The REGULATORY COMMITTEE met at WARWICK on the 23rd FEBRUARY, 2010

Present:-

Councillors  Joan Lea (Chair)
              Robin Hazelton (Vice Chair)
              Peter Barnes
              Ron Cockings
              Jose Compton
              Eithne Goode
              Clare Hopkinson
              Barry Longden
              Mike Perry
              Carolyn Robbins
              Ray Sweet
              Chris Williams

Officers

Ian Marriott, Community & Environment Legal Services Manager,
Customers, Workforce and Governance Directorate
Ian Grace, Principal Planning Officer, Environment & Economy
Directorate
Stuart Ickeringill, Group Manager, Rural Services, Environment &
Economy
Jasbir Kaur, Development Manager, Environment & Economy
Directorate
Phil Maull, Senior Committee Administrator, Customers, Workforce
and Governance Directorate
Mohammed Nasser, Planner, Environment & Economy Directorate

1. General

(1) Apologies

Nil.

(2) Members Disclosure of Personal and Prejudicial Interests

The following Members disclosed personal interests, as indicated:-

(i) Councillor Robin Hazelton – agenda item 5 – prejudicial – member of
Rugby Borough Council.

(ii) Councillor Carolyn Robbins – agenda item 5 – prejudicial – member
of Rugby Borough Council.

(iii) Councillor Chris Williams – agenda items 2(2) and 5 – personal –
member of Stratford-on-Avon District Council.
(3) **Minutes of the meeting held on the 19th January 2010 and matters arising**

(i) **Minutes**

It was then Resolved:-

That the minutes of the Regulatory Committee’s 19th January 2010 meeting be approved as a correct record and be signed by the Chair.

(ii) **Matters arising – Minute 3 – Central Warwickshire Villages LEADER Local Action Group**

It was noted that the Environment and Economy Overview and Scrutiny Committee would be the proper body to scrutinise the effectiveness of this group. Councillor Jose Compton asked that six monthly briefing be brought to the Regulatory Committee. Councillor Barry Longden felt that this would only result in duplication at a time when the Council was trying to make savings. The Regulatory Committee agreed to receive informal briefings at six monthly intervals.

2. **Applications for Determination**

(1) **Webb Ellis Business Park, Unit 21 Woodside Park, Rugby – Change of Use of Building to Include Storage and Transfer of Healthcare Waste**

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

Ian Grace introduced the report.

Councillor Jose Compton, seconded by Councillor Peter Barnes, moved and it was then Resolved unanimously:-

That the Regulatory Committee authorises the grant of planning permission for the change of use of a building to include storage and transfer of Healthcare Waste at Webb Ellis Business Park, Unit 21, Woodside Park, Rugby, subject to the conditions and for the reasons given in Appendix B of the report of the Strategic Director for Environment and Economy

(2) **Unit 3, Featherbed Lane, Pathlow, Stratford-upon-Avon – Change of Use from B1 Business Use Class to Waste Transfer Station**

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

Ian Grace said that Stratford-on-Avon District Council had now objected to the proposal because it was contrary to Policy 6 of the Waste Local Plan.
He added that the site had an unusual planning history. It was originally approved for an agricultural contractor business and was currently approved for B1 use; offices, research and development, light industry appropriate in a residential area. The proposal did not meet this usage. There was no objection from the District Council’s Environmental Health Officer nor was there a highway objection. As a planning officer he was required to see how the proposal would affect the complex and the surrounding area. He found it difficult to see how the operation could be contained within the confines of such a small area.

In answer to a question from Councillor Peter Barnes, Ian Grace confirmed that the proposed activities were not currently being carried out on the site.

The Chair then called upon those people who had given notice to speak to do so in the following order:-

**Councillor Richard Hobbs, local Member**
The area was very clearly a residential area and in the Green Belt and very special circumstances were required to permit development in the Green Belt. The present approval was for agricultural use. The proposed use could not be contained within the area of the unit. There would be difficulty in enforcing conditions. He urged the Committee to refuse the application.

