

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 17th October 2006

**Report Title** Ryton Mill, Ryton-on-Dunsmore – Continued Operation of Material Recovery Facility

**Summary** The application proposes the variation of condition 1 of planning permission R821/00CM020 to allow the site to operate for an additional two years until 14th August 2008 at Ryton Mill, London Road, Ryton-on-Dunsmore.

**For further information please contact** Matthew Williams  
Planning Officer  
Tel. 01926 412822  
matthewwilliams@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Submitted application, received 11/8/2006.  
Email from Rugby Borough Council Environmental Health Department, dated 13/9/2006.  
Letter from Highways Agency, dated 13/9/2006.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

- Other Committees  .....
- Local Member(s)  Councillor Mrs H Timms – no comments received  
(With brief comments, if appropriate) as at 3/10/06.
- Other Elected Members  .....
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  I Marriott - comments incorporated.

- Finance  .....
- Other Chief Officers  .....
- District Councils  Rugby Borough Council – see paragraph 2.1.
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Ryton-on-Dunsmore Parish Council, Environment Agency, Severn Trent Water, Highways Agency. See paragraph 2.

**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 - 17th October 2006**

**Ryton Mill, Ryton-on-Dunsmore – Continued Operation of  
Material Recovery Facility**

**Report of the Strategic Director for  
Environment and Economy**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 1 of planning permission R821/00CM020 to allow the site to operate for an additional two years until 14th August 2008 at Ryton Mill, London Road, Ryton-on-Dunsmore subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

Application No : R821/6CM023

Received by County : 11/8/2006

Advertised Date : 17/8/2006

Applicant(s) : Tipping Resources Limited, Whitacre Road Industrial Estate,  
Nuneaton, Warwickshire, CV11 8BY.

Agent(s) : ALP Ambrose, Highway House, Asfare Business Park, Hinckley  
Road, Wolvey, Leicestershire, LE10 3HQ.

The Proposal : Variation of condition 1 of planning permission R821/00CM020  
to allow the site to operate for an additional two years until  
14th August 2008.

Site and Location : Ryton Mill, London Road, Ryton-on-Dunsmore.  
[Grid ref: 375.751].

See plan in **Appendix A**.

## **1. Application Details**

- 1.1 The application proposes the variation of condition 1 of planning permission R821/00CM020 to allow the site to operate for an additional two years until 14th August 2008 at Ryton Mill, London Road, Ryton-on-Dunsmore.
- 1.2 The application seeks an extension of two years to allow the site to be considered within the Waste Development Framework and to allow future use of the site to take account of the emerging policies of the new development framework.

## **2. Consultations**

- 2.1 **Rugby Borough Council Environmental Health Officer** - confirms that there have been no instances of nuisance complaints from the operation of the installation and has no comments to make regarding this application.
- 2.2 **Ryton-on-Dunsmore Parish Council** – no comments received.
- 2.3 **Councillor Mrs H Timms** – no comments received as at 3/10/2006.
- 2.4 **Environment Agency** – no comments received.
- 2.5 **Severn Trent Water** – no comments received.
- 2.6 **Highways Agency** – no objection in principle subject to any permission granted being limited to two years, the number of deliveries to the site not exceeding 44 in any one day and the development only being used in connection with and ancillary to the operations of the company Tipping Resources Ltd.

## **3. Representations**

- 3.1 Peugeot Car Plant advises that they have a right of access across the application site to a water discharge point where they monitor water quality. Access to the discharge point is sometimes hindered by activities on the site and a condition is requested to ensure access is maintained.

## **4. Observations**

- 4.1 Use of land at Ryton Mill for the recycling of construction and demolition waste was granted planning permission at appeal on 14th August 2001. The planning permission granted was temporary for five years.
- 4.2 The 1.7 hectare application site is a former borrow pit developed in the 1970's in association with highway improvements in the vicinity. The site is adjoined to the south by the A45 and Ryton Car Plant beyond, to the east by a sewage works, to the north by a scrap yard and land formally used for construction and demolition waste recycling and to the west by a motorcycle scrambling track. Access to the site is via a driveway off the A45.

