

Minutes of the meeting of the Regulatory Committee held on 11 July 2017

Present:

Members of the Committee

Councillors Margaret Bell, Mike Brain (Vice-Chair), Bill Gifford, Clare Golby, Keith Lloyd, Bill Oler (Chair), David Reilly, Clive Rickhards, Dave Shilton, Adrian Warwick, Alan Webb and Chris Williams

Other Warwickshire County Councillors

Councillor Kam Kaur
Councillor Peter Butlin
Councillor Jill Simpson-Vince

Warwickshire County Council Officers

Helen Barnsley, Democratic Services Officer
Ian Grace, Principal Planner
Jasbir Kaur, Strategic Planning and Development Manager
Ian Marriott, Corporate Legal Service Manager
Janet Purcell, Democratic Services Manager
Chris Simpson, Business and Capital Programme Manager

Public Speakers (for Item 3 only)

Councillor Bill Lewis – Rugby Borough Council (Rokeby & Overslade)
Sally Chant - Sustainable Hillside and Rokeby Education (SHARE)
Linda Hanson – local resident
Ivan Norris – local resident
Sarah Mills (Service Manager, Access and Organisation WCC Education)
James Parker (Director, PTB Transport Planning)
Clare Lucey (Associate, Cushman and Wakefield)

1. General

1) Apologies

None

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

None

3) Minutes of the previous meeting held on 13 June 2017 and matters arising

The Committee agreed that the minutes of the Regulatory Committee meeting held on 13 June 2017 be signed by the Chairman as a true and accurate record.

There were no matters arising.

2. Delegated Decisions

Members noted the contents of the report.

3. **Planning application: RBC/16CC016 Outline planning permission with all matters reserved apart from access, to allow the development of a new secondary school, associated sports provision, new SEN school, demolition of the existing Rokeby Infant School and replacement playing fields on land adjacent to Rokeby Primary School, Anderson Avenue, Rugby**

Ian Grace, Principal Planner, introduced the report and gave a presentation to Members. There was an acknowledgement from Officers that this was a difficult application for Members to consider and that the sheer volume of material to be considered made it challenging.

Members were presented with three key issues regarding the application.

1. Officers advised that the application was contrary to the development plan for Rugby.
2. A number of other material considerations pointed towards refusal of the application.
3. Education need in Rugby is a strong material consideration. This point is strongly contested by the objectors but Members must consider whether this outweighs the considerations against granting permission.

Members were informed of the late representations that had been received by Officers. A committee update report was circulated widely on Friday 7 July 2017, however, since then further material had been received which included 47 letters of support for the proposal.

It was acknowledged that there was concern that the late representations from the Highways Authority had not allowed those involved sufficient time to take on board, research, comment on and potentially challenge this new information. A request for the application to be deferred due to the Highway Authority's late submission had been received.

Specific points were highlighted to Members. These included

- Air Quality
- Highway matters
- Impact of landscaping
- Impact on the housing estate
- Loss of open space

The presentation included a series of photographs of the entire application site and surrounding environs.

The Committee was then given the opportunity to ask factual questions. In response the Committee were told the following:

- If the development is not proceeded with, it is probable that the open space would retain its status and not be used for other development.
- Regarding the privately owned hedge on the corner of Anderson Avenue (where the access point to the proposed development is) confirmation was given that there had been no attempt to contact the owner regarding cutting the hedge back to improve visibility on the corner. It was noted that the Highways Authority does have the right to cut the hedge back to the boundary line.
- The application site includes an area for the dropping off and picking up of pupils.
- If the application is not approved there will be a shortage of school places in the area within two to three years. Children would need to be accommodated elsewhere (potentially outside the borough).
- Educational need in Rugby is currently significant and will shortly be severe.
- The application site will be sufficient for all parking requirements.

Public Speaking

Councillor Kam Kaur – Warwickshire County Council

Councillor Kaur (the local Member for Bilton and Hillside) spoke to the Committee and made the following points –

- She understood the concerns regarding traffic volume and highway safety. However, there are at least two other schools in her division with limited access.
- Educational need was an integral part of this application.
- She welcomed the on-site drop off and pick up area which will be advantageous to parents and residents.
- Whilst supporting the application, certain conditions would require strengthening;
 - Page 74 of the report (point 9); to add that provision is made for 6th formers attending the school to park their cars on the site in order to avoid on street car parking.

- Page 75 of the report (point 10); the addition of a request that Warwickshire County Council Officers work closely with Rugby Borough Council Officers to ensure that new housing developments allow for sensible links between sites.
- Speaking on behalf of the children currently, and soon to be, attending the school, Councillor Kaur stated that there was great admiration for the Head Mistress and staff at the school and the great education that was being provided. Having received numerous forms of correspondence on the matter she wished their support for the application to be noted.
- As part of their remit as County Councillors Members must ensure that every child in Warwickshire has a good education with the appropriate network links and infrastructure; a duty of care must be considered.

The Chair, Councillor Bill Olnier, welcomed the suggestions made with regard to strengthening conditions should the application be approved.

