

The **REGULATORY COMMITTEE** met at
WARWICK on the 13th **JUNE, 2006**

Present:-

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

1. Election of Chair

Councillor Ian Smith, seconded by Councillor Richard Chattaway, moved and it was Resolved:-

That Councillor Joan Lea be elected as Chair of the
Regulatory Committee.

The Committee expressed their thanks to Councillor Richard Chattaway for his management of the Committee during his year in the Chair.

2. Appointment of Vice-Chair

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

That Councillor Peter Barnes be appointed as Vice-
Chair of the Regulatory Committee.

3. General

(1) Apologies

An apology for absence was received from Councillor Mike Perry.

(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 Michael Doody – Warwick District Council
- (iv) Councillor Pat Henry – Nuneaton and Bedworth Borough Council.
- (v) Councillor Joan Lea – North Warwickshire Borough Council.

- (vi) Councillor Brian Moss – North Warwickshire Borough Council.
- (vii) Councillor Dave Shilton – Warwick District Council.

In addition the following disclosures were also made:-

Councillors Richard Chattaway, Michael Doody, Barry Longden, Ian Smith and John Wells – Agenda item 7 – prejudicial.

Councillor Brian Moss – Agenda item 7 – personal – as a member of the Warwickshire Pension Fund Investment Board.

Councillor Michael Doody – Agenda item 4(1) – personal – as the local County Councillor, he had attended a meeting of the Bubbenhall Parish Council at which reference had been made to the application. He had not commented on the application and would not be making a decision on it until today's meeting.

(3) Minutes of the meeting held on the 16th March 2006 and matters arising
(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 16th March 2006 meeting be approved and be signed by the Chair.

(ii) Matters arising

Nil.

4. Applications for Determination

(1) Bubbenhall Landfill Site – Amendment to Profile and Restoration of Landfill

The report of the Strategic Director for Environment and Economy was considered. A copy of the file note on the Committee's site visit on the 8th June 2006 was circulated to those present at the meeting.

Matthew Williams, Planner, introduced the report.

Councillor Mrs. J. Shattock, Bubbenhall Parish Council

The Parish Council strongly objected to the proposal to raise the permitted height of the pre-settlement landform by 10 metres, reducing to a post-settlement landform 5 metres above the existing permission. It would have a distorting affect upon the agricultural and woodland landscape and the area would not be left with the gently sloping land suggested. The prospect of another eleven years extension to landfilling at the badly managed site was unacceptable. The Parish Council inspected the perimeter of the site on the 19th February and found a high level of litter. Bubbenhall residents

and in particular those on Pagets Lane and Western Lane had been subjected to unacceptable levels of noise and air pollution.

Councillor John Hammon, Warwick District Council

Past decisions of the County Council had inflicted lots of problems on this very sensitive area that contained very ancient woodland. The capping of the site had been mismanaged leading to compaction of the site. A packed meeting in Bubbenhall Village Hall had rejected the idea of an extension.

Agent for the applicants.

The settlement in the site was due to natural compaction as a result of the landfill degrading. The introduction of the Landfill Tax led to more recycling and a greater concentration of biodegradable matter. As a consequence areas of the site were concave, preventing water from running off. If the site were left as it was, the Environment Agency would insist on the applicants returning continuously over a period of many years to work on the site.

Councillor Michael Doody congratulated officers on the arrangements for the site visit on the 8th June, 2006. He was concerned that an additional 1.15 million cubic metres of waste materials were proposed to be deposited over a further eleven years. The Parish Council comments were well founded. The area would be blighted for a number of years. There was unlikely to be a need for landfill as the Council was going for incineration.

The following comments arose from the ensuing discussions:-

- There was a serious problem with litter although this had not been evident on the day of the site visit.
- Lorries needed to be sheeted to prevent litter from being deposited.
- Local liaison meetings were held between local residents and the company about twice a year. It was felt that there was a case for these to be held more frequently.
- Although landfill tax could be used to improve area around landfill sites, the drawback to this was that applicants for such grants had to find 11% of the costs themselves.
- It was suggested that tree planting would help drain the area.
- A bund would be erected around the perimeter of the site to screen it.
- It was difficult to predict the end time for the site because of changes to the landfill tax.
- A 106 Agreement should be entered in covering the wider area concerning drainage and litter.
- The gull population was being kept under control through the use of a peregrine falcon.

