

The **REGULATORY COMMITTEE** met at
WARWICK on the **23rd JANUARY, 2007**

Present:-

Councillor Joan Lea (Chair of Committee)
“ Peter Barnes (Vice Chair of Committee)
“ Les Caborn
“ Barry Longden
“ Sue Main
“ Brian Moss
“ Ian Smith
“ John Wells

Councillor John Haynes replaced Councillor Richard Chattaway for the meeting but did not vote on any item because it had not been possible to give the requisite notice of the change.

Councillors John Appleton and Eithne Goode also attended.

Officers

Ian Marriott, Community & Environmental Legal Services Manager, Performance & Development Directorate
Sue Broomhead, Senior Planner, Environment & Economy Directorate
Ian Grace, Principal Planner, Environment & Economy Directorate
Jasbir Kaur, Development Manager, Environment & Economy Directorate
Matthew Williams, Planner, Environment & Economy Directorate
Phil Maull, Senior Committee Administrator, Performance & Development Directorate

1. General

(1) Apologies

An apology for absence was submitted from Councillors Richard Chattaway, Mike Perry and Dave Shilton.

(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 Sue Main – Stratford-on-Avon District Council.
- (vi) Councillor Brian Moss – North Warwickshire Borough Council.
- (vii) Councillor Mike Perry – Stratford-on-Avon District Council.

Councillor Ian Smith also declared a personal interest as a member of Stretton-on-Dunsmore Parish Council.

Councillor Les Caborn declared a personal interest in agenda item 2(4) as the agent for the application was a neighbour.

(3) Minutes of the meeting held on the 21st November 2006 and matters arising

(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 21st November 2006 meeting be approved and be signed by the Chair.

(ii) Matters arising

Nil.

2. Applications for Determination

(1) Construction of a New 1500 Pupil Community School Campus at North Leamington School and Manor Hall Educational Development Centre, Leamington Spa

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

Councillor Smith, seconded by Councillor Barnes, moved and it was Resolved, six members having voted in favour and one against:-

That the application be deferred to enable a site visit to take place with regard to the concerns of local residents about the impact of the proposed new school upon the area and its impact on traffic.

It was agreed to hold the site visit in the morning to coincide with the commuter rush hour.

(2) Southam Cement Works – Storage of Pulverised Fuel Ash and By-pass Dust for a Further Five Years

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

Matthew Williams informed the Committee that Stratford-on-Avon District Council had no objection.

Councillor John Appleton

He said that he had no objection in principle to the application but did have a reservation about granting repeated extensions that would prolong the period of time for completing the restoration of the site. He hoped that the Committee would make it clear that they would not welcome further extensions.

Councillor Nigel Rock – Stratford-on-Avon District Councillor

He said that the site of the application was close to Stockton, which he represented, and his concern was about dust emissions.

Members were concerned about a trend for applicants to come forward with requests for extensions to temporary permissions and considered that, if an extension were granted it should be for three years rather than five.

It was then Resolved, five Members having voted in favour and 1 against:-

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 1 of permission S965/03CM005 dated 21st May 2003 to allow the continued use of three storage silos at Southam Cement Works, Long Itchington for the storage of pulverised fuel ash, used in the manufacture of cement, and for by-pass dust, used as a fill and for various construction purposes, for a period of three years, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(3) Southam Quarry – Extension to Time Limit for the Importation of Cement Kiln Dust

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

Matthew Williams introduced the report.

It was then Resolved, six Members having voted in favour and one against:-

That the Regulatory Committee authorises the grant of planning permission to vary Condition 1 of planning permission S965/04CM025 to allow the importation and deposit of Cement Kiln Dust, spillage materials, road sweepings, laboratory samples and kiln bricks arising from Rugby Cement Works on land at Southam Quarry, Long Itchington for a further temporary period until 31st December 2007, subject to the conditions, and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) Canalside Yard, Napton – Use of Existing Building for Tipping, Sorting and Storage of Waste and Recycled Materials

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

Matthew Williams introduced the report. The Clerk to the Napton Parish Council had informed him that the Parish Council had wished to be represented at the meeting but no one had been available and asked that the Committee defer the decision on the application.

