

The **REGULATORY COMMITTEE** met at
WARWICK on the 16th **MARCH, 2006**

Present:-

Councillor Dave Shilton (Vice Chair of Committee)
(In the Chair)
“ Peter Barnes
“ Les Caborn
“ John Haynes
“ Pat Henry
“ Joan Lea
“ Barry Longden
“ Helen McCarthy
“ Brian Moss
“ Ian Smith
“ John Wells

Also Present:-

Councillor Martin Heatley – Cabinet Portfolio Holder
(Environment)

In the absence of the Chair, Councillor Richard Chattaway, the Vice Chair took the chair.

1. General

(1) Apologies

An apology for absence was received from Councillor Mike Perry. Councillors Richard Chattaway and Michael Doody were replaced for the meeting by Councillors John Haynes and Helen McCarthy respectively.

(2) Members Disclosure of Personal and Prejudicial Interests

Personal interests relating to any item on the agenda arising by virtue of the member serving as a District/Borough councillor were declared as follows:-

- (i) Councillor Peter Barnes – Stratford-on-Avon District Council.
- (ii) Councillor Les Caborn – Warwick District Council.
- (iii) Councillor Pat Henry – Nuneaton and Bedworth Borough Council.
- (iv) Councillor Joan Lea – North Warwickshire Borough Council.
- (v) Councillor Brian Moss – North Warwickshire Borough Council.
- (vi) Councillor Dave Shilton – Warwick District Council.

(3) Minutes of the meeting held on the 31st January 2006 and matters arising

(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 31st January 2006 meeting be approved.

(ii) **Matters arising**

Nil.

2. **Applications for Determination**

(1) **Boundary Farm, Bulkington – Composting Facility**

The report of the Strategic Director of Environment and Economy was considered.

Councillor Martin Heatley, in his capacity as the Cabinet Portfolio Holder for the Environment, spoke in support of the recommendation. He said that this was the type of activity that the County Council encouraged the farming community to establish. It provided employment in the rural community and facilitated the County Council's green waste policy.

Ian Grace, Principal Planner, reported two further representations:-

- Councillor John Ross had concerns about the application because of noise, litter and traffic problems.
- The owners of the land to the east of the application site had written objecting to the application on the following basis:-
 - It was inappropriate development in the Green Belt.
 - It threatened a nature reserve, comprising 500 trees and a pond, that they had created.
 - There was a constant flow of plastic bags and empty crisp packets being blown onto their land.
 - There was a constant unpleasant odour.
 - There was pollution to the surrounding land, including the fishing lake to the south of the application site. [The owner of the lake had written in support of the application].
 - There would be an adverse impact on the landscape and to permit the application could be detrimental to a recent decision to exclude a gypsy site for that reason.
 - Whilst acknowledging that composting was important, the Green Belt was also important.

In response to the points raised, he commented that:-

- This type of semi-agricultural activity was not precluded from the Green Belt.

- The County Councils policies permitted this activity.
- The Environmental Health Officer suggested that the noise levels were acceptable. The application site was isolated with no houses or buildings where people congregated close to it.
- The roads and access to the site were acceptable.
- Road safety was also acceptable.
- There was a condition proposed to deal with the litter problem.
- The facility had been operating for two years without problem. It was likely that the odour problem originated from farming activities rather than the composting operation.

Members made the following observations:-

- It was appropriate to deal with green waste within the Green Belt.
- The objections raised had been dealt with in the report.
- There was nothing wrong with the roads.
- That the applicant should be urged to fulfil sooner rather than later the condition relating to litter.
- There was concern that the application was retrospective. In this respect Ian Marriott, Principal Solicitor, confirmed that although the applicants had been operating unlawfully, they had not been acting criminally. A criminal offence would not have arisen unless the applicants had been operating the facility in contravention of an enforcement order.

Councillor Barry Longden, seconded by Councillor Brian Moss, moved and it was Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the retention of a compost facility and site infrastructure at Boundary Farm, Withybrook Road, Nuneaton and subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

(2) Ling Hall Quarry – Asphalt Plant

The report of the Strategic Director of Environment and Economy was considered.