Councillor Dave Shilton, seconded by Councillor Ian Smith, moved:-

That the Regulatory Committee defer to their next meeting a decision on the planning application to vary the profile of the Bubbenhall Landfill Site, Western Lane, Bubbenhall to ensure adequate post-settlement gradients are achieved to promote surface water drainage across the site and to alter the restoration scheme at the site to enable officers to draw up suitable conditions to be applied in the event of the Committee granting planning permission.

Councillor Michael Doody, seconded by Councillor Barry Longden, moved by way of amendment:-

That the Regulatory Committee refuse planning permission to vary the profile of the site to ensure adequate post-settlement gradients are achieved to promote surface water drainage across the site; and to alter the restoration scheme at Bubbenhall Landfill Site, Western Lane, Bubbenhall.

On being put the vote, the amendment was lost, two members having voted in favour and eight against.

The original motion was then put to the vote and was carried by a greater number voting in favour.

It was agreed that the section 106 agreement should cover Bubbenhall and the wider area. Strengthened conditions should be prepared in respect of draining the site, litter control and final restoration of the site.

(2) Construction of a 45 Metre Diameter Roundabout at the Potford's Dam Junction of the A4071 and the Approved Rugby Western Relief Road

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

Ian Grace, Principal Planner, said that he had received an e-mail from the consultant working for the owners of the sole property affected by the application. It was claimed that the proper procedure had not been followed and that the environmental impact statement had been invalidated. He said that the application was being dealt with as an individual proposal and was not of itself large enough to require a statement. Accordingly there had been no breach.

Councillor John Wells, seconded by Councillor Ian Smith, then moved and it was Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction of a 45 metre diameter roundabout at the Potford's Dam Junction of the A4071 and the approved Rugby Western Relief Road, Rugby, Warwickshire, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(3) Ettington C of E Primary School Construction of an Extension to the Main Building to Create a Classroom, Library and Associated Facilities

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

The Headteacher of the school explained that the extension was to provide proper facilities for existing schoolchildren and was not intended to increase numbers at the school.

It was agreed that a footnote should be added confirming the Committee's view that a sprinkler system should be installed.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction of an extension to the main building to create a classroom, library and associated facilities at Ettington Church of England Primary School, Church Close, Ettington, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) Former Leyland School, Nuneaton – The Erection of 2.4 Metre High Triple Spiked Palisade Fencing to be Powder Coated Green, Incorporating Vehicular Access Gates to the Western Site Boundary

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

That the Regulatory Committee authorises the grant of planning permission for the erection of 2.4 metre high triple spiked palisade fencing to be powder coated green, incorporating vehicular access gates to the western site boundary at the former Leyland School, Leyland Road, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(5) All Saints C of E Junior School, Warwick – Erection of Security Fencing and Access Gates

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

That the Regulatory Committee authorises the grant of planning permission for the siting of three sections of 2 metre high metal bar fence, one section of 1.2 metre high palisade fencing and one section of 2 metre high palisade fencing at All Saints C of E Junior School, Nelson Avenue, Warwick, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

(6) Newburgh Primary School, Warwick – The Erection of 2.4 Metre High Steel Weld Mesh Fencing to Perimeter of the Site Incorporating Two Single Pedestrian Access Gates to the Same Specification

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 erection of 2.4 metre high steel weld mesh fencing to the perimeter of the site incorporating two double vehicular and two single pedestrian access gates to the same specification at Newburgh Primary School, Kipling Avenue, Warwick, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

5. Any other items

It was noted that the September meeting of the Committee clashed with the Summer Planning School that several members of the Committee were due to attend. Accordingly, it was agreed to postpone the Committee's September meeting to Thursday, the 7th September, 2006, at 10 a.m.

6. Report containing exempt

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 1 of Schedule 12A to the Local Government Act 1972.

Councillors Richard Chattaway, Michael Doody, Barry Longden, Ian Smith and John Wells left the room and took no part in the discussion on the following item.

7. Local Government Pension Scheme – Determination of Employer Policies

The joint report of the Strategic Directors of Performance & Development and of Resources was considered.

The Chair said that the issues raised in the joint report might involve a change in Council policy and might impact on the budget. It was suggested that the report should be deferred to the next meeting to enable consultation to take place. It was accordingly Resolved:-

That the joint report of the Strategic Directors of Performance & Development and of Resources on the Local Government Pension Scheme – Determination of Employer Policies be deferred to the next meeting to enable the Chair and Group Spokespersons of the Regulatory Committee to consult on the issues involved.

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Chair of Committee

The Committee rose at 12. 16 p.m.