MINUTES OF THE PLANNING COMMITTEE
HELD ON 17 MARCH 2005

Present: P. Haynes (Chairman)

Bayliss, Mrs. E.J.
Boyle, T.M.
Corbett, T.J.
Davies, D.N.
Day, W.D. (Local Member)
Hambleton, Mrs. S. (Local Member)
Holland, C.E.
Maddox, Mrs. M.

Perry, E.C.
Roberts, R., OBE.
Smith, R.N.
Wright, T.R.

Apologies: Lewis, F. (Local Member), O’Leary, J.

PART ONE

Minutes

98. RESOLVED - That subject to the declaration of interest by Mrs. E.J. Bayliss being amended to read “Personal interest by virtue of speaker for Alrewas and Streethay Parish Council being known to Mrs. Bayliss” the minutes of the meeting held on 10 February 2005 be confirmed and signed by the Chairman.

Declarations of Interest in accordance with Standing Order No. 16.5

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Perry, E. | Personal interest by virtue of being a member of Staffordshire Moorlands District Council. | Agenda Item No.5 SM.04/01559. SM.04/01540.

Wright, T.R. | Personal interest in his capacity as Cabinet member, Human Resources. | Agenda Item No.5. Applications by the Cabinet

Strategic Applications for Planning Permission etc.  
(Schedule 1)

99. The Committee considered seven “County” matters.

100. **RESOLVED** - That subject to the following conditions, amendments or alterations, the recommendations contained in the report (Schedule 1 to the signed minutes) be adopted as decisions of the County Planning Authority.

**Waste County Matter - Staffordshire Moorlands: SM.04/20/109W**
Moorlands Green Waste Recycling for the re-location of existing recycling horticulture and arboricultural waste unit, installation of weighbridge and wheelwash erection of control office and utility building, erection of an extension to the existing screen shed and landscaping at Cressford Farm, Dilhorne Lane, Dilhorne.

101. **Report** - This planning application had originally been placed for consideration by the Planning Committee at its meeting held on 10 February 2005. At that meeting it was resolved to defer determination pending the outcome of a Committee site visit. Members of the Planning Committee visited the site on 7 March 2005.

Members received details of the application aided by slides. Members were informed that a letter had been received from Dilhorne Parish Council expressing concern that in addition to the interested parties, two further parties, who had not identified themselves, had attended the site visit and were allowed to present their subjective views. In their letter, the Parish Council asked how the Planning Committee proposed to disallow these unsolicited views on the application. The Head of Development Control explained that the purpose of a site visit was for members to familiarise themselves with the proposed application and not to make any decision. Members were informed that paragraph 12 of the Site Visit Protocol stated that “other representations by parties with a local interest can be made at the discretion of the Chairman of the Planning Committee so far as may be necessary to ensure that the Committee are fully appraised of all relevant site considerations”.

Planning permission was sought to expand and to relocate a large part of the existing open-window green waste composting activity at Cressford Farm, Dilhorne Lane, Dilhorne. Green waste would be stockpiled, shredded, composted and matured on a concrete pad situated approximately 150 metres to the west of the existing site. The existing mulch separation shed would be retained in its present location within the existing site and an extension was proposed for storage of screened waste. A weighbridge, wheelwash, control office and utility building was also proposed within the heart of the existing site with an internal haul route leading to the concrete pad area and
the remainder of the existing site was to be engineered using soil originating from the concrete pad location and landscaped with woodland shrubs and trees. A wetland meadow wildlife habitat within a field adjacent to the composting operations also formed part of the proposals. The current composting activities operated under a Waste Management Licence Exemption.

Green waste would be delivered to the site by a combination of local authority refuse collection vehicles/compactor lorries and container vehicles from civic amenity sites. Shredding would take place once a week, during the peak season. The shredded material would be formed into windrows on the concrete pad and turned periodically to aerate as necessary and help maintain the optimum temperature during an 8-12 week average processing period. The material would then be screened and stockpiled and taken off-site to be marketed as soon as practicably possible.

