

The **REGULATORY COMMITTEE** met at
WARWICK on the **27th SEPTEMBER, 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
“ Raj Randev
“ Izzi Seccombe
“ Ian Smith
“ John Wells

Also present:-

Councillor John Appleton – for agenda item 2(1)
Councillor Marion Haywood – for agenda item 2(7)

1. **General**
(1) Apologies

Nil.

(2) Members Disclosure of Personal and Prejudicial Interests

The following disclosures were made:-

- (i) Councillor Peter Barnes – personal but not prejudicial – agenda item 2(5) – member of Stratford-upon-Avon District Council.
- (ii) Councillor Ian Smith – personal but not prejudicial – agenda item 2(1) – member of Stretton-on-Dunsmore Parish Council.
- (iii) Councillor Izzy Seccombe – personal but not prejudicial – agenda item 2(5) – member of Stratford-upon-Avon District Council.

(3) Minutes of the meeting held on the 7th July 2005 and matters arising
(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 7th July 2005 meeting be approved and be signed by the Chair.

(ii) **Matters arising**
Minute 5 – Bidford-on-Avon – Sand and Gravel Extraction

In answer to a question by Councillor Peter Barnes, Jasbir Kaur, Development Manager in the Planning, Transport and Economic Strategy Department, said that it was proposed to bring a report to the December meeting of the Committee. The Chair said that there was still work to do with this matter and said that the spokespersons would be kept informed of progress.

2. **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, introduced the report and drew attention to revised proposals from the applicants that had resulted in a 70% reduction in the working area of Phase 3 from 8.7 to 2.6 hectares.

Councillor Howard Collerson, Chair of Stockton Parish Council:

Although the Parish Council no longer had any objection to the proposed application, it wished to maintain an objection because of a potential problem with the proposed access point to the Griffin Farm site. This was only 450 metres away from Stockton and posed a substantial noise and dust nuisance to the village. Information was received from RMC on Saturday that it was proposed that the access tunnel should be to the south of the field but there had been no time to convene a meeting of the Parish Council to consider this. However the new proposed access was located 650 metres away from the village and this would be more acceptable to the Parish Council. He asked that the Committee make it a condition of any planning permission that the access point should be at the new site.

Ian Marriott, Principal Solicitor, explained that it would not be possible to deal with this by way of a condition because of an insufficient relationship with the proposal before the Committee and the details were in any event subject to approval under the Griffin site permission.

Councillor Nigel Rock, local Stratford-on-Avon District Councillor:

He thanked the Committee for the way it had handled the application and the consideration it had shown for all speakers. The applicant had acted positively. Planting was to commence in the winter. He supported Councillor Collerson over the site for the access to Griffin Farm. He regretted that it was not possible to have a rail route now and said that there was a need for a safeguarded route. The problems associated with crossroads had been addressed except for the crossroads at Stockton.

Mr. Doug Llewellyn, local resident: He maintained his objection because there was sufficient reserves at the Griffin site to meet the economic life of Rugby Cement Works, there would be two large holes in the ground

instead of one and the dust and noise would impact on the quality of life of residents. He did not believe that the planning officers had acted in a balanced way; they had listed the objections in the report but had ignored them in the summary. The Committee's planning officers and legal officer had orchestrated the site visit to restrict what Members saw. He asked the Committee not to allow their employees to usurp their role.

The Chair said that he had experience of numerous site visits and was satisfied with the way the site visit had proceeded.

Councillor Ian Smith confirmed that he had felt under no pressure while on the site visit and had been free to go where he wanted.

Mr. Bob Millard, representative of the applicant: Following the meeting on the 7th July, the proposals had been reviewed and this had resulted in the revised proposals that he believed represented the best overall solution. There would be liaison arrangements with residents to limit the impact of the development. He made the following responses to questions from Members:-

- There would be sufficient reserves to meet the requirements of the Rugby plant for its 40 years of planned life.
- The rail link was last looked at in the previous year and he expected that this would be reviewed at 3 to 5 year intervals.
- The question of works at the crossroad would be considered at a meeting of the liaison group.
- The quarry would operate between 0700 and 1800 hours five days a week and half day on Saturdays.

Councillor Barry Longden expressed concern about the application. He had not received a satisfactory answer as to why the application had been submitted when there were sufficient reserves in the existing approved quarry site. The conditions applied to the approval were no guarantee as they could be varied. Although there was a proposed 70% reduction in the working area for phase 3, there was nothing to stop the company applying at a later stage to extend the size of that area. It would be left to the local residents to police the routing of vehicles operating from the site.

Councillor Joan Lea said that she was not absolutely convinced by the need for the application bearing mind the reserves at Griffin Farm. She agreed that any approval given today could be the subject to a later variation application.

John Deegan, Director of Planning, Transport and Economic Strategy, said that whatever decision the Committee made today, he proposed to set up improved liaison arrangements with the company.

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, on the grounds of its impact upon the quality of life of local residents and the duration of the works.

On being put to the vote, the motion was lost, two Members having voted in favour and seven against. Councillor Izzy Seccombe abstained from the vote because she had only been appointed to the Committee for this meeting and had neither been involved in the previous meetings nor the site visit.

The following motion was then put to the vote and it was carried, seven Members having voted in favour and two against with Councillor Izzy Seccombe again abstaining:-

That the Regulatory Committee authorises the grant of 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 subject to the signing of a Section 106 Agreement covering vehicle routing, comprehensive restoration, long term aftercare, additional screen planting, restriction upon working Griffins Farm and Spiers Farm concurrently, residents liaison group and vehicle routing standards group, surrender of parts of Griffins Farm permitted working area, public access to the restored site and regular review of rail link between Southam and Rugby and to the conditions and for the reasons contained in Appendix B of the report of the Director of Planning, Transport and Economic Strategy.