Ian Grace said that he had received legal advice from Ian Marriott that the Asphalt Plant should be regarded as a building. As this was not included in the limited range of buildings permitted in the Green Belt under PPG2, the Committee must consider it as inappropriate development that could only be approved in very special circumstances. In this instant the very special

circumstances would be that it was relatively inconspicuous as it would be within the quarry, that it was linked to the existing quarrying activities and that there was not an equally suitable site linked to the quarrying activities outside the Green Belt. If the Committee were to decide to permit the application, the reasons on page B4 would have to be amended accordingly.

Councillor Peter Barnes said that there should be a condition on the type of building and material used in its construction.

Councillor Barry Longden recognised that the planning permission would be for as long as the quarry was operating but it was possible for the applicants to seek a variation to that at a later date. He therefore considered that the application should be rejected.

Councillor Ian Smith considered that there should be conditions related to highway maintenance and planting.

Councillor John Wells expressed reservations about coated materials being dealt with outside normal hours. He also had concerns about the use of Lawford Heath Road by heavy vehicles and asked for a condition to prevent this. He added that it was important for officers to monitor the activity regularly.

Ian Grace said that the applicants could only carry out landscaping on their own land. Details of the routing agreement could be included in the agreement being prepared in the Legal Section. Monitoring would be undertaken by officers.

It was then Resolved, with Councillor Barry Longden voting against:-

That the Regulatory Committee authorises the grant of planning permission for the construction and operation of an asphalt plant on land within Ling Hall Quarry, Coalpit Lane, Lawford Heath, Rugby, subject to the signing of a 106 Agreement covering traffic routing including preventing heavy lorries using Lawford Heath Road, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy as amended and subject to the deletion of Condition 5, using appropriate materials and buildings and appropriate landscaping.

(3) Ling Hall Landfill Site, Rugby – Extension to Hours of Operation

The report of the Strategic Director of Environment and Economy was considered and it was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 20 (Hours of Operation) of Planning Permission R16/890805 to allow the landfilling of municipal waste between the hours of 8 am and 4 pm on Bank and Public Holidays at Ling Hall Landfill Site, Lawford Heath Lane, Rugby, subject to the signing of a Section 106 Agreement covering traffic routing and subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

(4) Kingston Grange Landfill, Lighthorne – Extension of Time Period Permitting the Deposit of Inert Waste Materials

The report of the Strategic Director of Environment and Economy was considered.

Jasbir Kaur, Development Manager in the Environment and Economy Directorate, said that Councillor David Booth had confirmed that he had no objection but he had asked that the Lighthorne Heath Parish Council be asked for their views. She had done so giving a Wednesday deadline but had been told that the Council would not be meeting until the following week.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission to vary Condition No. 10 attached to Planning Permission Ref: S594/95CM005 to permit the deposit of inert waste materials at Kingston Grange Farm, Lighthorne until 31st October 2007, instead of 31st October 2005, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

(5) Arches Lane Industrial Estate, Rugby – Waste Transfer Station (Retrospective Use) as an Extension to Adjacent Site

The report of the Strategic Director of Environment and Economy was considered.

In response to a request from Councillor Barry Longden, Jasbir Kaur agreed to let members have a glossary of terms in view of the uncertainty of the differences between a scrapyards, waste transfer station and environmental recycling centres.

It was then Resolved:-

That the Regulatory Committee authorises the grant of retrospective planning permission for the extension of an existing waste transfer station at Arches Industrial Estate, Rugby, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

(6) Higham Lane School, Nuneaton – Erection of Fencing at Playing Fields

The report of the Strategic Director of Environment and Economy was considered.

Jasbir Kaur introduced the report.

Roger Coopey, a Governor of Higham Lane School, said that there had been a meeting between officers of the County Council, the Governors and the Sports Club at which agreement had been reached. It was essential for the fence to be provided for security and to prevent use of the playing field by irresponsible dog walkers and the uncontrolled use by football teams who did not seek prior permission to use it. Agreement did exist for a local football team to use the playing field. The gate would be double locked and the football team would be supplied with a key and the school would unlock the master lock on match nights.