The proposed operating hours would be 0700 to 18.00 Monday to Friday and 0700 to 17.00 Saturdays. In addition on Saturdays from 1700 to 1800 and on Sundays, Bank/Public Holidays from 0700 to 1800 to receive deliveries of green waste only by prior appointment. No mechanical operations would take place on Sundays, Public or Bank Holidays.

With regard to traffic movement, there would be 17 loads (34 movements of vehicles) visiting the site or operating from the site daily. Fourteen vehicles (28 movements) over 3 tonnes unladen weight would visit the site daily and one vehicle over 3 tonnes unladen weight would be based at the site making one journey a day (two movements). Two vehicles under 3 tonnes unladen weight would also visit the site daily (4 movements).

The applicant had confirmed that the majority of the vehicles visiting the site were local authority vehicles (including their contractors) which travelled along Dilhorne Lane and did not come from or pass through Caverswall. Accordingly, since these were contract vehicles they may be capable of being controlled through a Section 106 Agreement secured with the applicant. However, the County Council’s adopted “Code of Practice for the Assessment of the Impact and the Determination of Mitigation Measures arising from Heavy Commercial Vehicles generated from Mineral and Waste Developments” stated that in law a planning condition could not control the right of passage over public highways. A written agreement would be voluntary and dependent upon other measures such as signs and traffic regulation orders to be successful.

Following consultation, the Environment Agency stated that the operation would require a Waste Management Licence and confirmed that an application for a Licence had been submitted. The Environment Agency stated that it had no objections in principle to the proposal. However, it recommended, that in order to prevent the increased risk of flooding and pollution of the water environment, conditions to any planning permission should be imposed relating to both surface water and foul drainage. With regard to the disposal of foul drainage, the Environment Agency had referred the applicant to Circular 3/99(Planning Requirement in respect of non-mains sewerage incorporating septic tanks in new developments).

Staffordshire Moorlands District Council objected to the proposal as being an inappropriate development, which should be regarded as a departure from the development plan. The District Council considered that the proposals were contrary to District Local Plan policies N1, N2, N8, T14, F4, F5 and N19.
Caverswall Parish Council stated that whilst they had no objection to the process being undertaken by Moorlands Green Waste and acknowledge that it was an environmentally friendly operation, they objected on the grounds of the poor road structure, which was narrow, with blind bends, few passing places and also suffered from flooding.

Forsbrook Parish Council objected to the proposal on the grounds of highway safety, inappropriate development in the Green Belt where no very special circumstances existed, and environmental issues including the low and medium risks referred to in the applicant’s Risk Assessment which were contrary to Structure Plan policy D2.

Dilhorne Parish Council objected to the application stating that it should be refused on the grounds of highway safety, specifically the proposed increase in both the number and size of vehicles and poor visibility at the current access. Other objections to the application included the proposed operating hours, inappropriate development in the Green Belt and environmental issues, which included the adverse effects from odour, vehicle emissions and increased air pollution which, were contrary to Structure Plan policy D2.

The proposed development was advertised in the local press (Cheadle Post and Times) a notice was posted at the site entrance of Caverswall Lane and letters were sent to seven neighbouring properties.

In response 163 letters of representation were received. These included 148 pro forma letters of objection, 13 individual letters of objection and 2 individual letters of support for the proposed development.

At the meeting of the Planning Committee held on 10 February 2005, the applicant raised three areas of concern with regard to the recommended conditions: the timing of the decommissioning of the existing site in terms of the waste recycling operation; the stockpile height; and limit and timescales for waste, stored prior to composting.

The completion of the site layout, associated infrastructure, bund formation, tree and shrub planting, relocation of existing composting operations and decommissioning of existing sites within twelve months of the date of commencement of development was recommended. The applicant however requested a more flexible approach and a time period of 24 months has been suggested.

