

Regulatory Committee

Tuesday, 4 February 2020

Minutes

Attendance

Committee Members

Councillor Mark Cargill (Vice-Chair)
Councillor John Cooke
Councillor Bill Gifford
Councillor Bill Olnier (Chair)
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Caroline Phillips
Councillor Adrian Warwick
Councillor Chris Williams
Councillor Margaret Bell

Officers

Jasbir Kaur, Planning Manager
Helen Barnsley, Democratic Services Officer
Ian Grace, Team Leader Planning Control
Ian Marriott, Legal Service Manager
Sally Panayi, Planning Assistant
Matthew Williams, Senior Planning Officer
Tom Evans, Senior Planning Officer

Others Present

Graham Jenkins, Cemex UK Operations Ltd (Item 4 Only)
Press

1. General

(1) Apologies

Apologies were received from Councillor Anne Parry who was replaced by Councillor Margaret Bell

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

Councillor Mark Cargill confirmed that he was the County Councillor for the Alcester Division in relation to Item 3 – Oversley Hill Farm

Councillor Jill Simpson-Vince wished it to be noted that in relation to Item 4 – Parkfield Road Quarry, she is the Portfolio Holder for Growth and Investment at Rugby Borough Council.

Councillor Margaret Bell confirmed that in her role as a Councillor at North Warwick Borough Council she had already taken part in a discussion and vote in relation to item 5 of the agenda – New Fire and Rescue training centre (Kingsbury Water Park). She stated that she would not take part in any discussion at this meeting, or the vote.

(3) Minutes of the Previous Meeting

The Committee agreed that the minutes of the Regulatory Committee meeting held on Tuesday, 7 January 2020 be signed by the Chair as a true and accurate record. There were no matters arising.

2. Delegated Decisions

There were no delegated decisions to be noted at this meeting

3. Planning application SDC/19CC016; Oversley Hill Farm

Sally Panayi, Planning Assistant presented the application to the Committee in relation to the creation and management of three wildlife ponds on farmland as part of a conservation strategy. Detailed information on each of the proposed ponds was given to the Committee and the following points made;

- The aim of the Warwickshire, Coventry and Solihull great crested newt conservation strategy is to create and increase habitat for known newt populations to compensate for the loss of biodiversity as a result of development on other sites in the area.
- 360 diggers would be used for construction and would be able to access the site.
- The ponds would have a maximum depth of 0.5 metres so no lifesaving equipment would be necessary.

Debate

Moving into debate, the Committee all agreed that the proposed scheme was excellent. The recommendation was proposed by Councillor Mark Cargill and was seconded by Councillor Adrian Warwick. A vote was held, and the Committee voted unanimously in favour of the application.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the creation and management of 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy at Oversley Hill Farm, Oversley Green, Alcester, subject to the Page 11 Page 1 of 10 Agenda Item 3 conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

4. Planning Application: RBC/18CM017 - Parkfield Road Quarry, Parkfield Road, Rugby

Matthew Williams, Senior Planning Officer presented the report to the Committee confirming that the application site was a former clay and limestone quarry. The application seeks permission to backfill the quarry with inert material sourced from the High-Speed Rail (HS2) construction project. The following points were highlighted to the Committee—

- Importation of the inert material would be by rail only.
- All concerns raised in relation to noise, light and dust have been met by the conditions in Appendix B; including the construction of acoustic fencing.
- Footpaths will be reinstated after the work was completed.
- As part of the conditions attached to the application, it was confirmed that on completion of the infilling a landscaping scheme will be in place to restore the potential for the creation of valuable wildlife habitats.
- The site has been out of use for several years; the proposed application would introduce a period of intense activity to the site which would result in environmental effects and impacts.
- The applicant (Cemex UK Operations Ltd) made a commitment to establish a public liaison group should the application be approved, to provide a point of contact for residents and a strong line of communication between both sides.

Following questions from the Committee the following points were confirmed;

- The secure fencing currently in place at the application site will be reviewed upon completion of the development.
- A comprehensive noise assessment was carried out and concluded that the development could be undertaken without significant adverse impact on the neighbouring properties.
- Should the HS2 project be unable to provide enough material for the application, other inert material would be sourced but would only be able to access the site by rail.

Debate

Councillor John Cooke stated that he did have some reservations about the application and would like to see within the S106 details of the application, a commitment to the liaison group previously mentioned.

Councillor Bill Gifford stated that despite some concerns about the applications, in the long term there would be benefits. Councillor Jill Simpson-Vince agreed that bringing the site back to a useable state for the local community would be beneficial in the long term but stated that there should be a written commitment to the liaison group.

The recommendation was proposed by Councillor Bill Gifford and was seconded by Councillor John Cooke. A vote was held and there were nine votes in favour of the application and one vote against the application with one member abstaining. Councillor Margaret Bell did not take part in the vote.

