

The **REGULATORY COMMITTEE** met at **WARWICK** on the 12th **JUNE, 2007**

Present:-

Councillor Peter Barnes (Chair of Committee)

- “ Brian Moss (Vice Chair)
- “ Richard Chattaway
- “ Jose Compton
- “ Michael Doody
- “ Pat Henry
- “ Nina Knapman
- “ Joan Lea
- “ Sue Main
- “ Ian Smith
- “ Ray Sweet

Officers

Ian Marriott, Community & Environmental Legal Services Manager, Performance & Development Directorate

Jasbir Kaur, Development Manager, Environment & Economy Directorate

Ian Grace, Principal Planner, Environment & Economy

Sue Broomhead, Senior Planner, Environment & Economy Directorate

Phil Maull, Senior Committee Administrator, Performance & Development Directorate

1. Election of Chair

Councillor Joan Lea, seconded by Councillor Brian Moss, moved and it was Resolved:-

That Councillor Peter Barnes be elected Chair of the Regulatory Committee until the election of his successor in accordance with Standing Order 2.8.

2. Appointment of Vice Chair

Councillor Richard Chattaway, seconded by Councillor Ray Sweet, moved and it was Resolved:-

That Councillor Brian Moss be appointed Vice Chair of the Regulatory Committee until the appointment of his successor in accordance with Standing Order 2.8.

3. **General**

(1) **Apologies**

An apology for absence was submitted from Councillor Barry Longden.

(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.

(3) **Minutes of the meeting held on the 8th May 2007 and matters arising**

(i) **Minutes**

Resolved:-

That the minutes of the Regulatory Committee's 8th May 2007 meeting be approved and be signed by the Chair.

(ii) **Matters arising – Minute 3 – Development Control Forums**

Jasbir Kaur said that the Committee had agreed to see a web cast of a typical development control forum run by Waverley Borough Council. This had been downloaded and she showed a brief extract from the web cast and informed members that the full web cast lasted for two hours. It was proposed to include this on the Members intranet and the Committee members would be given a link to it so that they could view it.

Ian Marriott reminded members that they had deferred a decision on piloting development control forums to enable them to have the opportunity see the web cast first. He asked whether it was the Committee's wish for the issue to be brought back to their July meeting. The Committee confirmed that this was so.

4. **Applications for Determination**

(1) **Canalside Yard, Napton – Use of Existing Building for Tipping, Sorting and Storage of Waste and Recycled Materials (Revised Proposal)**

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

Ian Grace introduced the report and drew attention to the four differences (paragraph 1.7 of the report) to the application compared with the earlier application that the Committee had refused at their 23rd January 2007 meeting. He referred to the difference in opinions between their officers and those of the Stratford-on-Avon District Council. He also circulated copies of extracts from the policy documents referenced in the report and explained why he considered that the proposal was consistent with those policies.

Ian Grace then referred to the representations from Councillor Nigel Rock in which he suggested that consideration of the application should be deferred until a second application concerning the construction of offices on the site had been submitted. He considered that this would be difficult because the application had been submitted separately and the Committee were obliged to deal with it. He added that it was proposed to add conditions to cover the points about storage raised by Councillor Nigel Rock

Mr. Hitman, owner of nearby site

He opposed the application, which he considered was the same as the one refused in January. He did not see the suggested £10,000 contribution as sufficient to cover the maintenance of Brickyard Lane. The provision of roller shutter doors would not be effective because the building was not big enough to allow them to be shut when loading and unloading lorries. The site was in close proximity to a site allocated for affordable housing.

Councillor John Appleton

He said the operation had had an impact on the Napton landscape for a number of years. Its activity devalued tourism and canal based activity in the area. He opposed any extension to the activities that would bring with it increased traffic and increased dust and debris on the roads. If the application was approved it would give the developers a blank cheque to process any waste. He was surprised that the Stratford Local Plan was not being shown more respect.

Mr. Stratton, agent for the applicant

His clients were frustrated in what had happened with the proposals as they had worked with officers for some time and had agreed to provision of bunding and landscaping. There were a number of misinterpretations of policy and facts. There was no extension to the overall level of activities because the new wastes displaced existing wastes. There would be no significant intensification of traffic. At most there would be thirty to forty extra traffic movements but this would be offset by the fact that smaller vehicles would replace larger lorries. The proposals conformed with the County Council's waste plans.

In answer to questions from Councillor Sue Main, Ian Grace said that the Environment Agency monitored for breaches of its licences. The site was centrally located for a catchment area ranging from Leamington Spa, Rugby, Daventry and Banbury.

Councillor Richard Chattaway said that it was his understanding that the Stratford Local Plan had to conform with the County Structure Plan. He found it difficult to accept the District Council's planning officer's view as it seemed that there was very little impact that the proposals would have in comparison to the existing use. Had it been a completely new application for the use of a Greenfield site, he would not have supported it but it did have planning permission and he could see no grounds for voting against the application for change of use.

Councillor Jose Compton agreed that there was no reason to vote against the application. She suggested that the resolution should include specific reference to the proposed section 106 agreement.

Councillor Joan Lea agreed that the Committee had to deal with the application as it stood. She asked that some semi mature trees be included in the landscaping.