Mr. Hitman, owner of nearby site

His site, wrongly shown as an industrial estate on the plan, was allocated for mixed use, including residential. The officer's report was wrong in that it stated that the nearest residential unit was 80 metres away from the application site when this was actually 30 metres. The application was for all types of waste. Although the report referred to a maximum of 60 skip lorries, the application did not limit the number nor restrict it to skip lorries.

Councillor John Appleton

He said that he was doubtful that the application site was the right place for the proposed operation because of its rural location and the appalling state of the roads.

Councillor Nigel Rock

In addition to his remarks in the report, he spoke of the need to protect the rural nature of the area.

The Members discussed the application, expressing various concerns or seeking further information regarding the impact of the use in a countryside location, the potential effect on the allocated use of the nearby site and the amenity of the area, the sustainability of the use proposed, the existence of alternative sites, control of waste types and the implications of increased traffic.

It was noted that the nearest habitable residential unit was 80 metres distant from the site. The unit situated 30 metres from the site was uninhabited and derelict. Matthew Williams also confirmed that officers did not consider that

granting permission would prejudice implementation of the allocation made in the Local Area Plan for the nearby land.

Councillor Barry Longden, seconded by Councillor John Wells, moved that permission be granted in accordance with the recommendation of the officers in their report. The motion was lost, three Members having voted in favour and four against.

Before voting on whether to refuse the application, the Committee considered the question of deferring a decision until after a site visit but decided against that course of action. Following discussion of the reason for refusing the application, it was then Resolved, with Councillors Peter Barnes, Les Caborn, Sue Main and Ian Smith voting in favour, Councillors Barry Longden and John Wells against and Councillor Brian Moss abstaining:-

That the Regulatory Committee authorises the refusal of planning permission for the change of use of an existing steel portal framed building to allow tipping, sorting and storage of waste and recycled materials at Canalside Yard, Brickyard Lane, Napton and that the officers prepare and circulate for approval reasons for refusal based on the matters in paragraphs 2.1(i), (ii) and (iv) of the report of the Strategic Director for Environment and Economy.

(5) Coten End Primary School, Warwick – Erection of 2.4m High Security Fencing to Create a Sports Court

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

Mrs. Betty Mann, Resident

She and other residents had been at the Shire Hall since 10 a.m. because they had been misinformed as to the starting time of the meeting. She strongly objected to the application because of the visual impact and disturbance to her and other elderly residents of Healey Court. She asked that the narrow area between the security fence and the existing boundary be made out of bounds to children or they would congregate there. There was no certainty that the sports court would not be hired out.

Mr. John Taylor, Resident

He was not opposed to the school and helped in its literacy classes. However, he was concerned that the play area was too close to the flats and suggested that it should be moved to land adjacent to the school.

Jasbir Kaur said that the land to which Mr. Taylor referred was outside the County Council's ownership and could not be brought easily into school use.

Members considered that the objections could be overcome by an extra condition and a note attached to the permission and it was accordingly

Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the erection of 2.4 metre high security fencing to create a sports court at Coten End Primary School, Warwick, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy together with an additional condition that the play area not be used other than by the school and that a note be attached that access to the strip of land along the boundary with Healy Court residential flats be for maintenance purposes only.

(6) Warwickshire Fire and Rescue Service Training Centre, Leicester Road, Bedworth – Dismantling of Chimney Stacks

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 dismantling of chimney stacks at Warwickshire Fire and Rescue Service Training Centre, Leicester Road, Bedworth, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

3. New Complaints Procedure

This item was deferred to a future meeting because of time restraints.

4. Dates of future meetings

Resolved:-

(1) That the following dates be agreed for meetings of the Regulatory Committee:-

Tuesday, 27th February 2007 – 2.15 pm
Tuesday, 3rd April 2007 – 10 am
Tuesday, 8th May 2007 – 10 am
Tuesday, 12th June 2007 – 10 am
Tuesday, 24th July 2007 – 10 am
Tuesday, 21st August 2007 – 10 am
Tuesday, 25th September 2007 – 10 am
Tuesday, 6th November 2007 – 10 am
Tuesday, 18th December 2007 – 10 am
Tuesday, 15th January 2007 – 10 am

- (2) That the meetings arranged for the following dates be cancelled:-

Tuesday, 13th March 2007

Tuesday, 18th September 2007

5. Any other items

It was agreed that officers should bring a report to the Committee on establishing a Development Control Forum scheme.

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Chair of Committee

The Committee rose at 4.35 p.m.