

The **REGULATORY COMMITTEE** met at  
**WARWICK** on the **7th JULY, 2005**

**Present:-**

Councillor Richard Chattaway (Chair of Committee)  
“ Dave Shilton (Vice Chair of Committee)  
“ Peter Barnes  
“ Les Caborn  
“ Michael Doody  
“ Anne Forwood  
“ Pat Henry  
“ Joan Lea  
“ Barry Longden  
“ Ian Smith  
“ John Wells

**Also present:-**

Councillor John Appleton – for agenda item 4(1)

**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 4(1) – member of Stretton-on-Dunsmore Parish Council.
- (ii) Councillor Pat Henry – personal but not prejudicial – agenda items 4(2) and 4(5) – member of Nuneaton and Bedworth Borough Council.

**(3) Minutes of the meetings held on the 17<sup>th</sup> and 24<sup>th</sup> May 2005 and matters arising**

- (i) 17<sup>th</sup> May 2005
  - (a) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 17<sup>th</sup> May 2005 meeting be approved and be signed by the Chair.

**(b) Matters arising**

None.

(ii) **24<sup>th</sup> May 2005**

(a) **Minutes**

Resolved:-

That the minutes of the Regulatory Committee's 24<sup>th</sup> May 2005 meeting be approved and be signed by the Chair.

(b) **Matters arising**

None.

**2. Appointment of Councillors to External Organisations**

The report of the County Solicitor and Assistant Chief Executive was considered.

A replacement Appendix B was circulated. It was noted that the Conservative and Liberal Democrat Groups' representatives on the Shire Public Transport Consortium would be Councillors Joan Lea and Dave Shilton respectively.

It was then Resolved:-

- (1) That the Regulatory Committee make the appointments proposed in Appendix B;
- (2) That the Committee require Area Committees to have regard to the principle of political proportionality within its area when making the appointments in Appendix C; and
- (3) That the Shires Public Transport Consortium be added to the list of external organisations, with a place being offered to each political group on the Council.

**3. Membership of the School Organisation Committee**

The report of the County Education Officer was considered.

The Chair reported that governor nominations from a maintained nursery school and a special school are given below:-

- Mr. Laurie Carson – Exhall Grange
- Mrs. Dot Webster – Stockingford Early Years Centre

It was then Resolved:-

That

- (1) the membership of Tracey Wright and Winston Sutton of the Schools Group be terminated and that they be thanked for their valued contribution to the School Organisation Committee (SOC);
- (2) the Committee appoint the following two new members of the Schools Group nominated by the Warwickshire Governors' Association, being one governor of a special school and one governor of a nursery school:-  
  
Mr. Laurie Carson – Exhall Grange  
Mrs. Dot Webster – Stockingford Early Years Centre
- (3) the Committee confirm the appointment of the individuals listed in section 3 of this report; and
- (4) the County Education Officer and County Solicitor and Assistant Chief Executive be authorised to confirm appointments to any casual vacancies on the SOC arising before the members' terms of office expire in June 2008.

4. **Applications for Determination**

(1) **Southam Quarry – Extract of Limestone and Clay**

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

Jasbir Kaur, Development Manager in the Planning, Transport and Economic Strategy Department, recapped for the Committee's benefit the position with regard to this application and indicated that the Committee should bear in mind strategic considerations regarding the availability of minerals when arriving at their decision.

***Councillor John Appleton, local County Councillor:*** He said that those members of the Committee who were present at the site visit would have been impressed by the size of the proposed quarry area and its closeness to Stockton Village. The rate of extraction would be 1600 tonnes a day with associated noise and dust for 23 years. He could see no justification for the proposed extension in light of the reserves available under existing permissions. There were 51 years worth of material available under this heading, well in excess of what was recommended in Minerals Planning Guidance 10. He considered that it would be better if a new application

was brought forward after new regulations on air particulates were published and understood.

**Councillor Nigel Rock, local Stratford-on-Avon District Councillor:** He preferred extractions from phases 1 and 2 only with reductions in the scale of extraction permitted at Griffins Farm being negotiated as well. Phase 3 could not be made acceptable by planning conditions and should be eliminated. The proposal to monitor phases 1 and 2 to ensure that air quality standards could be met before permitting phase 3 to proceed would only delay a decision for up to 16 years, leaving residents in uncertainty. The width of planting should be doubled to 200 metres close to houses to recognise that clay extraction involved different dust problems to that associated with sand and gravel extraction. The rail route should be safeguarded.

**Mrs. Gillian Phillips, local resident:** She read from a prepared statement on behalf of herself and her husband. Her husband had been involved in the quarrying industry for thirty years and they appreciated the commercial reasons for the proposed development. However, the impact on Stockton was too great particularly in light of the approved reserves at Griffins Farm. Their main concerns revolved around the noise and dust that would be created. However, the development could be made more acceptable were Phase 3, or a substantial part of it, removed. She acknowledged that Griffins Farm was close to Southam but the by-pass and high banks would be between the town and the quarry. The prevailing winds would take the noise and dust away from Southam.

**Mr. William Harris, local resident:** The scale of operation was greater than anything that had gone before. The land would be blighted with Stockton marooned by holes 40 metres deep. RMC had a poor record in respect of restoration. If all the buildings in Leamington, Coventry, Nuneaton and Rugby were demolished, they would not produce sufficient material to fill the holes. There were sufficient reserves already and the reason for the application was economic rather than operational.

