The **REGULATORY COMMITTEE** met at **WARWICK** on the **6th NOVEMBER, 2007**

**Present:-**

Councillor Peter Barnes (Chair of Committee)
   “ Brian Moss (Vice Chair)
   “ Jose Compton
   “ Michael Doody
   “ Pat Henry
   “ Joan Lea
   “ Nina Knapman
   “ Barry Longden
   “ Sue Main
   “ Ian Smith
   “ Ray Sweet

**Present:-**

Councillor John Atkinson for agenda item 2(9)
Councillor David Booth for agenda items 2(1)
Councillor Bob Stevens for agenda items 2(1) and 2(9)

**Officers**

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

Before the business of the meeting was started, the Chair asked Councillors Nina Knapman and Ray Sweet to say a few words respectively about the recent tragedy in the Fire Service and about the sad death of Bryan Levy.

Councillor Nina Knapman referred to the death of one fireman and said that the Fire Service was continuing to search the factory in Atherstone on Stour for the three firemen still missing in the recent fire. There was a great sadness in Alcester but also extreme pride. There was a fund being co-ordinated through the Fire Service Benevolent Fund.

Councillor Ray Sweet said that all those who knew Bryan Levy would miss him and his contribution to local government in the area.

1.
Members then showed their respect by standing in silence.

1. **General**
   
   (1) **Apologies**

   An apology for absence was submitted from Councillor Richard Chattaway.

   (2) **Members Disclosure of Personal and Prejudicial Interests**

   Members made the following declarations:

   (i) Councillor Jose Compton – personal – agenda items 2(1) to 2(4) – member of Warwickshire Waste Management Partnership.

   (ii) Councillor Michael Doody – personal – agenda item 2(1) – member of Warwick District Council – the Warwick District Council used the facilities at Gaydon.

   (iii) Councillor Ian Smith – personal – agenda item 2(9) – Member of Stretton-on-Dunsmore Parish Council.

   (iv) Councillor David Booth – personal – agenda item 2(1) – he lived in a nearby community but the proposals did not impact upon him any more than any other member of that community.

   (v) Councillor Bob Stevens – agenda items 2(1) and 2(9) – personal – former member of the now defunct body Vision for Southam.

   Councillor Pat Henry asked for guidance in connection with agenda item 2(4). During a visit to the Pool Road site, the proprietor had come out to speak to her. Ian Marriott said that unless that conversation now made it difficult for her to be impartial or had caused her to predetermine the matter, that conversation of itself would not be a bar to her taking part in the decision on the application.

   (3) **Minutes of the meeting held on the 25th September 2007 and matters arising**

   (i) **Minutes**

   Resolved:-

   That the minutes of the Regulatory Committee’s 25th September 2007 meeting be approved and be signed by the Chair.

   (ii) **Matters arising**

   Nil.
2. Applications for Determination
   (1) Gaydon Composting Facility – In-Vessel Composting Facility

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

Jasbir Kaur introduced the report and informed the Committee that the Highways Agency had no objection to the application.

Councillor Jonathan Crowe, Chair Gaydon Parish Council
The Parish Council had a number of concerns about the application and therefore objected to it. The particular concerns were:-

(i) Increased traffic and vehicles depositing mud on the road resulting in obstructions to drains.
(ii) The site had recently flooded and future flooding could result in a serious hazard because of run offs from food wastes.
(iii) There was no indication as to how the applicant intended to dispose of waste that could not be composted.
(iv) All information on the application came from the applicant and there was a need for an independent environmental impact assessment.

County Councillor David Booth
He said that the site currently operated reasonably well. The Environment Agency would not consider the application until planning permission was granted. He asked that a set of onerous conditions be linked to the planning approval. Category 3 waste was acceptable and he would like to see this specified in the permission. Condition 11 was ambiguous about Bank Holidays as it would appear to allow operations to continue on them. Condition 16 should make it clear that the noise levels applied to ongoing use of the site. He questioned whether the proposed landscaping was appropriate in view of the proposed Landrover Heritage Hotel, which would be three storeys high.

Jasbir Kaur said that the site would operate on Bank Holidays because household refuse collections took place on those days.

County Councillor Bob Stevens
There were some concerns about traffic noise and it was, therefore, important to emphasise routing of lorries and ensure that signage clearly indicated this. It was also noted that a condition was proposed requiring lorries to be sheeted. If the conditions were enforced there should be no problem.

Mr. Tipton, Operations Director, Simpro Limited
The site had been operated over a number of years with little impact on local residents. The proposal was for the addition of category 3 waste; kitchen waste and not, as had been suggested, fallen livestock. The composting
would mainly take place in buildings. There had been some problems with mud being carried onto the public highway but this was in connection with the landfill operation on the site and that was to close this year. He said that Mr. Waters, a technical expert from the company supplying the system was in attendance to answer any questions that the Committee might have.