Given the Green Belt location and sensitivity of the proposal it was considered important to limit the timescale for the transition to ensure the proper working of the site without risk to local amenity. It was however noted that the method statement outlining the phasing of the proposed development proposed a 6-12 month period from the completion and commissioning of the concrete mixing pad for the decommissioning of the existing site. Twelve months for completion of all the works was therefore not considered to be a feasible timescale and alternatively it was considered appropriate to include a condition requiring written notification of the completion of the concrete pad and to reword the phasing condition to the following: “To require completion of the site lay-out, associated infrastructure, bund formation, tree and shrub planting, relocation of existing composting operations and decommissioning of existing site within 18 months of the date of commencement of development; or within 12 months of the completion and commissioning of the concrete pad, whichever date is the sooner”.

Regarding conditions restricting the height of green waste storage a maximum of three metres was recommended. The applicant, however, requested that heights should be measured once the settlement process had started. The recommended height limitation
of three metres was the same as the extent planning permission, and given problems on
the site in the past of exceeding the volume of waste permitted, a restriction on the
height of stockpiled material and size and extent of windrows was considered the most
effective way of controlling the site capacity. Furthermore, windrows should be less
than four metres in height to limit visual impact, prevent anaerobic conditions being
created and to prevent odour problems on site. It was therefore considered that the
three metre high restriction should remain and the following two conditions be included:
“no material associated with the composting activities should be stored more than three
metres above ground level. This included material awaiting composting; materials in the
open windrows; material which was being matured; and material awaiting distribution as
finished product”. “All material undergoing the composting process in the windrow
should be stored no higher than three metres above ground level and a width no greater
than six metres at the base”.

The applicant also queried the need for a condition limiting the timescales for waste
stored prior to composting as there was normally a similar requirement in a Waste
Management Licence. In the unlikely event that the site was not licensed and operated
under an exemption the condition was considered necessary to prevent prolonged
storage and associated decomposition and odour problems arising at the site. The
application stated that shredding was currently undertaken two days per month and that
shredding would be performed within five days of receipt of green waste at the site. A
condition restricting storage of waste prior to processing to a period no longer than
seven days was therefore not considered unreasonable.

In accordance with the County Council’s scheme of Public Speaking at Meetings,
Mrs. C. Wright, representative of Dilhorne Parish Council made representations direct to
the Committee objecting to the proposals. Mr. D. Keatley, on behalf of the applicant,
made representations direct to the Committee supporting the proposals.

Mr. W. Day, the Local Member, stated that he was aware of the environmental
advantages of this application but acknowledged the concerns of the Parish Council
especially regarding vehicle movements.

In the discussion that followed, a Member sought clarification regarding how the
increase of waste on site would be managed in order to maintain the height limits of the
windrows. The Member was informed that the proposed larger surface area would be
able to accommodate the increase in waste. A Member then commented that this
application was a departure from the Green Belt policy and expressed concern that
there would be a movement of waste on Sundays and Bank Holidays. The Members
were informed that weekends and Bank Holidays were the busiest time for disposal of
this type of waste and it was therefore necessary to move Saturday’s waste on Sunday.
Following a show of hands it was:

102. RESOLVED – That the application be referred to the Office of the Deputy Prime
Minister, under the Town and Country Planning (Development Plans and Consultation
Departure) Directions 1999 and a departure from the Development Plan in Green Belt
policy terms, informing him, that for the reasons set out and subject to the conditions
contained in the report, the Planning Committee was minded to permit planning
permission for the re-location of existing recycling horticulture and arbouricultural waste
unit, installation of weighbridge and wheelwash, erection of control office and utility
building, erection of an extension to the existing screening shed, and landscaping and
Cressford Farm, Dilhorne Lane, Dilhorne.
Waste County Matter Lichfield District: L.04/12/849W
Tom’s Skip Hire for change of use to screening of recovered waste soil and crushing and screening of recovered brick, stone and tile and erection of screening bund at Orchard Farm, Streethay, Lichfield

103. Report – This planning application had originally been placed for consideration by the Planning Committee at its meeting held on 10 February 2005. At that meeting it was resolved to defer determination pending the outcome of a Committee site visit. Members of the Planning Committee visited the site on 9 March 2005.

Members received a detailed description of the proposed application aided by slides. This was a retrospective planning application, for a change of use of land to stockpile and screen recovered waste soil and the screening of recovered brick, stone and tiles for storage and resale at Orchard Farm, Streethay.