Resolved

That the Regulatory Committee authorises the grant of planning permission to allow the importation of inert restoration material by rail to the rail siding along the southern side of Parkfield Quarry, the offloading of the inert material and transportation to the quarry void for backfill restoration, the construction of a temporary hard standing area for the rail offloading and internal vehicle movements, the construction of temporary acoustic screen walls and screen bunds, the implementation of phased backfill restoration programme, and the implementation of a comprehensive restoration scheme with a range of land uses together with the reinstatement of public rights of way subject to the conditions and for the reasons and with the notices and statements contained within Appendix B of the report of the Strategic Director for Communities.

Subject to additional conditions:

Only inert waste materials may be deposited on the site and the completion of a Section 106 Agreement in order to formalise arrangements for the creation of a resident's liaison group.

5. New Fire and Rescue Service training centre (Kingsbury Water Park)

Tom Evans, Senior Planning Officer presented the report to the Committee confirming that existing training facilities for the Fire & Rescue Service are out of date and need to be brought up to date, high quality and fit for purpose.

The application includes amendments to access points on the site allowing for fire appliances to safely get to the proposed new training facility. There would also be an increase to the hard-standing parking area for the appliances.

It was confirmed to the Committee that the hose and ladder training would produce the most noise, but impact assessments had concluded that this would be of limited impact and only approximately ten hours a year. It was also confirmed that any smoke generated during training exercises would be fake; cold and will not produce any pollution.

The Committee was asked to consider that this application is in the Green Belt and that only certain conditions allow for development in the Green Belt. It was confirmed that the extension of an existing building within the green belt does not constitute inappropriate development. The creation of a further hard standing area can be categorised under engineering operations as per the NPPF guidelines and, also does not constitute inappropriate development in the green belt.

The erection of the proposed cold smoke house would constitute a new building in the green belt and would therefore be considered inappropriate development as defined by the NPPF unless there are very special circumstances. The report outlines the following points as being very special circumstances –

- The cold smoke house is a necessary part of the training requirements.
- The cold smoke house is a vital part of the proposed training facility.
- There is an overriding need to provide a highly trained fire service to the county.

The Committee noted that North Warwickshire Borough Council (NWBC) has raised an objection to the application on the grounds that the proposal constitutes inappropriate development in the Green Belt and significant visual and landscape impact. The Committee was asked to note that the Environmental Health officer from NWBC had not raised any objections to the application.

Tom Evans confirmed that members of the Committee would have to decide if the very special circumstances presented to them in the report are enough for them to grant permission.

Debate

Councillor Adrian Warwick stated that the National Planning Policy Framework (NPPF) encourages the use of buildings already on a site and that he supports the very special circumstances outlined in the report. Councillor Warwick stated that he understands the concerns of NWBC but feels that this is a valid application.

Councillor Mark Cargill echoed the comments made by Councillor Warwick and stated that he fully supports Warwickshire Fire & Rescue Service who need these facilities. Councillor Cargill confirmed that he believes the very special circumstances are valid.

Councillor David Reilly stated that there had been a recent Green Belt Review conducted by NWBC resulting in the decisions that there should be no development in the Green Belt. Councillor Reilly stated that he did not agree that the very special circumstances were valid.

Councillor Caroline Phillips expressed concern that if the application was granted permission then there would be no possibility that the outdoor activity centre could be reopened.

Councillor John Cooke reminded the Committee that they must consider only the application presented and ask if the very special circumstances highlighted in the report apply to the application.

A recommendation for a site visit was proposed by Councillor David Reilly and was seconded by Councillor Kate Rolf. A vote was held and there were four votes in favour of a site visit and seven votes against. Councillor Margaret Bell did not take part in the vote.

The recommendation was proposed by Councillor John Cooke and was seconded by Councillor Adrian Warwick. A vote was held and there were seven votes in favour of the application and three votes against the application with one member abstaining. Councillor Margaret Bell did not take part in the vote.

Resolved

That the Regulatory Committee authorises the grant of planning permission for alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to existing tower, road traffic collision simulator and confined spaces simulator to provide new fire and rescue training centre subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

6. Change to Directors of Warwickshire Legal Services Ltd

Resolved

That the Committee notes and approves the resignation of the AD Governance and Policy as Director of Warwickshire Legal Services Limited (“WLS”) and notes and approves the appointment of the Strategy & Commissioning Manager Legal and Democratic as WLS

7. Reports Containing Confidential or Exempt Information

Resolved

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 2, Schedule 12A of the Local Government Act 1972 as amended.

8. Approval of remedy for Ombudsman complaint

Peter Endall, Senior Solicitor presented a confidential report seeking the approval of remedy for an Ombudsman complaint.

Resolved

That the Committee agree the recommendations as laid out in the report.