

The **REGULATORY COMMITTEE** met at
WARWICK on the **15th NOVEMBER, 2005**

Present:-

Councillor Richard Chattaway (Chair of Committee)

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

1. General
(1) Apologies

The Committee noted that Councillor Barry Longden was absent ill in hospital and asked that their best wishes for a speedy return to full health be passed on to him.

Councillor Bob Stevens informed Members that he had replaced Councillor Mike Perry for the meeting.

(2) Members Disclosure of Personal and Prejudicial Interests

The following disclosures were made:-

- (i) Councillor Pat Henry – personal – agenda items 3(1), 3(6) and 3(7) – member of the Nuneaton and Bedworth Borough Council.
- (ii) Councillor Joan Lea – personal – agenda item 3(3) – member of the North Warwickshire Borough Council.
- (iii) Councillor Brian Moss – prejudicial – agenda item 4 – wife one of the governors for Kingsbury Community Primary School; personal – agenda item 3(3) – member of North Warwickshire Borough Council.
- (iv) Councillor Ian Smith – personal – agenda item 3(2) – member of Stretton-on-Dunsmore Parish Council.
- (v) Councillor Bob Stevens – personal – agenda item 3(2).

(3) Minutes of the meeting held on the 27th September 2005 and matters arising
(i) Minutes

The Committee approved the public set of minutes of the meeting of the 27th September 2005.

(ii) **Matters arising**

Nil.

2. **Planning Appeals Decisions Update**

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

That the Regulatory Committee notes the contents of the Inspector's decisions in respect of appeals by Budget Skip Services Ltd and Tarmac Ltd against the decisions by Warwickshire County Council to refuse planning permission for the operation of a Materials Recovery Facility at 17-19 Colliery Lane, Bedworth and for amendments to the hours of operation at Mancetter Quarry, Quarry Lane, Mancetter.

3. **Applications for Determination**

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

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 introduced the report.

Mr. Martin Dale, representative of the applicant: He thanked Jasbir Kaur for going some way in her introduction to mitigating what he thought was in some ways a very negative officer's report. The Company had addressed the reasons for refusal that was noise, dust, odour and visual amenity. He did not consider that the Environmental Health Officer had objected but rather he had wanted certain conditions met. The Company were proposing moving the operation further from the houses, erecting acoustic fencing, providing fast closing doors for the building that would house the operation and using the rear access outside daylight hours. They would withdraw the requirement to take in household waste. They would also carry out a further noise survey and he asked the Committee to consider deferring the application. He made the following responses to questions from members:-

- The doors to the building containing the operation would open and close automatically by means of a magic eye and could not therefore be left open on warm summer days.
- A spray of minute water droplets would be used to cool the air and settle any dust within the building; this was preferable to using extractor fans that would disperse the dust outside.

- The unmade track was a private road with a hardcore surface that served several properties.
- The possibility of turning off the reverse alarms of vehicles out of hours was not possible because of Health and Safety regulations.

Mr. Paul Neal, resident: He was concerned because he felt that the Company had been dismissive about the concerns of residents living near to the application site. There would be nuisance from noise and bringing household waste on site. The Company had also referred to similar sites that it operated elsewhere in the Country. It had been difficult to obtain details of the locations of those other sites and when eventually an address was obtained, the particular site was situated 300 metres away from the nearest house and its nearest neighbours were large warehouses and a motorway. He asked the Committee to refuse the application as it was detrimental to the health and well being of residents and the noise and vibration at night would cause sleep deprivation. He made the following response to a question raised by a Member:-

- He recognised that the applicants had indicated that household waste would not be taken to the site but this was still part of the application.

The Committee considered the question of a deferment but agreed that they had sufficient information to determine the application at this meeting and that the additional information arising from a further noise study would not materially influence their decision. 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 21 and 23a Crondal Road, Bayton Road Industrial Estate, Bedworth for the following reasons:-

- (a) The proposed development would be contrary to Policies Emp4 of the adopted Nuneaton and Bedworth Borough Local Plan (Second Deposit Draft) and would if approved adversely affect the amenities of neighbouring residents to an unacceptable degree.
- (b) The proposed development is contrary to Policies 1, 6 and 8 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, dust, visual intrusion and odour.

(2) Southam Cement Works – Variation of Condition 1

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

Members noted that all possible action had been taken to obtain the best advice available about the safety of importing Cement Kiln Dust to the site and that advice had indicated there was a very low risk involved. Members now considered that the application should be approved but that it should be made clear that they would not expect any further requests for time extensions. It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission to vary Condition 1 of planning permission S965/03CM026 to allow the importation of Cement Kiln Dust, spillage materials, road sweepings, laboratory samples and kiln bricks from New Rugby Works for a further temporary period until 31st December 2006 on land at Southam Cement Works, Long Itchington, subject to the conditions contained in Appendix B of the report of the Director of Planning, Transport and Economic Strategy and on the expectation that there will be no further application to extend this permission.