Reclaimed materials from the adjacent waste transfer station would be stockpiled, crushed/screened and stored according to type in two separate locations within the perimeter of the site.

The proposed development would take place in the open and on ground, which was a permeable compacted base. This would allow natural drainage into the ground and surrounding areas. The screening bund would be erected around the perimeter of the site to the north and east. It was proposed to grass seed and plant this bund. An amendment had now been made to this arrangement to include hedge planting outside of the bunds, which would mitigate visual impact.

The site had operated as a waste transfer station and skip hire business without the benefit of planning permission since at least May 2003. An application to regularise that use was granted temporary planning permission for three years by the County Council on 24 October 2003.

The Head of Environmental Planning Unit (EPU) stated that the proposal would have a significant adverse implication for the natural environment and would not be permitted in its current form because it did not comply with Structure Plan Policies NC 1 and NC2.

The Environment Agency raised no objections to the application but commented that a Waste Management Licence or exemption from the requirement for a Licence would be required and the proposal would need to be registered by the Local Authority. Site operators should ensure that there was no possibility of contaminated water entering and polluting the surface or underground water.

South Staffordshire Water Plc advised that the site was 1.5 kilometres from their Fradley Ground Water Extraction site at Brookhay Lane, Fradley and had concerns over the control of the source of waste soil and the potential to import contaminated material to the site. The company had recommended that a condition be applied to any planning permission preventing importing and processing of any waste soil. Should this not be possible, any processing should be carried out on a non-permeable surface with interceptor drains capable of removing any contaminants.

Lichfield District Council advised that this site had recently been subject of a similar application but had been resisted on a number of grounds. Since the only apparent difference between the two schemes was the addition of a crusher the District Council strongly objected to the proposed development.
Alrewas and Fradley with Streethay Parish Council had raised an objection on the grounds that there would be an increase in vehicle movements and given the standard of the existing access, there would be a risk to highway safety.

A site notice was posted at the entrance to the site. A notice appeared in the Lichfield Mercury on 15 July 2004 and a copy of the application was place at Lichfield Library. In addition five letters were sent to neighbouring properties. A letter of representation was received which raised no objection to the development providing there was no noise associated with the use. A further letter was received from a member of the public who provided a copy of an advertisement from the “Yellow Pages” advertising the applicant’s business as a seven day a week service. A further two letters of objection were received by the Corporate Director (Development Services) on 9 February 2005.

In accordance with the County Council’s Scheme of Public Speaking at Meetings Mrs. B Brown, representative of Alrewas and Fradley with Streethay Parish Council made representations direct to the Committee objecting to the proposals and Mr. D. Bird, the applicant, made representations direct to the Committee supporting the proposals.

Members were then informed that the Local Member, Mr. F.W. Lewis, was unable to attend the meeting but had asked that the Committee be informed that he opposed the planning application.

Members then discussed the planning application in some detail. Members were informed that approval had been granted for the improvement of the access and since the site visit, the applicant had offered to install a concrete slab. A Member commented that in his opinion, the impact on the surrounding countryside was negligible and therefore he could not support the officer’s recommendation of refusal. This view was supported by another Member, who commented that the access was dual carriageway and as the highway issues were being addressed, permission should be granted. A Member then sought clarification regarding vehicle movements and was informed by officers that there would be 12 vehicle movements a day and the proposal was not to increase this number. A Member then commented that a condition to install hard standing was essential, as the site was in a zone of water extraction where pollution of the ground was a possibility.

The Head of Development Control then informed Members that if Planning permission were granted, it would be necessary to strictly enforce conditions, which should include: - activities on the site not be carried out until highway works were completed; a plan be submitted for the storage and location height; a concrete pad be installed to improve drainage; three bunds should be erected and dust and noise control. A Member stated that in his opinion conditions should also include the land being returned to agricultural use at the cessation of operations.

Following further discussion on a show of hands it was:

104. RESOLVED – That subject to the conditions read out, that planning permission be granted for change of use to screening of recovered waste soil and crushing and screening of recovered brick, stone and tile, and erection of screening bund at Orchard Farm, Streethay, Lichfield.