Councillor Bill Lewis – Rugby Borough Council (Rokeby & Overslade)

Councillor Bill Lewis stated that in his role as a Borough Councillor he is aware that there is no support from the three Borough Councillors for Rokeby and Overslade for the loss of the site as an open space.

He reminded Members of the Committee that in 2011 Rugby Borough Council, with advice from Warwickshire County Council, allocated a site where the old Rugby radio station was, for a secondary school which would be operational by September 2015. This has not happened.

Other points included -

- Rokeby Borough Council was not consulted before the Education Funding Agency chose Rokeby Playing Fields for the site.
- Warwickshire County Council did not ask for the playing fields to be zoned for educational use during a recent consultation on the development plan.
- The application should fail on planning terms; the presented evidence leads only to a refusal.

Following questions from the Committee, Councillor Lewis confirmed the following points –

- The local development plan does not include the Rokeby Playing Fields as a school site.

- Two alternative sites that have been proposed to Rugby Borough Council are where there is an existing need (rather than forecasted growth).
- The new local plan for Rugby Borough Council has not yet been adopted by the Council. The current Core Strategy is from 2011.
- The figures for how many children are brought into the area from Daventry were not available at the meeting but could be provided following the meeting. At this point it was also noted that the Rugby education system also includes selective schools.

Sally Chant - Sustainable Hillside and Rokeby Education (SHARE)

Sally Chant informed Members of the Committee that she was part of a group that was currently involved in an application to grant Village Green status to the open space which forms part of the application site. This application is going to a public enquiry in the autumn.

The following points were also made to the Committee -

- The application is not in line with the local development plan. Other sites have been identified so there is no need to sacrifice the open space at Rokeby. This is not a “here or nowhere situation”; two other sites have been identified by Rugby Borough Council.
- No material considerations justify building on open space in the country side.
- Access to the site has not been considered fully; enough detail has not been provided and the site is not sustainable. Access is not a reserved matter.
- 669 children from the north of the area attend schools in the south. This is not through choice; there is only one secondary school in the north at the moment.
- An aerial photograph was supplied to the Committee which showed the location of all Rugby secondary schools and confirmation was provided as to which were selective or open schools.
- The Ashlawn Road development would form part of the South West extension - which has its own secondary school.

Linda Hanson – local resident

Linda Hanson expressed her concerns to the Committee regarding traffic safety stating that the proposed development does not provide safe and suitable access to the site or offer sustainable travel options. It is in direct contravention of the National Planning Policy Framework (NPPF) paragraph 32 and paragraph 35 relating to safe access and sustainable and safe travel.

In addition the following points were made -

- “Including the adjacent, existing primary school, at full capacity, there will be two thousand pupils and staff. In risk assessment terms, that’s four thousand exposures, per day, to this dangerous congested location”.

This does not include any visitors, local residents or parents.

- The application is contrary to the NPPF paragraph 30 – “Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion”.
- “The ‘blind bend’ access is now the only access which has significantly increased the risks.”
- Speeding will not be a problem – severe congestion will be the main issue so the proposed traffic calming measures will not help.

To conclude, Linda Hanson stated that she believes that the “three Dunchurch Road junctions will become potential death traps” and that this is a misguided development; she then asked the Committee to refuse planning permission.

Ivan Norris – local resident

Ivan Norris informed Members of the amount of use the proposed site gets from local residents.

- The open space is used daily for a wide range of recreational activities including walking dogs, sports and other health based activities.
- There are over 3000 houses in the ward but no other community spaces such as parks and allotments; therefore the open space at Rokeby is a strategically important piece of land and protected by NPPF (paragraph 74) relating to building on existing open spaces.

- There is a deficit of 62 acres of public land in the borough according to Rugby Borough Council.
- The Education Funding Agency (EFA) should consider a mitigation strategy for the loss of the public open space and this has not yet been done.
- Consideration should be given to deferring the application to allow full consideration of the new information.

Sarah Mills (Service Manager, Access and Organisation WCC Education)

Sarah Mills presented the following facts to the Committee –

- Warwickshire County Council has a statutory duty to provide sufficient school spaces across the County.
- Funding for this application is guaranteed.
- Eight forms of entry are needed across the area to meet the forecasted demand for spaces (which is coming mainly from existing housing developments and an increase in the birth rate).
- Warwickshire County Council is working with the EFA to identify a site in the north of Rugby but no site has yet been found.
- The driver behind the application for a school at this particular site is as a result of educational need and parental preference/demand.
- There is no suggestion that, if this application is approved, the site will need to be expanded in the future.
- It is likely that if this application is refused there will be an impact on the council's home to school transport budget.

James Parker (Director, PTB Transport Planning)

James Parker confirmed to the Committee that “extensive, significant and detailed” consultation had taken place with the Highways Authority concerning this application.

It was also stated that two strategic modelling reports, including traffic generation information, had been used as well as an independent consultant.