(3) Dunton Landfill site – Extension of Time Period Permitting the Storage and Recycling of Waste Materials

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

The Members took notice that although the site was generally well-managed, enforcement officers were required from time to time to remind the applicants of the need to comply with the conditions. In the circumstances, the Committee considered that it was reasonable to allow an extension to the permission on this site but felt that December 2010 was too long and that December 2008 was more acceptable. It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission to vary condition No. 2 attached to Planning Permission Ref. No. NW369/00CM013 (as amended by the appeal decision dated 10th September 2001) to permit the storage and recycling of Waste Materials at Dunton Landfill, Curdworth until 31st December 2008 instead of 15th July 2005, subject to the conditions and for the reasons contained in Appendix B of the report of the Director of Planning, Transport and Economic Strategy.

**(4) Fillongley Sewage Pumping Station, Fillongley, Warwickshire
Replace an Existing Bridge and Widen the Corner of an Access
Track**

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 to replace an existing bridge and widen the corner of an access track at Fillongley Sewage Pumping Station, Tamworth Road, Fillongley, Warwickshire, 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) Polesworth High School, Dorden – Construction on New Two-Storey
International Language Centre and Teaching Block**

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

Ian Grace, Principal Planner, said that the proposals had been amended to use concrete tiles for the roof of the building. The proposal for a new access road had been withdrawn and therefore condition 5 would be deleted and Condition 2 would be amended by the reference to plan 0419/04 reading 0419/04a.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction of new two-storey international language centre and teaching block at Polesworth High School, Dorden 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) Bedworth Heath Nursery School, Bedworth – Construction of a
single storey extension to create a children’s centre with associated
facilities**

This item was dealt with after item 3(8) at which time Ian Marriott, Principal Solicitor, left the meeting because of his wife’s connection with the Nursery School. Peter Endall, Senior Solicitor, took his place for the rest of the meeting.

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 single storey extension to create a children's centre with associated facilities, at Bedworth Heath Nursery School, Bedworth, 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) Land adjoining 16 Alexandra Street, Nuneaton – Erection of 1.8 metre High Shuttering Ply Hoarding Painted Green

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

Members were concerned about the adverse visual impact of the temporary fencing and believed that the proper solution to the problem would be to conclude the negotiations for the sale of the land to Nuneaton and Bedworth Borough Council as quickly as possible. Accordingly, it was Resolved:-

That the Regulatory Committee defer consideration of the grant of planning permission for the erection of a 1.8 metre high Shuttering Ply Hoarding Painted Green at land adjoining 16 Alexandra Street, Nuneaton.

(8) Avon Valley school, Rugby – Construction of a 1100 Pupil Secondary School with Associated Facilities

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

Ian Grace said that sprinklers would be included in the new building. The Environment Agency had asked for a desk top study to be completed to identify land contaminants and pollution and if contaminants were discovered during the construction stage, remedial action be taken before the building was occupied. Sports England's objection had been settled.

In order to avoid a delay in the start of the construction of the new school, the applicant had requested that conditions 3, 4 and 6 be relaxed to provide a three-month leeway and a six-month leeway in respect of conditions 7 and 11.

Members understood the desire to replace the school as quickly as possible and agreed to a two-month leeway rather than three.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction of a 1100 pupil secondary school with associated facilities at Avon Valley School, Newbold Road, Newbold-on-Avon, Rugby, subject to the conditions and for the reasons contained in Appendix B of the Report of the Director of Planning, Transport and Economic Strategy.

4. Appointments to School Governing Bodies

Councillor Brian Moss absented himself for this item in accordance with his earlier disclosure of a prejudicial interest.

The report of the County Education Officer was considered and it was Resolved:-

- (1) That the three County Council governor seats on the governing body for the new Kingsbury Primary School be allocated as follows:

Conservative Group	: 1 seat
Labour Group	: 2 seats

- (2) That the three County Council governor seats on the governing body for the new federated Oakwood Primary and Secondary Schools in Nuneaton be allocated as follows:

Conservative Group	: 1 seat
Labour Group	: 2 seats

- (3) That the four County Council governor seats on the temporary governing body for the proposed new Community Special School in North Warwickshire be allocated as follows:

Conservative Group	: 1 seat
Labour Group	: 2 seats
Liberal Democrat Group	: 1 seat

- (4) That the County Education Officer be authorised to approve the appointment of six Parent governors and four Community governors to the temporary governing body for the proposed new Community Special School in North Warwickshire.

5. **Any other items**

None.

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 paragraphs 1, 4 and 9 of Schedule 12A to the Local Government Act 1972.

SEE SUMMARY BELOW

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Chair of Committee

The Committee rose at 11.45 a.m.

Summary of business transacted in the absence of the public.

7. **Exempt extract from the minutes of the meeting of the Regulatory Committee held on the 27th September 2005**

The Committee approved the exempt extract from the minutes of the meeting of the meeting held on the 27th September 2005.

8. **Proposed Local Settlement by Ombudsman**

The Committee approved the local settlement proposed by the Ombudsman and agreed that the appropriate portfolio holder and chair of overview and scrutiny be informed of the matter to enable them to determine whether any further action was necessary.

9. **CFM Profit Related Bonus 2004/2005**

The Committee authorised payment of the 2004/2005 Profit Related Bonus and the continuation of the County Fleet Maintenance Profit Share Scheme for the financial year 2005/2006.

**JIM GRAHAM,
Chief Executive**