

AGENDA MANAGEMENT SHEET

Name of Committee

Regulatory Committee

Date of Committee

15th November 2005

Report Title

Planning Appeal Decisions Update

Summary

This is an information report is intended to inform elected Members of the results of recent planning appeals determined by the Planning Inspectorate (PINS).

For further information please contact

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Would the recommended decision be contrary to the Budget and Policy Framework?

Yes/No

Background Papers

Planning Application N37/05CM014 and associated appeal papers.
Planning Application NW20/04CM032 and associated appeal papers.
Planning Application NW20/04CM033 and associated appeal papers.
Planning Application NW20/04CM034 and associated appeal papers.
Planning Application NW1296/05CM012 and associated appeal papers.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

.....

Local Member(s)

(With brief comments, if appropriate)

.....

Other Elected Members

.....

Cabinet Member

(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

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- Chief Executive
- Legal I Marriott – agreed.
- Finance
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION **YES/NO** (*If 'No' complete Suggested Next Steps*)

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee – 15th November 2005

Planning Appeal Decisions Update

Report of the Director of Planning, Transport and Economic Strategy

Recommendation

That the Regulatory Committee notes the content of the Inspector's decisions in respect of the 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 (MRF) at 17-19 Colliery Lane, Bedworth and for amendments to the hours of operation planning conditions at Mancetter Quarry, Quarry Lane, Mancetter.

1. Introduction

- 1.1 The purpose of this report is to inform Committee Members of the results of appeals recently determined by the Planning Inspectorate (PINS) and to advise Members of the receipt of new appeals from PINS.

2. Budget Skip Services Ltd, 17-19 Colliery Lane, Exhall, Bedworth Planning Application No. N37/05CM014

- 2.1 On 25th May 2005 planning permission was refused for the operation of a Minerals Recovery Facility (MRF) Transfer Station at 17-19 Colliery Lane, Exhall involving the processing of general waste for the following reasons:-
- (i) The proposed development would be contrary to Policy EMP4 of the adopted Nuneaton and Bedworth Borough Local Plan in that the proposal does not contain a buffer strip or landscaped bund as required by the policy and thus would, if approved, adversely affect the amenities of the neighbouring residents to an unacceptable degree.
 - (ii) The proposed development is contrary to the provisions of Policy Emp4 of the Nuneaton and Bedworth Borough Local Plan Proposed Modifications in that the proposal is not a B1 or B8 land use and does 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.

- (iii) 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 odour, noise, dust and visual intrusion.
- 2.2 The applicants appealed against this refusal of planning permission and in determining the subsequent appeal the Inspector considered that the main issues for consideration were whether the proposal would adversely affect the amenities of neighbouring residents and whether it would frustrate the objectives of emerging policies for the redevelopment of the area.
- 2.3 The Inspector recognised the need to encourage waste recycling and to provide the necessary waste storage and transfer facilities but concluded that it is equally important to ensure that such uses are located in appropriate locations and that the potential impact of such uses on adjoining occupiers, particularly on residential properties is fully taken into consideration. He noted that the nearest residential properties in the Cedars Estate lie barely 20 metres away from the appeal site and that some have gardens adjoining the appeal site. He also noted that general planning policies in both the adopted and emerging local plans recognise that conflict can occur in such locations between residential amenity and 24 hour commercial operations and do not support such uses in these locations. Since most of the operations on the appeal site were likely to take place in the open he further concluded that they are likelier to be noisier and more intensive than the B1 and B8 uses allocated in the local plan for the site. The proposed activity would involve the movement of plant and vehicles, the loading and unloading of skips and waste materials and the operation of crushing and screening equipment and such operations are inherently noisy and dusty. Although these activities could be mitigated by conditions the inspector concluded that the proposal has the potential to cause significant adverse impacts on the amenity and living conditions enjoyed by neighbouring residents.
- 2.4 The Inspector therefore concluded that the development would have the potential to seriously erode the residential amenity of the area and did not accord to the provisions of either the Nuneaton and Bedworth Borough Local Plan and the Warwickshire Waste Local Plan and was unacceptable for these reasons. The appeal was therefore dismissed.

