

The **REGULATORY COMMITTEE** met at
WARWICK on the **24th MAY, 2005**

Present:-

Councillor Richard Chattaway (Chair of Committee)

- “ Dave Shilton (Vice Chair of Committee)
- “ Peter Barnes
- “ Les Caborn
- “ Michael Doody
- “ Pat Henry
- “ Joan Lea
- “ Barry Longden
- “ Brian Moss
- “ Ian Smith
- “ John Wells

Also present:-

Councillor John Appleton – for agenda item 2(7)

1. General

(1) Apologies

An apology for absence was submitted from Councillor Mike Perry.

(2) Members Disclosure of Personal and Prejudicial Interests

The following disclosures were made:-

- (i) Councillor Ian Smith – personal but not prejudicial – agenda item 2(7) – member of Stretton-on-Dunsmore Parish Council.
- (ii) Councillor Brian Moss – personal but not prejudicial – (a) agenda item 2(4) – he had been present at a meeting of Kingsbury Parish Council where the issue had been discussed but he had taken no part in that discussion or in the decision; he was also a member of North Warwickshire Borough Council but the response from that Council had come from officers and he had not been involved; (b) agenda item 2(3) – again the response from the North Warwickshire Borough Council had come from officers.
- (iii) Councillor Joan Lea – personal but not prejudicial – agenda item 2(3) – member of North Warwickshire Borough Council.

Councillor Michael Doody informed the Committee that he was now the County Councillor for the Cubbington Electoral Division within which Ryton Pools Country Park was situated (agenda item 2(2)).

(3) Minutes of the meeting held on the 19th April 2005 and matters arising

(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 19th April 2005 meeting be approved and be signed by the Chair.

(ii) Matters arising

None.

2. Applications for Determination

(1) Bayton Road Industrial Estate, Bedworth – Materials Recovery Facility

The report of the Director of Planning, Transport and Economic Strategy was considered.

Matthew Williams, Planner, introduced the report. The North Warwickshire Borough Council had objected on grounds that the proximity of the application site to residential property would lead to unacceptable noise and disturbance to residents. The Environment Agency had no objection subject to a drainage scheme being put in place. There had been thirteen letters of objection.

With the permission of the Chair, a local resident made representations to the Committee that the application should be rejected because the level of noise and brick dust that would be created was inconsistent with the health of residents in the area of Rosemullion Close and Tresillian Road.

The Chair said that he had received an e-mail from Councillor Kam Singh, the local County Councillor, who had been prevented from attending the meeting because of work commitments. Councillor Singh supported the refusal of planning permission.

Councillor Dave Shilton, seconded by Councillor Joan Lea, moved and it was then Resolved:-

That the Regulatory Committee authorises the refusal of planning permission for the operation of a Materials Recovery Facility, Transfer Station and associated Transport and Storage/Distribution Yard on land at 17-19 Colliery Lane, Bayton Road Industrial Estate, Bedworth for the following reasons:-

- (a) The proposed development would be contrary to Policy Emp 4 of the adopted Nuneaton and Bedworth Borough Local Plan in that the proposal did not contain a buffer strip or landscaped bund as required by the policy and thus would, if approved, adversely affect the amenities of neighbouring residents to an unacceptable degree.
- (b) The proposed development would be contrary to Policy Emp4 of the Nuneaton and Bedworth Borough Local Plan Proposed modifications in that the proposal was not a B1 or B8 land use and did not contain a buffer strip or landscaped bund as required by the policy and thus would frustrate the objectives of that emerging policy for the redevelopment of the area.
- (c) The proposed development was contrary to Policies 1, 6 and 8 of the Waste Local Plan for Warwickshire because it would have significant adverse impact on the character of the locality and amenity of local occupiers by reason of odour, noise, dust and visual intrusion.

Ian Marriott, Principal Solicitor, confirmed that there was a stop notice on the current activities on the site for which there was no planning permission and the County Council was in correspondence with the applicant's agents in connection with enforcement action.

(2) Ryton Pools Country Park – Landfill Gas Utilisation Facility

The report of the Director of Planning, Transport and Economic Strategy was considered.

Councillor Barry Longden, seconded by Councillor John Wells, moved and it was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the provision of a replacement generator for a landfill gas utilisation facility to generate electricity from landfill gas at Ryton Pools Country Park, Ryton Road, Bubbenhall, Ryton-on-Dunsmore, subject to the conditions and for the reasons contained in Appendix B of the report of the Director of Planning, Transport and Economic Strategy.