**Councillor Warwick Roberts, Chair of Wilmcote Parish Council**
The Parish Council recommended refusal of the application, which did not accord with the local Waste Plan. The development was contrary to Policy PR8 of the Stratford-on-Avon District Local Plan. The demolition and construction waste that was likely to be dealt with at the site would include asbestos and silica and other toxic waste that would be harmful to health and would lead to the contamination of surrounding farmland.

**Mrs. Trudy Box, resident of Featherbed Lane**
She lived with her husband and two teenage daughters in one of the nine properties on Featherbed Lane. She was also speaking on behalf of her neighbours. They lived in the Green Belt on a rural road. Vehicles travelled at speeds of 60mph, accelerating beyond this outside the unit and the danger would increase if more HGVs were allowed to operate at the site. Debris would fall from vehicles and there would be an increase in noise levels. Residents and others would be at risk to their health from pollution and fast moving vehicles.

**Andrew Murphy, Applicant’s Agent**
The building consisted of four units of which the current application would only use one. The existing approved use would generate more vehicle movements than the proposal in the application. The waste transfer station would complement his client’s skip hire business. The facility would be closed on most days. The Environmental Health Officers had no problem with the application. The houses on the road were set back
and would not suffer from pollution. There was no external storage proposed and no new hard standing. It would be a single skip unit and there would only be one employee and his car on site at any time. It would operate for five hours a week. The application should be approved.

Ian Grace said that there was no highways objection and no objection from environmental health. Councillor Richard Hobbs had drawn attention to the difficulty in controlling the operation to keep it wholly within the building. The question of the material that would be permitted at the site was a matter for the Environment Agency.

The following points were raised during the Members’ questions and answers session:-

(i) Although the suggested use of the site was indicated to be no more than five hours a week, it was not reasonable to impose a five hour a week restriction on the site.

(ii) Any conditions would be difficult to enforce because of the small nature of the development.

(iii) Part of the site was currently being used for prop storage for Ragdoll Ltd. This usage was contrary to current planning permission but enforcement would be a matter for the Stratford-on-Avon District Council.

(iv) Maximum usage of the site would involve five traffic movements in and five out on the busiest days.

Councillor Longden felt that there was inconsistency in decisions on planning applications. He said that the application should be deferred so that more information could be obtained.

Jasbir Kaur said that there was no case for deferral. Each application was dealt with on its merits and the Committee had a full report before them and had been shown photographs of the site. Although the proposed usage was low, it was possible for this to increase if the applicant’s business became more successful.

Councillor Chris Williams, seconded by Councillor Carolyn Robbins, moved and it was then Resolved, nine members having voted in favour and two against:-

That the Regulatory Committee authorises the refusal of planning permission for the change of use from B1 Business Use to Waste Transfer Station for Construction and Demolition Waste and Mixed skip waste at Unit 3, Featherbed Lane, Pathlow for the following reasons:

(i) The proposed development does not meet the criteria in paragraph 3.8 of PPG2 for the re-use of buildings because it would have a materially greater impact on the openness of the Green Belt and the purposes of including land in it through the presence, storage and
activity of vehicles which is not in keeping with its rural surroundings. Therefore, it is inappropriate development in the Green Belt.

(ii) The harm caused by inappropriateness is compounded by the impact on the amenity of the countryside and its residents of heavy goods vehicles travelling on rural roads passing through small rural settlements. This harm conflicts with the criteria in paragraph 29 and Annex E to PPS10 and Policy 1 of the Waste Local Plan.

(iii) The proposed development would make a contribution to the rural economy however has no direct relationship with the adjacent uses. The proposal can not be regarded as an appropriate re-use of the building and does not comply with the guidance within PPS7.