**Mr. Bob Millard, representative of the applicant:** The proposal was a logical, practical, sensible and environmental approach. The extension of the quarry was to land not previously in the ownership of the applicant and the acquirement of land had made it possible to produce a comprehensive quarry scheme with restoration. There would be no commercial landfill involved. The applicant had shown itself willing to behave reasonably by voluntarily conceding Phase 4 and coming forward with the current holistic approach to Phases 1 to 3. The latest equipment would be used to control noise and dust and the Company were ready to commit to stringent conditions. The benefit of the extension was that advance planting could take place to mitigate the impact of quarrying when it took place at Griffins Farm. The intensity of the operation was not increasing as this was limited to the requirements of the Rugby Cement Works, which was working to capacity. The Company would periodically review its decision about not re-establishing the rail link between Southam and

Rugby but at present it was not viable to do so because the cost would be about £25m and there were no grants to assist with this.

Councillor Barry Longden, seconded by Councillor Joan Lea, moved:-

That the Regulatory Committee refuse 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, Southam.

Councillor Dave Shilton, seconded by Councillor Peter Barnes, moved by way of amendment:-

That the Regulatory Committee defers consideration of the application for planning permission for the extraction of limestone and clay at Southam Quarry to enable further negotiation to take place with interested parties about the removal of the whole or part of Phase 3 of the application and a planning obligation reducing the extent of extraction at Griffins Farm.

The amendment was put to the vote and was carried, seven members having voted for the amendment and two against.

The amended motion was then put as the substantive motion and was carried.

**(2) Griff Quarry, Nuneaton – Extension of Period Within Which Mineral Extraction Must Commence at Griff 5**

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 to vary Condition 34 of planning permission N100/01CM009 from:-

‘The development (which relates to planning permission ref: N100/99CM010) hereby approved, shall be commenced no later than 8<sup>th</sup> July 2007. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.’

To:-

'The development (which relates to planning permission ref: N100/01CM009) hereby approved, shall be commenced no later than 8<sup>th</sup> July 2012. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.'

Provided that all other conditions and limitations relating to planning permission N100/01CM009 in effect at the date of this permission shall continue to apply (such conditions being set out in Appendix B to 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.

Jasbir Kaur recommended an additional condition making it clear that no crushing should take place outside the building.

Members were concerned with the noise and dust arising from the operation, road access, the need for tyre washing facilities to prevent lorries carrying dust etc onto the public highway and the need for the tarmac area to be extended from the highway. It was considered that approval should be given initially for two years only.

It was then Resolved:-.

That the Regulatory Committee authorises the grant of planning permission initially for a period of two years only for the 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, 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 additional conditions relating to requirements for:-

- no crushing activities to take place outside the existing building on the Application Area.
- tyre washing facilities to be provided.

- the tarmac area from the highway to be extended so far as necessary to discourage mud being transported onto the public highway.

And that a note be attached to the planning permission emphasising that operations must be carried on having due regard to the safety of members of the public using the Public Footpath M80.

**(4) 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.

Mr. Halsall, Property Services Department said that the title deeds were silent about the ownership of the hedge. The plan was not precise enough to clarify the position. It was proposed to locate the hedge within the boundary of the school. It was still proposed to include the gates for access to the Leisure Association to reclaim balls. However, the Association would have to give its permission for this to happen. The hedge and ditch could still be maintained with the fence in the proposed location.

Members were concerned that the Committee were being pulled into a potential neighbour dispute. It was accordingly Resolved with Councillor Joan Lea abstaining:-

That the Regulatory Committee defers a decision on the siting of a 2.4 metre security fence at Higham Lane School, Ambleside Way, Nuneaton, to their next ordinary meeting to enable the applicants to hold discussions with the Higham Lane Leisure Association with a view to resolving the dispute about the siting of the fence.

**(5) St. Paul's C of E Primary School, Nuneaton – Variation of condition 4 of Permission N26/04CC045 for the Retention of a Temporary Classroom for use of the Before and After School Club**

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 retention of a temporary classroom for the use of the Before and After School Club at St. Paul's C of E Primary School, Wiclif Way, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Director of Planning, Transport and Economic Strategy.

**(6) Kingsbury Infant and Junior Schools – Construction of an Extension to Link the Infant and Junior Schools**

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

Ian Grace, Principal Planner, said that North Warwickshire Borough Council had no objection.

It was agreed that a note should be added suggesting that a sprinkler system should be included in the link-extension.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction of an extension to link Kingsbury Infant and Junior Schools incorporating the new main entrance, offices and staff room with associated toilet facilities at Kingsbury Infant and Junior Schools, Bromage Avenue, Kingsbury, subject to the conditions and for the reasons contained in Appendix B of the Report of the Director of Planning, Transport and Economic Strategy.

**5. Any other items**  
**Bidford-on-Avon – Sand and Gravel extraction**

The Chair referred to a planning application in respect of sand and gravel extraction that was due to be considered by the Committee in September. There had been in excess of 500 letters of objection and it would seem appropriate for the application to be dealt with at a special meeting of the Committee.

Members also indicated that they would like a site visit to be arranged if possible between the despatch of the agenda papers and the meeting. It was agreed that the arrangements for the site visit should be agreed between the Chair and Group Spokespersons.



**6. 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 paragraph 4 of Schedule 12A to the Local Government Act 1972.

**SEE SUMMARY BELOW**

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Chair of Committee

The Committee rose at 12.01 p.m.

**Summary of business transacted in the absence of the public.**

**7. Ombudsman Complaint – proposed local settlement**

The Committee considered the report of the County Solicitor and Assistant Chief Executive. Having noted the circumstances that had led to the situation, the Committee approved a payment of £750 to Mr. E and £500 to Mrs. S by way of local settlement of their complaint to the ombudsman. It was also agreed that the appropriate portfolio holder should be made aware of the circumstances.

ERIC WOOD,  
Acting Chief Executive.