Councillor Barry Longden said that people were likely to put kitchen waste into plastic bags and asked if the system provided for this.

**Mr. Waters**

In other parts of the country, biodegradable bags were provided for this purpose. However, it was anticipated that there would be some material in the refuse that would not biodegrade and this would be extracted at the end of the process. Experience suggested that no more than 20% of the material dealt with would be non-biodegradable but the sterilisation process was capable of dealing with a volume of up to 60%. The State Veterinary Officer would monitor the process and would not give clearance until after twenty-seven samples had been tested and the results were satisfactory. Category 3 waste was kitchen waste that was fit for human consumption.

It was then Resolved, ten Members having voted in favour with one abstention:

> That the Regulatory Committee authorises the grant of planning permission for an in-vessel composting facility at Gaydon Composting Facility subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy and subject to appropriate reinforced signage for vehicle routing and that the additional waste permitted be category 3 waste as currently described.

(2) **Mullensgrove Farm, Dunton – In-Vessel Composting Facility**

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

Ian Grace introduced the report. This was a similar application to the previous one but in this case the site was located in the Green Belt and there had been problems in the past.

**Mr. Plunkett, resident and local businessman**

He was the owner of Reindeer Park Lodge. Residents’ summer had been destroyed with an infestation of mosquitoes from the site; his wife was physically sick from the putrid smell. His herd of reindeer had to be kept inside. His business had taken twenty-five years to develop but was now suffering. International celebrities had been known to stay. Regular customers had stopped attending and people had been known to pull off the small caravan park he ran on his land rather than stay with the smell. Wildlife at the nearby Kingsbury Water Park would suffer.
Mrs. Dolan, resident
She endorsed Mr. Plunkett’s comments. In addition very heavy vehicles passed her house every 15 to 20 minutes all day and every day, ignoring a 7.5 tonnes weight restrictions. She could not understand how the site was allowed to operate without planning permission in the Green Belt.

Mr. Heughes, resident
He supported the previous speakers.

Mr. Hamphill, resident
He confirmed that heavy vehicles constantly passed within 15 feet of his house. A haulier friend estimated that the vehicles weighed between 16 to 20 tonnes.

Following discussion, it was Resolved:-

That the Regulatory Committee authorises he refusal of planning permission for the construction of a new access, change of use of farm building to waste reception building and construction of in-vessel composting and maturation pad at Mullensgrove Farm, Kingsbury Road, Dunton for the following reasons:-

(a) The proposed development would be contrary to Core Policy 4 and Policy ENV2 in the North Warwickshire Local Plan 2006 because the development would adversely affect the open character of the area and the proposed use constitutes in appropriate development within the Green Belt as defined in paragraph 3.12 of PPG2 and Core Policy 4 and Policy ENV2 of the adopted Local Plan and, in addition, the development would be contrary to guidance contained within PPS10 relating to development within the Green Belt.

(b) The proposed development would be contrary to Core Policy 11 and ENV1 of the North Warwickshire Local Plan and Policy 1 of the Waste Local Plan for Warwickshire as it would have a significant adverse visual impact on the landscape and character of the area.
(c) The proposed development would be contrary to Policies ENV11 and ECON8 of the North Warwickshire Local Plan, Policy 1 of the Waste Local Plan for Warwickshire and guidance contained within PPS10 because it had not been demonstrated that it would not have a significant adverse impact upon the amenity of nearby residents and businesses by reason of odour.

The Committee adjourned from 11.34 a.m. to 11.40 a.m.

(3) **Hammonds Skip Hire, Colliery Lane, Bayton Road Industrial Estate, Bedworth – Demolition of an Existing Recycling Building, Erection of New Building to House a New Recycling Plant and the Relocation if the Existing Workshop**

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 demolition of an existing recycling building, the erection of a new building to house a new recycling plant and the relocation of an existing workshop on the site at Hammonds Skip Hire, Colliery Lane, Bayton Road Industrial Estate, Bedworth, subject to the conditions and reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) **Land at Camp Hill Industrial Estate, Pool Road, Nuneaton – Waste Transfer Treatment, Screening, Shredding, (Manually and Mechanically) in Prescribed Designated Areas**

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

Councillor Barry Longden, seconded by Councillor Brian Moss, moved and it was Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the Use of Land for Waste Transfer, Treatment, Screening and Shredding both manually and mechanically in prescribed designated areas, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.
(5) **Borrow Pit 1 – Excavation of Engineering Material for use on A46 Works, Importation of Surplus Material and Restoration to Farmland at Land South of A4189 (Henley Road), Hampton Lodge Farm, Hampton-on-the-Hill, Warwick**

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

Councillor Ian Smith, seconded by Councillor Michael Doody, moved that the land level should be restored to the existing level. The motion was lost, two members having voted in favour and four against.