(iv) The proposed development would make a contribution to moving waste up the waste hierarchy. However, it is located in a building in a sensitive rural location, accessed along a residential road and located adjacent residential properties which it is not compatible with. For these reasons, it fails to meet the criteria for the location of such development in Policy WD3 of the Regional Spatial Strategy for the West Midlands and Policy W5 of its Phase 2 Revision, Policy PR.2 of the Stratford on Avon District Local Plan 2006, Policies 1 and 6 of the Waste Local Plan and PPS 10. There is no evidence that the need for such facilities cannot be met in more sustainable location outside of the Green Belt.

(v) The benefits of the development do not constitute very special circumstances outweighing the harm to the Green Belt and the other harm to amenity, the countryside and policies for the sustainable development of waste facilities. Therefore, the proposal is contrary to Policy PR.2 of the Stratford on Avon District Local Plan paragraph 3.2 of PPG2, the harm that would be caused cannot be avoided or satisfactorily mitigated through conditions or obligations and there are no other material considerations indicating that it should be permitted.

(3) A429 Coventry Road, Kenilworth – Construction of a Pedestrian Footbridge/Cycleway

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

Ian Grace gave the following updates:-

(1) Warwick District Council had no objections subject to a condition around the design details of the bridge.

(2) Highway control had no objections.
(3) Warwickshire County Council Ecology had no objection but required conditions for tree protection and supervision of site works to ensure the safety of protected species.

(4) Kenilworth Town Council were concerned about the safety of the low guard rail on the bridge as objects could be thrown from the bridge onto the road and into gardens and people could climb over the railing. There was also concern about light pollution. The bridge would also be a natural focus for horse riding and the Town Council assumed that there would be measures to prevent horses from accidentally accessing the bridge.

Ian Grace said that the bridge would form a link between Berkswell Greenway and Kenilworth Common. There were two issues and these were in connection with the design of the bridge and its amenity impact on the neighbours. Arising from a design competition, the public indicated that they wanted a plain (not utilitarian) design. For planning purposes the Committee needed to be satisfied that the design was acceptable; if it was, the Committee could not reject it simply because there was a better design option. There was an amenity impact in that people would be able to see into buildings and gardens. This was very limited from the bridge but had a greater impact further along the route.

The Chair then called upon those people who had given notice to speak to do so in the following order:-

**Councillor John Whitehouse**
He explained that although the bridge was located in Councillor Dave Shilton’s Division, the route also went through his Division. He also chaired the Steering Group. It had been a long held dream of Kenilworth people to open up the route and this had been made possible by the allocation of Lottery funding. A three-day public exhibition was held at Kenilworth Library giving choices for the bridge design, the website was also used. Three hundred replies had been received, 67% of those favoured the simple elegant design. This had not been his choice but the public had shown its preference. He accepted that there would be an amenity loss and said it was important to agree conditions to deal with this. He said that the Steering Group would be available to help with this.

**Mr. Vincent, Kenilworth Town Council**
Kenilworth Town Council had not been notified of the consultation. The County Council and Sustran had largely decided the matter before the Town Council eventually received the County Council project presentation. They had not been formally consulted on the need for the bridge and the Town Council had to accept it had been a fait accompli. It was considered that the application was incomplete and wholly inadequate. There were no details about access by horses or how maintenance work would be carried out. The Town Council asked for consideration of the application to be deferred until the additional information was available.
Mr. Topping, resident
He and his family lived 30m from the bridge close to the path and the embankment. He was in favour of the bridge but wished to stress the need for the landscaping condition. The top of the embankment was 5 metres above his garden and any stranger on it would be able to look into the whole of his garden. The County Council had produced an eleven page document on photographing children but without the proposed screening any stranger with a camera would have access to his three children. The height of the embankment meant that he could not provide the screening himself.

Resident
As well as being a resident, he was also a designer. He was unhappy with the proposed design of the bridge. There was no archway designed. It was also thought that the bridge should be constructed out of wood. The public had been presented with three near identical designs. There had been no generation of ideas that could have produced something attractive. He urged the Committee to revisit the design.