(NOTE BY CLERK: The following three applications, Items A2 to A4 on the Agenda were withdrawn by the applicants prior to the meeting of the Planning Committee).
105. **Report** - Members received a detailed description of the proposed application aided by slides.

The application was for the deposit of soil and rubble/hardcore at Gratwichwood Farm, to improve the land for agricultural use. The site area was 6,000m², with a maximum of 9,888m³ of material to be deposited which would take approximately 18 months to complete.

The aim of the proposal was to fill a depression with clean subsoil, rubble, hardcore and locally derived building material in the north east of the application area. The applicant claimed that the tipping would result in a more natural looking landscape, so that the land could be used for agricultural purposes. Before bringing the site into use, the tip area and the haul road would be stripped of topsoil and this material would be stored along the northern boundary of the site. A haul road would be constructed of compacted hardcore. Drainage and wheel washing facilities would be provided.

The nearest residential property was Gratwichwood Farm, 150 metres from the site. And therefore noise monitoring would be carried out if required. There was also planning permission to convert existing barns to residential property. Development had not yet commenced. The applicant proposed to construct a two metre high screen bund to limit the impact of the operations on these properties.

Access to the site would be improved, passing bays provided along Wood Lane, and visibility splays constructed at the site entrance. Tipping would take place between 8.00 am and 5.00 pm Monday to Friday and between 8.00 am and 12.00 noon on Saturdays.

Following the tipping of waste, the land would be restored with top soil and grass seed, with supplementary boundary planting. The land would then be used for grazing.

Following consultation, the Development Control Regulation team raised no objection to the proposal, subject to standard tipping conditions particularly to control the transportation of mud onto local roads.

The Environmental Planning Unit (EPU) commented that the proposal would have significant implications for the natural and cultural environment for the following reasons: the wooded copse formed an important component of the landscape and formed part of a treed stream corridor that extended to the A518; the maintenance and planting of hedgerows and hedgerow trees was identified as being of high importance, therefore the proposal did not conform to the policy of landscaping enhancement despite some hedgerow replanting proposals on completion of tipping; the loss of tree cover would be contrary to Waste Policy Plan 3 and Structure Plan Policy NC2; the alder trees and the swamp vegetation within the depression area were of some ecological value and should be avoided; the position of the top soil bund was shown within the tipping area, which would be unworkable and would not serve as a noise attenuation feature; If the bund were located outside the tipping area, it would be visible as an incongruous feature and would be contrary to Structure Plan Policy NC2; the southern part of the site included
extensive remains of medieval ridge and furrow earthworks and infilling would lead to
the destruction of this historic feature.

The Staffordshire Engineering Services Noise Engineer raised concerns regarding the
impact noise may have on the farmhouse and the barn conversions which could not be
properly assessed due to the lack of existing ambient noise levels.

The Department for Environment, Food and Rural Affairs (DEFRA) had made a number
of suggested conditions relating to soil handling, soil stripping and storage, imported
soils/soil making materials, and soil replacement and aftercare.

The Environment Agency had no objection to the proposed development. However the
applicant would need to apply for an exemption from the Waste Management Licensing
Regulations. Without formal planning permission the exemption would not be granted.

East Staffordshire Borough Council’s Environmental Health Officer (EHO)
recommended that a contamination identification study should be implemented, or
alternatively conditions should be included to safeguard human health. The EHO also
requested a noise assessment to determine the effect of the proposed development on
any nearby receptors.

Two site notices were erected on the site boundary close to the site access. No letters
of representation were received.

The key issues of this application were the waste planning policy context and the
assessment of any adverse natural and cultural environmental impact resulting from the
proposed development.

In accordance with the County Council’s Scheme of Public Speaking at meetings,
Mr. Roberts, the applicant’s agent made representations direct to the Committee stating
that he had not received an invitation to speak at this Committee meeting and also had
not received a copy of the report. In the circumstances Mr. Roberts stated that this was
prejudicial to his clients application and requested that the Planning Committee defer
this application to a future meeting of the Planning Committee.

