the 10 vehicles per day limit it would be a matter for the County Council's Planning Enforcement Team and confirmed that at the end of the 18 month probation period Tarmac would have to submit an application for a permanent alteration to Condition 43.

In response to the Chair, Mr Williams confirmed that there was an active quarry liaison group that met three times a year and had been meeting for around 15 years.

In response to Councillor Cargill, Mr Duncan stated that he felt the roads around the quarry were generally in reasonable condition and that where issues had been identified and brought to the liaison group Tarmac and the County Highways Team had listened.

Debate

Councillor Cooke stated that it was clear from the representations to the Committee that this was a reasonable application where the applicant had listened to the concerns of neighbours and had made concessions. Councillor Cooke proposed the recommendations as laid out in the report included the amendment tabled by officers.

Councillor Chattaway seconded the motion.

The Chair put the proposal to a vote and it was agreed unanimously.

Resolved

That the Committee authorises the grant of planning permission for a temporary period of 18 months subject to the imposition of the condition circulated at the meeting and completion of a legal agreement covering matters contained within an existing legal agreement linked to planning permission NWB/14CM034.

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Chair