The Committee then agreed that their decision to grant permission was based upon the considerations and reasoning contained in the report and asked officers to prepare the statement required by Regulation 21(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 accordingly and to circulate the statement of main reasons to Members for comment prior to publication.

The Committee adjourned from 11.14 to 11.20 a.m.

(2) Brinklow Quarry, Rugby – Construction of a Mortar Plant and Associated Site Infrastructure

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 of a mortar plant and associated site infrastructure on land within Brinklow Quarry, Coventry Road, Rugby, Warwickshire, subject to the conditions and reasons contained in Appendix B of the report of the Director of Planning, Transport and Economic Strategy.

(3) 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.

Members were concerned that the proposed siting of the fence would still mean that the hedge and ditch would not be maintained properly and flooding would occur.

Ian Marriott said that there were no planning grounds for refusing the application.

It was then Resolved:-

That the Director of Property Services be asked to withdraw the application for the siting of a 2.4 metre security fence at Higham Lane School, Ambleside Way, Nuneaton.

(4) Wellesbourne Sewage Treatment Works – Proposed Asset Renewal of Existing Works and the Construction of Three Kiosks

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

That the Regulatory Committee authorises the grant of planning permission for the asset renewal of an existing works and the construction of three kiosks at Wellesbourne Sewage Treatment Works, Stratford Road, Wellesbourne, 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) Park and Ride Facility Stratford-upon-Avon – Removal of Condition 21

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 Park and Ride Facility ref: S1739/01CC052 having the effect of removing Condition 21 of the permission requiring off-site highway improvement works to the A46(T)/A3400 roundabout at Bishopton Lane, Stratford-upon-Avon 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) Wootton Wawen Sewage Treatment Works – Construction of Five Glass Reinforced Plastic Enclosures

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 renewal of existing works, and the construction of five Glass Reinforced Plastic enclosures at the Severn Trent Sewage works at Wootton Wawen, 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.

(7) Construction of a Two-Storey Special Educational Needs (SEN) School plus Associated Parking and Hard Play Areas on Land to the South of the Former Trinity Catholic Technology College, Myton Road, Warwick

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

Councillor Izzy Seccombe took no part in the discussion or vote on this item, as she was the Cabinet portfolio holder for Children Services.

Andy Cowan, Head of Planning, introduced the report.

The Chairman then invited Councillor Marion Haywood to speak.

Councillor Marion Haywood, local County Councillor: She referred to paragraph 2.3 of the report and said that she had not received a request for her comments. She then said that Mr. Bate, who had accompanied her to the meeting, and another resident, Mr. Higgins, had only received a letter on the Saturday setting out the information contained in the report. Both the public and members needed more time to consider the application. Although the need for a new SEN school was recognised, the proposed site was not an appropriate site. There were concerns about

the design of the school because it was higher than the original building and of its close proximity to residences. Sport England's suggestion for the playing fields to be used for community use would potentially increase traffic movement. Increased traffic movements at peak times would have an adverse impact on slow moving queues. She requested that the Committee should consider deferring a decision to the November meeting for a site visit.

Before Mr. Bate spoke on the issue, the Chair pointed out that if he spoke now and the Committee deferred the decision to enable a site visit to occur, he would not be eligible to speak at the November meeting. He proposed to deal with the question of a site visit first.

The Chair, seconded by Councillor Dave Shilton, moved:-

That the Regulatory Committee defer a decision on the application for planning permission for the construction of a new Special Educational Needs school on land to the south of Trinity Catholic Technology College, Myton Road, Warwick, to the next meeting to enable a site visit to be arranged.

On being put to the vote, the motion was lost, two Members having voted in favour and five against.

The Chair then invited Mr. Bate to speak.

Mr. Bate, local resident: The UK Parliament was looking into the way Special Educational Needs was being provided and the Committee should wait for the report of that inquiry. It was recognised that best results were achieved when SEN schools were immediately adjacent to schools to which they were attached. The proposed SEN school would be a stand-alone. He understood that other schools had been considered to have the new SEN school but the headmasters had refused it because of a fear that it would reduce the schools' academic achievements. He felt that Champion School would be a better option. The traffic movements would increase as a result of the proposed new housing development and the staff and children of the proposed school.

The Chair, seconded by Councillor Wells, moved and it was Resolved:-

That the application be referred to the Secretary of State in accordance with Circular 7/99 – The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 and subject to the application not being called in for determination by the Secretary of State, the Regulatory Committee authorises the grant of planning permission for the construction of a new Special Educational Needs school on land to the south of Trinity Catholic Technology College, Myton Road, Warwick, 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. 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 1 and 4 of Schedule 12A to the Local Government Act 1972.

See summary below

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Chair of Committee

The Committee rose at 12.32 p.m.

Summary of business transacted in the absence of the public.

5. Ombudsman Complaint – Proposed Local settlement

The Committee approved a payment to Mrs. S by way of local settlement of her complaint to the local ombudsman. It was also agreed that the Chairs of the appropriate Overview and Scrutiny Committees should be requested to consider whether recent settlements merited scrutiny by those Committees.

6. Appointment of Deputy Director of PTES/Head of Warwickshire Engineering

The Committee approved the appointment of a successor to David Lynn.

Jim Graham,
Chief Executive