3. Mancetter Quarry, Mancetter Lane, Mancetter, Atherstone, North Warwickshire. Application Nos NW20/04CM032, NW20/04CM033 and NW20/04CM034

- 3.1 On 27th October 2004 three planning applications relating to the hours of operation at Mancetter Quarry were refused planning permission because the Regulatory Committee concluded that approval would have an unacceptable impact upon the residential amenities currently enjoyed by the occupants of the properties located close to the road network used by vehicular traffic to access and egress the quarry site.

3.2 These applications were:-

- (i) NW20/04CM032 which sought consent for the operation of the quarry on 25 evenings and nights per year between the hours of 17.30 and 04.00. (Appeal A).
- (ii) NW20/04CM033 which sought consent for the operation of the quarry on 25 weekends per year between the hours of 06.00 and 17.00 with the coating plant starting at 05.00. (Appeal B).
- (iii) NW20/04CM034 which sought consent for the operation of the quarry on 25 weekends per year between the hours of 06.00 and 17.00 with the coating plant starting at 05.00, and, on 25 evenings and nights per year between the hours of 17.30 and 04.00. (Appeal C).

3.3 The appeals were considered together but referred to by the Inspector as Appeals A, B, and C.

3.4 The Inspector acknowledged that there is a national demand for the stone produced by Mancetter Quarry but also accepted the conclusions of the noise report prepared by North Warwickshire Borough Council's Environmental Health Department which concluded that local residents in Quarry Lane, Pipers Lane and Mancetter Green would suffer noise levels greater than the night time maxima advised by the World Health Organisation (WHO). The Inspector concluded that noise levels would be intolerable on the nights when coating lorries would use the roads to and from the quarry. The appeals relating to night time working (Appeals A and C) were therefore dismissed.

3.5 With regard to the appeal relating to weekend working the Inspector noted that the Borough Council's noise report indicated that there would be little additional daytime activity and impact. He however noted that this impact could be significantly greater if the 5 vehicles per hour specified by the appellants were to be exceeded. Therefore in view of the limited impact which heavy goods vehicles (HGV's) could have on the daytime noise climate and bearing in mind the need for Mancetter stone for road maintenance at weekends the inspector decided to allow weekend working for a two year period to provide a trial period for noise monitoring and the opportunity for reconsideration of the decision. He concluded that monitoring would be able to test the robustness of the noise predictions made by the Borough and assess whether peaks of lorry movement traffic altered these estimated noise impacts.

3.6 The appeal seeking consent for weekend working (Appeal B) was therefore upheld subject to the following conditions:-

- (i) After a two year period starting on 28th September 2005 the permission shall cease and the hours of operation permitted for the quarry shall revert to those specified by the County Planning Authority.
- (ii) The applicants shall provide prior notification to the County Planning Authority of their intention to work on Saturday and/or Sunday with the proviso that each day shall be counted as a separate occasion.

4. Bodymoor Green Farm, Coventry Road, Kingsbury

- 4.1 On 25th May 2005 retrospective planning permission was refused for the storage and processing of concrete at Bodymoor Green Farm to produce secondary aggregate (application No.NW1296/05CM012 relates). That application was refused permission because the development constituted inappropriate development in the green belt, which was also contrary to the Waste Local Plan for Warwickshire and because the access serving the site was considered to be unacceptable in highway safety terms.
- 4.2 That refusal of planning permission is now the subject of an appeal to the Secretary of State. The Planning Inspectorate has advised that the appeal will be determined under the written representation procedures at a future unspecified date.

JOHN DEEGAN
Director of Planning, Transport and Economic Strategy
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Warwick

28th October 2005