The conclusion that safe and suitable access for all modes of transport was being provided was fair. There will also be an upgrade to the Kingsway junction with Dunchurch Road and a £47,450 investment in the Rugby Gyrotory.

The application meets the requirements of the NPPF (Paragraph 32) relating to the provision of a Transport Statement or Transport Assessment.

In response to questions from the Committee it was confirmed that all vehicle types (e.g. long wheel based and fixed rigid axle vehicles) had been included in the consideration of the application.

The Local Plan Sensitivity Test takes into account the additional, full Rugby South West development plan – the traffic numbers from this were included in the traffic modelling for this application.

It was also confirmed that the latest data available had been used in relation to road traffic accidents. This information is on public record although only includes accidents that result in injury (no collision only information is available).

Clare Lucey (Associate, Cushman and Wakefield)

Clare Lucey stated the Warwickshire County Council and the Education Skills Funding Agency have been working together to address the urgent need for school places in Rugby.

In total eight sites had been identified but none were feasible, suitable and available in the required timeframe apart from Rokeby. There remain no alternative sites readily available.

The development was to meet existing demand and not need from future growth in the area. The critical driver remains the need for pupil places.

Following a question from the Committee it was confirmed that the proposed sports pitches would be available for community use and that a portion of the site would remain as open space. Ian Grace highlighted the area to Members.

During the course of questions, the Committee was advised that it had just been learned that the Secretary of State had granted planning permission for the Ashlawn Road development.

Debate

Councillor Alan Webb proposed that the application be deferred, to enable parties to assess the new highways data and to allow for consideration of the approval of the Ashlawn Road development which Members had been notified of during the meeting. Councillor Webb moved an amended recommendation for deferral and Councillor Keith Lloyd formally seconded the proposal.

A vote was held and the Committee voted six in favour of deferring the application and six votes against. The Chairman, Councillor Bill Olnier, used his casting vote in support of the deferment.

Ian Marriott advised that it would not be appropriate for substitute Members to be appointed to the Committee to consider the application at the next meeting if any Members present would be unavailable for that meeting. Mr Marriott also advised that, whilst the Committee was only inviting representations relating to new highways information, it would resume its consideration of all material matters at the next meeting.

Resolved

That consideration of the application be deferred to the next meeting of the Committee in order to allow interested parties to make representations on the recently published highways information.

The Committee adjourned at 1pm and reconvened at 1:45pm

4. Planning application: WDC/17CC008 Relocation of Haywood Road junction on to Birmingham Road to allow for a signalisation and left and right turns out of the junction at Junction of A425 Birmingham Road and Haywood Road, Warwick CV34 5AH

Ian Grace gave a presentation to Members showing the application site as part of a wider redevelopment application. Members were reminded that they were only being asked to consider the re-alignment of an existing access road and that this was an inevitable part of the scheme. The development is intended to improve the flow of traffic from the A46 into Warwick.

In response to a question from the Committee, Chris Simpson, Business and Capital Programme Manager, confirmed that Stanks Island will also be signalised as well as other junctions in the development.

Councillor Alan Webb moved the recommendation and the proposal was seconded by Councillor Adrian Warwick.

A vote was held and the Committee voted ten in favour of the application and one vote against. There was one abstention.

Resolved

That the Committee authorises the grant of planning permission for the relocation of Haywood Road junction on to Birmingham Road to allow for a signalisation and left and right turns out of the junction subject to the conditions and for the reasons contained within Appendix B of the report of the Joint Managing Director (Communities).

5. Planning Application: WDC/17CC007 Erection of 2.4m high D section palisade fencing with rounded tops colour coated dark green (RAL 6005) to rear site boundary, linking with existing security fencing at Whitnash Nursery School, Nursery Lane, Leamington Spa

Ian Grace presented the Members with the application which is necessary to secure the site following the removal of garages by Warwick District Council.

There were no questions from Members and a vote was held. The Committee voted unanimously in favour of the application.

Resolved

That the Committee authorises the grant of planning permission for the erection of 2.4m high D section palisade fencing with rounded tops colour coated dark green (RAL 6005) to rear site boundary, linking with existing security fencing subject to the conditions and for the reasons contained within Appendix B of the report of the Joint Managing Director (Communities).

6. Review of Appointments to External Organisations

Janet Purcell, Democratic Services Manager, presented the report which confirmed the membership of external organisations following the County Council Elections in May 2017.

There were no questions from Members and a vote was held. The Committee voted unanimously to agree the allocation of places as per the report.

Resolved

That the Committee agree the allocation of places on external organisations and the proposed appointments, as set out in the Appendix to the report.

7. Reports Containing Confidential or Exempt Information

The Regulatory Committee passes the following resolution:

‘That members of the public be excluded from the meeting for the item 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’.

EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS).

8. Exempt Minutes of the meeting held on 13 June 2017 and matters arising

The Committee agreed that the exempt minutes of the Regulatory Committee meeting held on 13 June 2017 be signed by the Chairman as a true and accurate record.

There were no matters arising.

The meeting closed at 14:15pm

.....

Chair