It was then Resolved, seven members having voted in favour and two against:-

That:-

(i) The application be referred to the Secretary of State in accordance with Circular 7/99 – The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999, and subject to the application not being called in for determination the Regulatory Committee authorises the grant of planning permission for the excavation of engineering material for use on A46 works, importation of surplus material and restoration to farmland at land south of A4189 (Henley Road) Hampton Lodge Farm, Hampton Road, Sherbourne, Warwick subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(ii) The Regulatory Committee approves the reasons, summaries and statements in Appendix C.

(6) **Borrow Pit 4 – Excavation of Engineering Material for use on A46 Works, Importation of Surplus Material and Restoration to Farmland at Land North of Hampton Lodge Farm, Hampton Road, Sherbourne, Warwick**

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

(i) The application be referred to the Secretary of State in accordance with Circular 7/99 – The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999, and subject to the application not being called in for determination the Regulatory Committee authorises the grant of planning permission for the excavation of engineering material for use on A46 works, importation of surplus material and restoration to farmland at land north of Hampton Lodge Farm, Hampton Road, Sherbourne, Warwick subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(ii) The Regulatory Committee approves the reasons, summaries and statements in Appendix C.

(7) **Borrow Pit 5 – Excavation of Engineering Material for use on A46 Works, Importation of Surplus Material and Restoration to Farmland at New Barn Farm, Sherbourne, Warwick**

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

That:-

(i) The application be referred to the Secretary of State in accordance with Circular 7/99 – The Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999, and subject to the application not being called in for determination the Regulatory Committee authorises the grant of planning permission for the excavation of engineering material for use on A46 works, importation of surplus material and restoration to farmland at New Barn Farm, Sherbourne, Warwick subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.
(ii) The Regulatory Committee approves the reasons, summaries and statements in Appendix C.

(8) **1 Willow Road, Camp Hill, Nuneaton – Change of Use from Residential to D1 to allow the site to be utilised as a Social Education Centre for People with Learning Difficulties and Physical Disabilities, Plus Alterations and a Small Extension**

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 from Residential (C3) to D1 (Non-residential institutions) and alterations and a small extension at 1 Willow Road, Camp Hill, Nuneaton, Warwickshire subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(9) **Proposed 132kV Electricity Overhead Line to Rugby to Harbury**

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

Ian Grace said that this was not a planning application but that the Committee was being asked for their views as a consultee.

**Mrs. Reeves, on behalf of local farmers**
She gave details of the height of modern farm machinery to demonstrate the dangers of farming with low overhead power lines. She asked that the power lines be buried underground where they crossed farmland.

**Mrs. Frith, Holy Well Committee, Southam Civic Pride**
The proposed route of the line passes close to the Holy Well, an Ancient Scheduled Monument and Grade II listed building and also the ‘old barn’, a well-known local building that was the second oldest in Southam. £100,000 had recently been spent on providing easier access to the site. She also asked for the power lines to be buried.

**Councillor Bob Stevens, local County Councillor**
He asked that the power lines be buried for farmer’s safety. Where it was necessary for the lines to be carried above ground across farmland, full consultation should take place with the farming community about the siting of poles and the precise route to be taken. He pointed out that the Stratford-on-Avon District Council had rejected the proposal twice and that all Parish Councils in the Feldon area had objected to the proposals.
Councillor John Appleton, local County Councillor
He asked that the line should be carried underground between a point to the west of Marton to the Leamington Road and rerouted south from Welsh Road to Leamington Road.

It was then Resolved, six members having voted in favour and one against with two abstentions:-

That the Regulatory Committee objects to the erection of a 132kV Overhead Electricity Line running from Rugby to Harbury to the extent that the line should be placed underground from a point west of Marton to the Leamington Road and rerouted south from Welsh Road in order to avoid the Holy Well and the ‘old barn’.

3. Any other items
   (1) Condolences

It was noted that the Chief Executive was to send the County Council’s condolences to the community and families of the Firefighter killed in the factory fire at Atherstone-on-Stour and of the three missing Firefighters. The Committee considered that it would be inappropriate for them to write separately.

(2) Any other items

It was agreed that Officers should arrange a site visit to an operating in-vessel composting facility for Committee Members.

4. Report Containing Confidential or Exempt Information
5. CFM Profit Related Bonus 2006/2007

These items were not dealt with as the report on the CFM Related Bonus was withdrawn prior to the agenda being despatched. It was intended that the report would be submitted to the next meeting of the Committee.

Chair of Committee

The Committee rose at 12.34 p.m.