(3) Southfields Farm, Packington Lane, Coleshill – Storage and Crushing of Waste Brick and Relocation of Haulage Business from Adjoining Building

The report of the Director of Planning, Transport and Economic Strategy was considered.

Ian Grace, Principal Planner, reported that the local County Councillor, Councillor Peter Fowler, had requested that the Committee make a site visit. He added that the North Warwickshire Borough Council had, notwithstanding the comments of its Environmental Health Officer, expressed concerns about the impact of the HGV operation on the highway network and questioned the sustainability of the operation.

Councillor Les Caborn, seconded by Councillor Michael Doody, moved and it was then Resolved; five members having voted in favour and one against:-

That the Regulatory Committee defer consideration of the application for planning permission for change of use to mixed use for the storage and crushing of waste brick together with the relocation of haulage business from an adjoining building at Southfields Farm, Packington Lane, Coleshill to enable the Committee to make a site visit in connection with the impact on the highway network.

(4) Bodymoor Green Farm, Coventry Road, Kingsbury – Storage and Processing of Concrete

The report of the Director of Planning, Transport and Economic Strategy was considered.

Ian Grace said that the Environment Agency had no objection subject to the provision of an oil interceptor.

Councillor Barry Longden said that generally recycling applications were given a high priority.

Ian Grace explained that there were three situations where recycling developments were permitted and these were:-

- Where it was to be sited on an industrial estate.
- Where it replaced an acceptable commercial activity.
- Where it was to be sited close to an existing waste disposal operation.

The current application fitted none of those criteria.

It was then Resolved:-

That the Regulatory Committee authorises the refusal of planning permission for use of land for the storage and processing of concrete to produce secondary aggregates at Bodymoor Green Farm, Coventry Road, Kingsbury for the following reasons:-

- (a) The proposed development would be contrary to Policy GD6 (Green Belt) in the Warwickshire Structure Plan 1996-2011 and to Policy ENV1 (Green Belt) in the North Warwickshire Local Plan 1995 and to Policy ENV14 (Green Belt) in the Revised Deposit Draft of the North Warwickshire Local Plan 2004 because the development would constitute inappropriate development in the Green Belt and would adversely affect the character of the area as the proposed use did not accord with the criteria set out within this policy.
- (b) The proposed development would be contrary to Policy 1 and 6 of the Waste Local Plan for Warwickshire because it would have a significant adverse impact on the character of the locality and amenity of local occupiers by reason of noise and dust.
- (c) This proposal is considered to be unacceptably detrimental to highway safety due to the fact that the necessary highway visibility standards cannot be achieved at the inadequate junction with the public highway which currently serves the site.

(5) Higham Lane School (Detached Playing Field) Ambleside Way, Nuneaton – Erection of a 2.4 Metre High Steel Palisade Security Fence to the North and East Site Boundary

The report of the Director of Planning, Transport and Economic Strategy was considered.

It was noted that the plan at Appendix A was incorrect in that the school shown marked as Higham Lane School east of the application site was St. Nicolas School while Higham Lane School was the unnamed cluster of buildings to the west of Higham Lane.

Jasbir Kaur, Development Manager in the Planning, Transport and Economic Strategy Department, said that there had been two objections as to the siting of the fence.

The Chair then asked John Bosworth, Chairman of the Higham Lane Leisure Association to give his Association's representations.

John Bosworth: The Association agreed with the erection of the fence but not with the proposed positioning as it would result in an area of land between the fence and the hedgerow/ditch that would not be capable of being maintained and litter would accumulate in the space. It would be better to put the fencing outside the hedge. There was also an issue with the provision of one gate as children would have to walk along a busy drive to access the playing fields. He suggested that a site visit was required.

Jasbir Kaur said that it was usual where such security fencing was erected to soften the visual aspect by using outside planting. If the fencing were erected outside the hedge as suggested, there would be no space for planting. Also the advice was that it would not be possible to dig the foundation for the fencing without damaging the hedge.

Members considered that they needed a site visit for them to visualise the proposed siting of the fence and accordingly Resolved:-

That the Regulatory Committee defer consideration of the application for planning permission for the siting of a 2.4 metre security fence at Higham Lane School, Ambleside Way, Nuneaton to enable the Committee to make a site visit to visualise the siting of the fence.

