

Regulatory Committee

Tuesday 6 July 2021

Minutes

Attendance

Committee Members

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

Officers

John Cole, Democratic Services Officer
Ian Marriott, Legal Service Manager
Sally Panayi, Senior Planning Officer
Matthew Williams, Senior Planning Officer

Others Present

Mr Selwyn Rees – applicant for Item 3

1. General

(1) Apologies

None

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None

(3) Minutes of the Previous Meeting

The following amendment was made to the minutes of the previous meeting –

Page 5 of the minutes – in relation to the vote held. The minutes should read –

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.

Following the above amendment, 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 RBC/20CM014 Proposed re-grading of agricultural land, Land off Newton Road, Shawell, Rugby, CV23 0EB.

Sally Panayi, Senior Planner, presented the report to the Committee, confirming the location, and size, of the application site, including information in relation to the nearest residential properties.

The following points were confirmed to the Committee –

- The applicant would like the field to return to a more agricultural use.
- There has been little or no restoration at the site up until this application.
- The land would need to be re-graded with topsoil which would mean over 6,500 vehicle movements over 2 years to set up the site.
- Newton Lane; open access would be required to allow HGV's to pass and would be secured by a gate set back from the highway.
- The current access point would need to be widened.
- A turning point would need to be created.
- The existing hedge height would need to be reduced to allow HGV visibility.

The application proposes 26 HGV movements per day, however, the Committee noted that this may increase during dry/summer months. It was noted that there is a condition

recommended to restrict this to a maximum of 40 movements per day to ensure there are not too many vehicles during the summer months.

It was noted that there are no objections to the application from Rugby Borough Council Environment Health Officers, subject to conditions in relation to the control of noise from HGV reverse alarms and that there are no operating hours on Sundays or Bank Holidays.

It was confirmed that the Environment Agency would be required to grant a permit to the operator in relation to the grading of the topsoil.

It is proposed that topsoil would be imported to the application site from a storage yard at The Fisheries located approximately 1.7 km and it was noted that the local Parish Council has raised concerns that there will not be enough at this site. It was noted that there is a condition in place that material only comes from the fisheries to ensure that vehicle movements are limited to the short distance. It was confirmed that Highways England is happy with the conditions proposed following consultation with Warwickshire County Council Officers.

Following a question from Councillor Justin Kerridge, it was confirmed that the application is for agricultural improvement, rather than waste disposal for material from the Fisheries and that the applicant is keen to have the proposed amount on site in order to create a more level surface that can be operated on.

Councillor Kerridge raised concerns about the operating hours and it was confirmed that the proposed hours were standard hours agreed with Rugby Borough Council. The Committee was asked to consider that any reduction in operating hours such as removing Saturday hours, would mean that the operation could take longer than the proposed two years to complete.

Councillor Adrian Warwick raised strong concerns in relation to the HGV movements and the nearby village of Newton. It was confirmed that there is a recommended condition that means vehicles could only come from The Fisheries, meaning that they would avoid Newton.

In relation to a question from Jill Simpson Vince, it was confirmed that the gates may be closed during hours of operation to avoid fly tipping. However, the applicant lives on site and there is adequate off-road parking should vehicles arrive and be unable to enter the site.

Public Speaking

A statement was read to the Committee by Matthew Williams, Senior Planner, from Mr. Ian Davis, Chair of Newton Parish Council who was unable to attend the meeting. Mr. Davis stated that the Parish Council has no objections in principle to the applications but misgivings about the implementation.

In the statement, Mr. Davis asked the Committee to consider the following points –

- Is the depth of the proposed fill justified?
- How much material is available from the Fisheries?
- How would any shortfall of material be met?
- Who is responsible for inspecting the material?
- Does Warwickshire County Council have the resources to do this?

- Does the Council have the resources to carry out any enforcement should it become necessary?

Mr. Selwyn Rees, applicant addressed the Committee stating that he and his family had farmed on the land for many years but that it has been a struggle to crop on the field proposed in the application. Mr. Rees stated that it was his intention to reinstate the field to previous levels to enable it to be cropped. He confirmed to the Committee that the soil would be graded by the Environment Agency. Mr. Rees acknowledged the concerns about the HGV drivers and the issues in Newton, stating that the new signage and proposed conditions would help. He also stated that most of the drivers are local and are very aware of the issues in Newton and will avoid it.

Debate

Councillor Adrian Warwick stated that the key to assessing this application is the conditions recommended by the officer. Councillor Warwick stated that he did not object to the application but would insist that the conditions must be monitored closely and enforced. There must be a guarantee that Warwickshire County Council officers would move quickly and effectively if the applicant fails to keep to the conditions.

Councillor Judy Falp and Councillor Jill Simpson-Vince both stated that they supported the application but did have concerns relating to the Saturday working hours; but as long as the HGVs avoided Newton as per the conditions then the process should be completed as quickly as possible.

Councillor Chris Mills stated that restoring fields to agricultural land can only be a good thing, and that it makes a change from seeing land being used for developments.

The recommendation was proposed by Councillor Chris Mills and was seconded by Councillor Jack Kennaugh.

A vote was held with 11 votes in favour of the application. There was one abstention.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the re-grading of agricultural land on land off Newton Lane, Rugby subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

4. Exclusion of Press and the Public

Resolved

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

5. Planning Enforcement Report

Resolved

That members note the information in the report.

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