Stuart Ickeringill
The first principle of the project was that it should be a sustainable transport scheme. The bridge was being provided as part of the Lottery’s People’s Million Pound Contest. The overwhelming feeling from the public was that a grandiose design was unsuitable but neither did they want a second class army bailey bridge design. There would be a budgetary implication if the simple design was not used. The bridge’s location as part of an urban street scene meant that only the centre span would be visible from the road and therefore the simpler design was more appropriate. More importantly, the local residents had preferred the functional simple clean lines of the design before the Committee.

Members commented that:-

(a) It was not feasible for the bridge to be constructed from wood.
(b) There was still work to be done on the detailed design of the bridge.
(c) The bridge would be a great asset.
(d) It was important to ensure that the planting was sufficient to protect the gardens from being overlooked and if possible that it should be planted before the bridge was built.

Councillor Ray Sweet, seconded by Councillor Jose Compton, moved and it was then Resolved unanimously:-
That the Regulatory Committee authorises the grant of planning permission for the construction of a pedestrian footbridge over the A429 Coventry Road, Crackley, Kenilworth, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) Redevelopment of Poplars Farm, Wood End, Hurley

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

In introducing the report Jasbir Kaur informed members that the existing tenant of this smallholding, whose lease had not been extended, had objected to the application because it would replace an existing wooden building with a new and larger steel construction. She pointed out that the redevelopment was required to maintain the smallholdings viability and considered that the objection should be rejected.

Councillor Peter Barnes, seconded by Councillor Jose Compton, moved and it was then Resolved unanimously:-

That the Regulatory Committee authorises the grant of planning permission for the extension of the existing cattle buildings, removal of existing redundant buildings, construction of a new slurry pit and silage clamps, construction of a new hard standing and resurfacing the existing access track at Poplars Farm, Tamworth Road, Wood End, Hurley, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(5) Hopkins Farm, Lower Tysoe – The Construction of a Barn/Stock Building

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

Jasbir Kaur introduced the report.

Councillor Peter Barnes, seconded by Councillor Jose Compton, moved and it was then Resolved unanimously:-

That the Regulatory Committee authorises the grant of planning permission for the construction of a barn/stock building for the purpose of housing cattle at Hopkins Farm, Lower Tysoe Road, Lower Tysoe, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.
(6) Etone Community School and Technology College, Leicester Road, Nuneaton – Variation of Condition 5 of Planning Permission N5/09CC018 to Extend the Timescale for Submission of a Landscaping Scheme

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

Jasbir Kaur introduced the report.

Councillor Mike Perry said that when the Regulatory Committee approved the application originally there had been concern about the planting and landscaping and he asked officers to monitor the development to ensure that the Committee’s wishes were carried out.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 5 of planning permission N5/09CC018 to extend the timescale for submission of a landscaping scheme at Etone Community School and Technology College, Leicester Road, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

3. Any Other Items

Nil.

4. Items Containing Exempt Information

Resolved:-

That members of the public be excluded from the meeting for the item mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraphs 5 and 6 of Schedule 12A of the Local Government Act 1972.

Councillors Robin Hazelton, Carolyn Robbins and Chris Williams left the room in accordance with their earlier declarations of interests.

6. Exempt extract from the Committee's Minutes of the meeting held on the 19th January 2010

Councillor Peter Barnes said that the details related to issues around the Pure Recycling Limited development at Ettington had appeared in the press two days after the meeting in spite of it being exempt information.

Ian Marriott said that he had not yet had the opportunity to discover how the information had been released to the press. Fortunately, the negotiations with
the company had been almost completed by the time the details were published. He would make enquiries to try to ascertain what had happened.

It was then Resolved:-

That the exempt extract of the Regulatory Committee’s Minutes of the meeting on the 19\textsuperscript{th} January 2010 be approved and the Minutes be signed by the Chair.

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Chair of Committee
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The Committee rose at 11.52 a.m.