(6) Finham Sewage Treatment Works – Construction and use of a Building and Plant Associated with the 'Dryvac' and Bioreactor Plant

The report of the Director of Planning, Transport and Economic Strategy was considered and it was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction and use of buildings and plant associated with the Dryvac and bioreactor at the Severn Trent Sewage Treatment works at Finham, subject to the application not being called in for determination by the Secretary of State and subject to the conditions and for the reasons contained in Appendix B of the Report of the Director of Planning, Transport and Economic Strategy and the following additional condition:-

Prior to commencement, details of the colour for the buildings shall be submitted for approval by the County Planning Authority.

(7) Southam Quarry – Extract of Limestone and Clay

The report of the Director of Planning, Transport and Economic Strategy was considered.

Councillor Joan Lea, seconded by Councillor Les Caborn, moved and it was then Resolved; seven members having voted in favour and one against:-

That the Regulatory Committee defer consideration of the application for planning permission for the extraction of limestone and clay, screening and storage of material for off-site transportation to Rugby Cement Works and associated landscaping, screening and restoration works at Southam Quarry to enable the Committee to make a site visit in connection with assessing:-

- The environmental impact of the proposal.
- The impact on residents.
- The likely impact on the highway network.

The Chair then said that the Committee would not now discuss the application until after the site visit. He was aware that there were a number of members of the public who had expressed an interest in speaking on the application and it was their choice whether they spoke today or reserved their right to speak until the application returned to the Committee for determination. He pointed out that anyone who chose the option to speak at this meeting would not be able to speak when the application came back for determination unless there was additional information to relay to the Committee.

Mr. William Harris and Mr. Nigel Rock indicated that they would reserve their right to speak. Councillor John Appleton, Mr. Doug Llewellyn, Mr. Howard Collerson and Mr. Millward indicated that they would take the opportunity to speak at this meeting.

Councillor John Appleton, local County Councillor: The proposal would impact on the residents of Stockton, many of whom had chosen the village as a place in which to live out their retirement. Full consideration should be given to the proximity of the village to the application site. Screen planting would not achieve the protection of the villagers as this could only be achieved by distance.

Mr. Doug Llewellyn, resident: The first notification of intention to carry out the extractions in the area was notified by RMC on the 27th November 2003. The intervening nineteen months was a long time for residents to wait for a resolution the situation. The application if permitted would have a serious impact on residents as to noise and dust. The paperwork suggested that the new application site would be more environmentally friendly but it omitted the implications of prevailing winds and the high banks of Southam Bypass. The summary and conclusions did not reflect

the content of the report and seemed to favour the applicants. The map attached to the report did not accurately reflect the amendments made to the scheme. The report stated that the proposal was contrary to the budgetary and policy framework.

Mr. Howard Collerson, Chairman of Stockton Parish Council: The proposal would give the applicants twenty to thirty years supply of clay without the cost of having to open up the Griffin Farm site. The proposal would lead to greater nuisance with noise and dust and would cause greater visual damage, scarring the landscape with ugly holes and steel fences. Over the years the village had grown nearer the site. The Parish Council were not satisfied that the proposed conditions would address their concerns.

Mr. Millward, representative of the applicant: The proposal was logical, practical and prudent for producing a supply of clay. There were conditions for dust control mitigation and the level of noise would be acceptable. The company was also prepared to relinquish an area for which it already held permission. There was a commitment to no commercial landfilling. There would also be periodic reviews of the viability of using a rail link.

In response to questions, Mr. Millward confirmed that cement kiln dust would not be used as infill at the site. The depth of the excavations would be about forty metres and there would be sloping grass banks leading to wetlands.

Councillor Les Caborn asked that a detailed map be provided for members on the site visit.

3. Any other items

None.

4. Reports Containing Confidential or Exempt Information

Resolved:-

That members of the public be excluded from the meeting for the following items on grounds that their presence would involve the disclosure of confidential and exempt information as defined in paragraphs 4 & 8 of Schedule 12A to the Local Government Act 1972.

5. CFM profit Related Bonus 2003/2004

The report of the Director of Planning, Transport and Economic Strategy was considered and it was noted that the final payment had been made for the 2003/2004 Profit Related Bonus for CFM (County Fleet Maintenance).

6. Ex gratia payment

The report of the Director of Social Care and Health was considered.

John Bull, Head of Adult Services, introduced the report and referred to paragraph 3(2) of the report that outlined the action the Social Services Department had taken to address the problem.

It was then Resolved:-

That the Regulatory Committee approve the making of an ex gratia payment of £6,500 to Mrs. S.

.....
Chair of Committee

The Committee rose at 11.48 a.m.