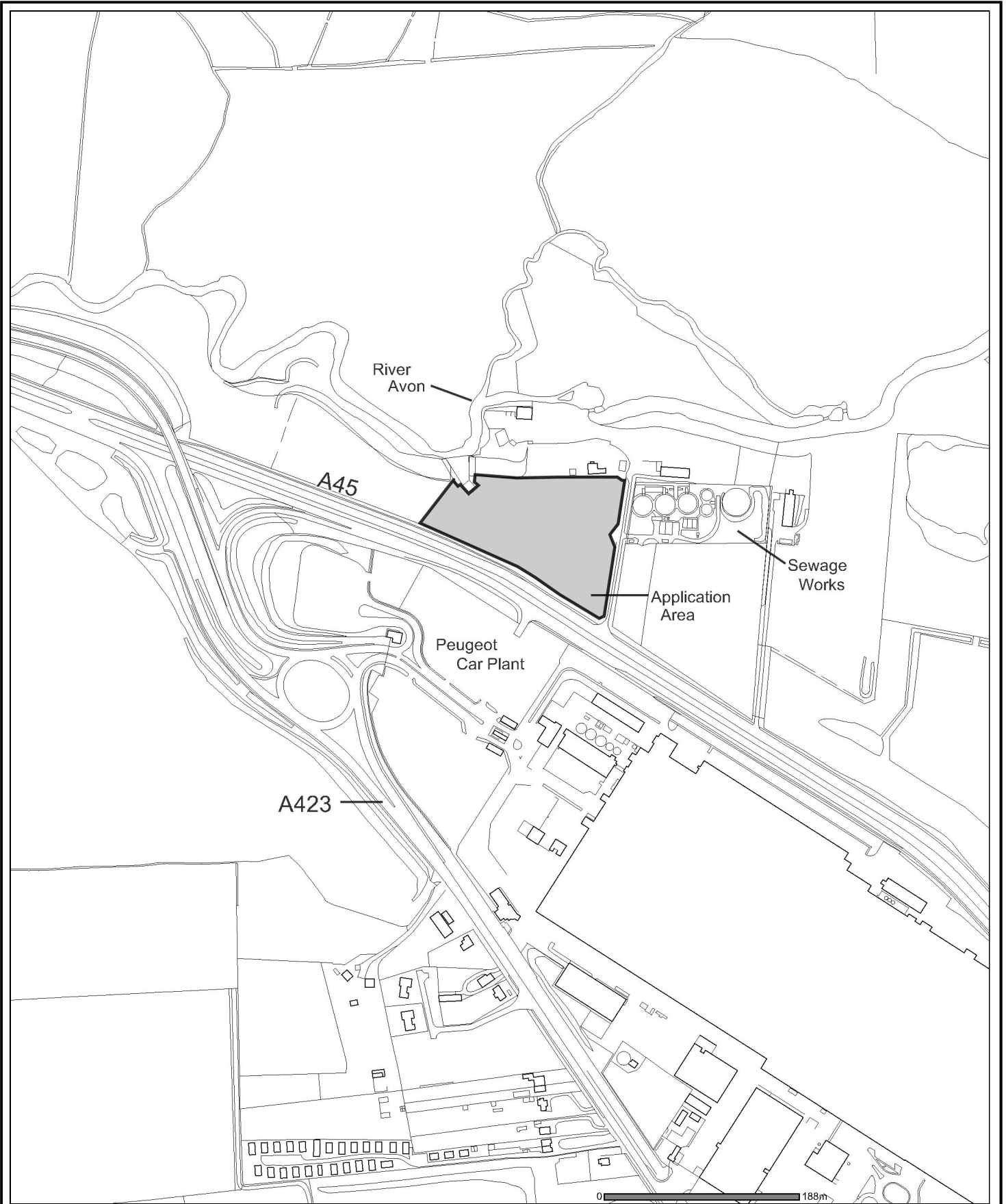
- 4.3 The application site is located within the West Midlands Green Belt where there is a general presumption against inappropriate development. Policy E2 of the Rugby Borough Local Plan states that such development will not be approved except in very special circumstances.
- 4.4 The Appeal Inspector stated, 'I do not consider that the proposed use of the appeal site would be counter to any of the five purposes of including land in the Green Belt, as set out in Paragraph 1.5 of PPG2. It would not lead to the sprawl of any built-up area, or cause neighbouring towns to merge with one another. It would not encroach into an area of unspoilt countryside, but would be contained within an abandoned mineral working. It would not significantly affect the setting or special character of Coventry or any other historic town.'
- 4.5 The Inspector concluded that, 'the use of the appeal site in the manner proposed would not constitute inappropriate development in this Green Belt area.' Consequently, the Inspector did not find it necessary to consider whether there were very special circumstances sufficient to override the general presumption against inappropriate development in a Green Belt.
- 4.6 It is considered that continued use of the site for the recycling of construction and demolition waste for a further two years would have no greater impact on the openness of the Green Belt. Therefore, the Inspector's conclusion that the development would not constitute inappropriate development in the Green Belt remains valid. However, it is considered appropriate to restrict any permission granted to 20 years, as requested, whilst the future of this Green Belt site is considered in the context of the emerging policies of the Waste Development Framework.
- 4.7 The facility has been operational for five years. The Environmental Health Officer has been consulted and confirms that there have been no instances of complaints as a result of operations on site.
- 4.8 The neighbouring motor works have requested a condition be imposed on any planning permission granted to allow them access across the site. This is a private matter between the two parties which it would not be appropriate to control by condition. However, this matter is the subject of an easement and the applicant has now confirmed that access across the site will be maintained.
- 4.9 The Highways Agency requests that any planning permission granted be specific to the applicants. The Inspector considered a similar request at the original appeal and concluded that there was no justification for this. There has been no change in circumstances since planning permission was originally granted and therefore it is considered that it would be unjustified to make any permission granted personal to the applicant.
- 4.10 The original planning permission contains a condition limiting the number of deliveries to the site in any one day to 44. This condition would be repeated, as requested by the Highways Agency, along with other conditions imposed.