Councillor Richard Chattaway, seconded by Councillor Jose Compton, moved and it was Resolved with Councillor Sue Main voting against and Councillor Ray Sweet abstaining:-

That the Regulatory Committee authorise the grant 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, 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 the following additional conditions and reasons and subject to a section 106 agreement in respect of the £10,000 contribution by the developer towards the maintenance and improvement of Brickyard Lane:-

- The building shall only be used for the storage and processing of waste generated from skips brought to the site by the skip hire business operating from the site.

Reason: In order to protect the amenities of the area.

- No waste materials associated with the consent shall be stored or processed outside of the building.

Reason: In order to protect the amenities of the area.

(2) Clews Recycling, Unit 17, Hunters Lane Industrial Estate, Rugby – Extension of Waste Reception and Handling Area

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

Jasbir Kaur said that there were two further conditions proposed concerning sheeting lorries entering and leaving the site and a drainage survey to be carried out and submitted to the County Council.

She said that Mr. Guppy of the Hunters Lane Industrial Association had sent in a video of the site in operation taken on his mobile phone using a zoom facility from the first floor office. She then showed the video placed on the “You tube” web site to the Committee. Members acknowledged the points being made by the objectors.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 1 of planning permission R172/03CM003 on land at Unit 17, Hunters Lane Industrial Estate, Rugby, from:-

Waste materials shall not be deposited on site other than in the location shown hatched green and labelled ‘waste transfer area extension’ on drawing ref SS01 (vers.3) skips and roll-on/roll-off containers shall not be stored other than in the location showed hatched blue labelled ‘area for storage of waste containers awaiting sorting’ on drawing ref SS01 (ver.3).

To:-

Waste materials shall not be deposited within the operational area of Unit 17, Hunters Lane Industrial Estate other than in the locations outlined in red in drawing reference SS03 and the area previously approved by Planning Permission R172/03CM003, shown hatched green and labelled ‘waste transfer area extension’ on drawing ref SS01 (vers.3) and skips and roll-on/roll-off containers shall not be stored other than in the location shown hatched blue labelled ‘area for storage of waste containers awaiting sorting’ on drawing ref SS01 (ver.3).

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 conditions requiring the sheeting of lorries entering or leaving the site and requiring a drainage survey to be carried out and submitted to the County Council.

(3) Land off Bodymoor Heath Road, Marston – Change of Use of Agricultural Land and Various Works to Permit the Construction of an Underground Sewerage Pumping Station

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 change of use of agricultural land and the construction of a chemical dosing unit, control kiosk, electricity meter box, two double opening timber gates, hard standing, dropped kerbs, planting station at Marston Sewerage Pumping Station, Bodymoor Heath Road, Marston, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) Finham Sewage Treatment Works – Erection of a Bat Roost Building on Land at Finham Sewage Treatment Works, Coventry

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 erection of a bat roost building on land at Finham Sewage Treatment Works, St Martins Road, Finham, Coventry, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(5) Mancetter Quarry – Variation of the Hours of Operation Condition to Permit the Operation of the Quarry on 25 Occasions Per Year on Saturdays and Sundays

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

Ian Grace said that following advice from Ian Marriott the new condition in Appendix B had been revised to read as follows:-

1. None of the operations hereby permitted shall take place except:-

(a) during the hours of:

mineral extraction, processing, servicing, maintenance or testing of plant and restoration works:-

0700 – 1730 Mondays to Fridays

0700 – 1200 Saturdays

Tip removal, soil stripping and overburden removal:-

0800 – 1730 Mondays to Fridays

0800 – 1200 Saturdays

Blasting operations:-

1000 – 1600 Mondays to Fridays

1000 – 1200 Saturdays

Operation of the coating plant:-

0400 – 1730 Mondays to Fridays

0400 – 1200 Saturdays

Vehicle movements:-

0600 – 1730 Mondays to Fridays

0600 – 1200 Saturdays

None of these operations shall be carried out on Sundays, Bank Holidays or Public Holidays except as provided below:-

(b) as otherwise agreed in writing by the mineral planning authority;

(c) in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable; or -

(d) Subject to prior notification to the MPA, on 25 occasions in each year – the coating plant may operate between 0500 and 1700 on Saturdays and Sundays (each day being a separate occasion) with an average of 5 loads of coated stone per hour leaving the quarry between 0600 and 1700.

Reason – In order to protect the amenities and environmental quality of the locality.

2. The operators shall provide written notification to the MPA specifying the dates of the Saturdays and Sundays on which it is intended to operate the coating plant and allow coated stone lorries to enter and leave the site. Within 48 hours of each of the occasions of weekend working so notified the operator shall

provide the MPA with written confirmation of the operations described above.

Reason – In order to enable the MPA to carry out effective monitoring of Condition 1 of this consent.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 17 of planning consent NW20/00CM001 dated 13/02/2002 at Mancetter Quarry, to permit the supply of high PSV asphalt on 25 weekends per year for the remaining life of the planning consent between the hours of 0600 and 1700 with the coating plant starting at 0500, in line with the wording of the Inspector's decision ref APP/H/3700/A/05/1178976 dated 28/9/2005, subject to the conditions and for the reasons contained in Appendix B (as revised) of the report of the Strategic Director for Environment and Economy.

5. Any other items

Nil.

.....
Chair of Committee

The Committee rose at 11.29 a.m.