

The **REGULATORY COMMITTEE** met at
WARWICK on the 7th **SEPTEMBER, 2006**

Present:-

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

1. **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 Michael Doody – Warwick District Council
- (iii) Councillor Pat Henry – Nuneaton and Bedworth Borough Council.
- (iv) Councillor Joan Lea – North Warwickshire Borough Council.
- (v) Councillor Sue Main – Stratford-on-Avon District Council
- (vi) Councillor Brian Moss – North Warwickshire Borough Council.
- (vii) Councillor Dave Shilton – Warwick District Council

Councillor Dave Shilton – Agenda items 2(3) and 2(5) – personal – former employee of Severn Trent Water Authority.

(3) Minutes of the meeting held on the 11th July 2006 and matters arising
(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 11th July 2006 meeting be approved and be signed by the Chair.

(ii) Matters arising

Nil.

2. **Applications for Determination**

(1) **Thomas Jolyffe Primary School, Stratford-upon-Avon – Creation of Hard Play Area for Infant School**

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 creation of hard play area for the Infant School at Thomas Jolyffe Primary School, Clopton Road, Stratford-upon-Avon, subject to the conditions and for the reasons in Appendix B of the report of the Strategic Director for Environment and Economy.

(2) **Henley-in-Arden High School – Construction of Performance and Dance Teaching Room**

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

Matthew Williams, Planner, said that the Parish Council and Sports England had no objections. The Environment Agency had said that the development should not be permitted before a flood risk assessment had been completed. He confirmed that the applicants were in the process of carrying out a flood risk assessment.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the construction of a performance and dance teaching room with associated facilities, plus the construction of three music practice rooms and disabled access ramp at Henley-in-Arden High School, Stratford Road, Henley-in-Arden subject to a satisfactory flood risk assessment and to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(3) **Brinklow Sewage Treatment Works – Installation of Equipment to Update Sewage Treatment Facility**

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

Ian Grace, Principal Planner, said that Brinklow Parish Council had commissioned an agent to look into the application and had submitted a report setting out various representations. Although mainly approving the application, the Parish Council had three areas of concern that were related to access to

the site via Walker's Terrace, parking problems and operating hours and weekend working. The Parish Council also considered that the proposed twelve months was too long for what was a relatively a minor works. Ian Grace said that Walker's Terrace was a public highway and it was legitimate access to the site. There had been no objections from residents or Environmental Health about operating hours at the weekend. If the hours of operating were reduced, the period over which the work would be carried out would extend.

Councillor Dave Shilton said that he knew the site very well and that there was plenty of room to use Walker's Terrace. The proposal would improve the environment.

Councillor Barry Longden asked for clarification over the apparent conflict on the question of flooding between paragraphs 4.8 and 2.4.

Ian Grace said that he believed that the Environment Agency was suggesting precautions because the site was close to the flood plain. The development itself would not increase the risk of flooding. The Agency was seeking a minimum height for installations above the one hundred year flood level. He suggested that attaching a note to the conditions could cover the Environment Agency's comment. He could not say whether it would be necessary to amend the plans in order to meet the Agency's concerns.

Ian Marriott, Community & Environment Legal Services Manager, said that they could delegate authority to officers to grant permission incorporating any necessary amendments to plans to meet the Environment Agency's concerns.

Councillor Barry Longden, seconded by Councillor John Wells, moved and it was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission, incorporating any necessary amendments to meet the Environment Agency's requirements as to levels, for the installation of two Rotating Biological Contractor Units and associated blower enclosures and control panels, chemical dosing plant and new kiosk enclosure at Brinklow Sewage Treatment Works, Walkers Terrace, Brinklow, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) Packington Landfill – Leachate Treatment Facility

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 development of a leachate treatment plant including tanks, pipe work and ancillary buildings, as an amendment to a previously approved development at Packington Landfill Site, Packington Lane, Little Packington, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(5) Coleshill Sewage Treatment Works, Lichfield Road, Coleshill – Construction of Surplus Activated Sludge Thickening Building and Eight Kiosks

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 construction of a Surplus Activated Sludge thickening building and eight kiosks at Coleshill Sewage Treatment Works, Lichfield Road, Coleshill, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(6) Bubbenhall Landfill: Reasons for Refusal

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

The Chair said that Members were only being asked to approve the detailed reasons for refusing the application and she did not intend to reopen the debate on the application.

Councillor Dave Shilton strongly expressed his disagreement with what he felt would be a costly decision of the Committee at their meeting in July to refuse the application. He was of the view that the Committee had committed itself to approving the application at the previous meeting in June.

Councillor Barry Longden said that his recollection was that the item had been deferred in June for further information. Councillor Michael Doody supported his recollection.

Councillor Richard Chattaway said that it was not unusual for a Committee to indicate that it was minded to take a certain course of action without committing itself, while waiting for further information. Members were entitled and obliged to keep an open mind and be ready to change their decision.

It was then Resolved, with Councillor Dave Shilton voting against and Councillor Main abstaining:-

That the Regulatory Committee approve the Reasons for Refusal in Appendix A and the Statement of Main Considerations and Reasons in Appendix B.

3. Appointments to School Governing Bodies

The report of the Strategic Director of Children, Young People and Families was considered and it was then Resolved:-

- (1) That the three Local Authority governor seats on the temporary governing body for the proposed new Community Primary School in Rugby be allocated as follows:

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

- (2) That the Strategic Director for Children, Young People and Families be authorised to approve the appointment of four Parent governors and three community governors to the temporary governing body for the proposed new Community Primary School in Rugby.

It was noted that Councillor Ian Smith would be the Conservative Group's nomination. The Labour Group and the Liberal Democrat Group would notify their nominations direct to the appropriate officer.

4 Ashorne Playing Field, Ashorne – Application to Register as Town or Village Green

The report of the Strategic Director of Performance and Development was considered.

Peter Endall, Senior Solicitor introduced the report and drew particular attention to the question of whether the application should be determined or whether the applicant's wish to withdraw the application meant that it was inappropriate, or impossible, to do so. It was also noted that the owner of the land subject to the application had expressed the view in correspondence that it would be unjust for the County to discontinue the application since the owner would thereby be deprived of the certainty which he felt would flow from receiving a definite determination.

Peter Endall described the changes which were currently being made to the law on this topic (via the Commons Act 2006) and noted that even were the

Committee to formally determine and reject the current application there would be a five year “transitional” period during which a fresh application might still be lodged in respect of the same piece of land under the new law. The availability of a fresh application could be taken into account by the Committee in deciding whether the landowner would in fact suffer injustice were the recommendation on this item approved as drafted.

Members accepted the advice that there was an implicit right to withdraw an application and were generally of the opinion that, if they had any discretion in the matter, the applicant should be allowed to withdraw the application if it wished.

It was then Resolved:-

That the application to register land at Ashorne as a town or village green submitted by Newbold Pacey and Ashorne Parish Council dated 31st October 2005 be discontinued in light of the Applicant’s wish to withdraw its application.

4. Any other items

In response to a request from Councillor Pat Henry, Ian Marriott confirmed that the officers would look into providing training on pre application fora at one of the training sessions held immediately prior to the meetings of the Committee.

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Chair of Committee

The Committee rose at 10.45 a.m.