4.11 In conclusion, retaining the facility on site for a further two years would result in no greater impact on the Green Belt or amenity and appearance of the area. There are no factors of sufficient weight to indicate that the proposed development should not be permitted.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

3rd October 2006

# APPENDIX A OF AGENDA NO.



Scale 1: 5000

Ref No. R821/06CM023

Drawn Matthew Williams

Regulatory Committee - 17th October 2006

Subject

**Ryton Mill - Materials Recycling Facility**



John Deegan  
Strategic Director for  
Environment and Economy  
Shire Hall, Warwick, CV34 4SX

**Regulatory Committee - 17th October 2006**

**Ryton Mill, Ryton-on-Dunsmore – Continued Operation of  
Material Recovery Facility**

**Application No: R821/06CM023**

1. The development hereby permitted shall cease and all equipment and material associated with the use removed from the site by 14th August 2008.
2. Unless otherwise agreed in writing by the County Planning Authority, the number of deliveries to the site shall not exceed 44 in any one day.
3. No storage tanks for oils, fuels or chemicals shall be install on site unless agreed in writing by the County Planning Authority.
4. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether directly or via soakaways.
5. No external lighting shall be installed at the site without the prior written approval of the County Planning Authority.
6. No waste or recycling materials other than those produced in the course of demolition and construction shall be stored or processed on the site. Any non-inert waste inadvertently imported onto the site shall be removed within 24 hours.
7. Materials shall not be stored to a height exceeding 8 metres.
8. Should dust become a cause for substantiated complaint a dust management plan shall be submitted to the County Planning Authority for approval in writing. Following approval the dust management plan shall be implemented accordingly throughout the development.
9. Six months prior to the cessation of operations permitted by this planning permission a detailed scheme for the restoration of the site shall be submitted to the County Planning Authority for approval in writing. Unless otherwise agreed in writing the approved scheme shall be implemented within three months of the cessation of operations on site.



## Reasons for Conditions

1. To allow review of the situation in the light of emerging policies of the Waste Development Framework
2. In the interests of highway safety.
- 3&4. To prevent pollution of the water environment.
5. In the interests of the amenity of the area.
- 6&7. To ensure a satisfactory standard of development.
8. In the interests of the amenity of the area.
9. To ensure satisfactory restoration of the site within the Green Belt.

## Development Plan Policies Relevant to this Decision

- (a) Warwickshire Structure Plan – 1996-2011 – **Policies GD.1, GD.2, GD.3, GD.4, GD.5, GD.6 and ER.9.**
- (b) Rugby Borough Local Plan – Adopted July 2006 – **Policies GP1, GP3, E1 and E2.**
- (c) Warwickshire Waste Local Plan – **Policies 1, 2 and 3.**

## Reason for the Decision to Grant Planning Permission

The development hereby permitted would have no greater impact upon the openness of the Green Belt or amenity of the area than the existing operations undertaken on site.