Councillor Pat Henry, seconded by Councillor John Wells, moved:-

That the Regulatory Committee authorises the grant of planning permission for the siting of a 2.4 metre security fence at Higham Lane School, (Detached Playing Fields), Ambleside Way, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

Councillor Ian Smith moved as an amendment the refusal of planning permission. Councillor Les Caborn initially indicated that he would support the amendment but withdrew his support on being satisfied that the County Council's forester had confirmed that the siting of the fence would enable the edge and ditch to be maintained.

There being no seconder for the amendment, the Chair put the motion to the vote and it was carried.

(7) County Museum, Warwick – Provision of an External Ramp and Stepped Entrance Platform to the Main Entrance of the Museum to Comply with The Disability Discrimination Act 2005

The report of the Strategic Director of Environment and Economy was considered.

James Mackay, Warwick Society, referred to the proposed ramp and said that it would be a substantial and intrusive structure and its impact on the museum building and surroundings would be contrary to the District Local Plan policies. It would be built of metal and turquoise, reflective glass in contrast to the soft local stone of the building. This would damage the appearance of the Grade II* listed building, the conservation area and the streetscape. The footpath would be reduced to two-thirds of its width. He circulated three illustrations and captions taken from an English Heritage manual, Easy Access to Historic Buildings, which made the points that removal ramps tended to remain in place for many years, the best and simplest solution was a gentle slope and, if needed, a handrail should be simple and complement the building. A fourth illustration showed a ramp built in Pageant Garden, which was similar to the proposal for the museum and was a bad and ugly example. Although DDA requirements were vital they did not over-ride other legislation or policies and any proposal must meet conservation as well as DDA requirements. There was no evidence for the assertion that it was physically impossible to adjust the pavement levels to provide acceptable disabled access. He believed that it was possible to change the pavement level to give a gradient of 1 in 20 for a one metre strip to the right of the museum entrance, leading to a level area in front of the door, with a slope no steeper than 1 in 9 towards the road. This would mean that there would be no need for a handrail. He also believed that the only explanation for the approval of the listed building application was that English Heritage, Warwick District Council Planning and the Government Office of West Midlands were too busy to deal in detail with something that was apparently very small. He asked the Committee to refer the proposal back to the applicant with a request that the simple alternative should be developed.

During the ensuing discussion Members expressed concerns about the application. They considered that the proposal did not enhance the museum building and was out of keeping with the area. The use of glass in the proposed railing would leave it open to vandalism.

In response to a suggestion by Councillor Joan Lea, Ian Marriott said that provided it was very carefully managed, it would be possible for a sub-group of the Committee to meet with the applicants to discuss the design of the ramp.

Councillor Ian Smith, seconded by Councillor Les Caborn, moved:-

That the Regulatory Committee defer the grant of planning permission for the provision of an external ramp and stepped entrance platform to comply with The Disability Discrimination Act 2005 at the County Museum, Market Place, Warwick, in order to allow the applicant to reconsider its design.

Councillor Peter Barnes, seconded by Councillor Pat Henry, then moved the following alternative motion as an amendment:-

That the Regulatory Committee authorises the grant of planning permission for a period of two years for the provision of an external ramp and stepped entrance platform to comply with The Disability Discrimination Act 2005 at the County Museum, Market Place, Warwick, subject to the conditions and for the reasons detailed in Appendix B of the report of the Strategic Director of Environment and Economy.

On the amendment being put to the vote, the Vice Chair declared it lost, three members having voted in favour and six against.

The original motion was then put to the vote and was carried, six members having voted in favour and three against.

3. Any other items

None.

4. Report Containing Confidential or Exempt Information

Resolved:-

That members of the public be excluded from the meeting for the following item on grounds that their presence would involve the disclosure of confidential and exempt information as defined in paragraph 2 of Schedule 12A to the Local Government Act 1972.

5. Exempt extract from the minutes of the Regulatory Committee meeting held on the 31st January 2006

Resolved:-

That the exempt extract from the minutes of the Regulatory Committee's 31st January 2006 meeting was approved and the Vice Chair sign the minutes of the meeting.

16th March, 2006

Some Members expressed concern about an apparent lack of advice contained in an e-mail that they had received following their decision at the previous meeting. Ian Marriott undertook to look into the matter for them.

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Chair of Committee

The Committee rose at 12.24 p.m.