Following a show of hands it was -

106. RESOLVED - That the application be deferred for consideration at a future meeting
of the Planning Committee.

Waste County Matter - Cannock: CH.04/19/704W
Cronimet (G.B.) Limited, not to comply with Condition 8 (to increase
the number of vehicle movements to 10 over 3 tonne); Condition 13
(to increase the height of stockpiles from 4 to 6 metres); and
Condition 14 (operating hours from 0800 to 1630 to 0700 to 1700)
of Planning Permission CH.04/14/704W at former sawmill colliery site,
Cannock Wood Industrial Estate, Cannock

107. Report - Members received details of the proposals aided by slides.

The proposal was for non-compliance with Conditions 8, 13 and 14 of Planning
Permission CH.04/14/704W at former sawmill colliery site, Cannock Wood Industrial
Estate, Cannock and substitution of alternative conditions. Planning Permission
CH.04/14/704W was for a storage yard for the reclamation of metals, dated 3 November 2004.

Condition 8 stated that “the total number of vehicles delivering waste or recyclable materials, or removing recycling metals should not exceed: for vehicles over 3 tonnes unladen weight five in and five out per day; for vehicles under 3 tonnes unladen weight five in and five out per day.

The application stated that there were no vehicle movements under 3 tonnes unladen weight. The proposal was for this condition to be amended to the same number of vehicles that were over 3 tonnes unladen weight; 10 in and 10 out per day.

Condition 13 stated that “no metals should be stored or deposited to a greater height than 4 metres above the ground in the open or within the storage bays”. The application was for Condition 13 to be amended so that metals could be stored to a height no greater than 6 metres above ground both in the open or within storage bays.

Condition 14 stated that “except in the case of emergency, no operations should be carried out except between the hours of 0800 - 1630 Mondays to Fridays and 0800 - 1200 on Saturdays. No such operations should take place on Sundays, Bank or Public Holidays. The proposal was for the hours of operation to be amended to 0700 - 1700 Mondays to Fridays and 0700 - 1200 on Saturdays. No operations were proposed to take place on Sundays, Bank or Public Holidays.

Following consultation, the Development Control Regulation team had no objections to vary Conditions 8 and 14. However they raised some concerns about the proposed increase in stockpile height to 6 metres (Condition 13). as the location of the site was on the edge of an industrial estate in the green belt.

The Police Architectural Liaison Officer raised concerns regarding the security of the site. Perimeter protection needed to be addressed to help minimise any potential for metal theft.

Cannock Chase Environmental Health Officer suggested that the views of the Health and Safety Executive should be sought relating to the proposed increase in height of the stockpiles on health and safety grounds.

Cannock Wood Parish Council raised a number of objections, stating that there were no direction signs to Cannock Wood Industrial Estate; and therefore heavy goods vehicles travelled through the village, which resulted in damaging grass verges. The increase in working hours would lead to increased noise levels in the area and the increase in the height of the stockpiles would be an eyesore. The area was classed as “an area of Outstanding Natural Beauty” and the proposal would result in deterioration in the ambience of the area.

A site notice was erected along the site boundary. Neighbouring businesses had been notified in writing. No letters of representation had been received.

Regarding the height of stockpiles, officers concluded that the conditions should not be varied, so that the existing 4-metre limit was retained, in the interests of visual amenity. The proposal to amend the size of vehicles would not increase the current numbers of vehicles visiting the site.
In accordance with the County Council’s Scheme of Public Speaking at Meetings Mr. M. Thomas applicant for the agent, made representations direct to the Committee supporting the proposals.

Members then discussed the application in full. A Member sought officers’ views regarding the storage of metals to a height of 6 metres above ground level and was informed that this would be intrusive to some houses. A Member then commented that the Environmental Planning Unit had stated that there was very little opportunity for visual impact on surrounding properties or areas of public access but the Development Control Regulation Team had raised concerns about the proposed increase in stockpile height to 6 metres. The Member suggested that perhaps further negotiation could solve this problem. Following further discussion on a show of hands it was:

108. **RESOLVED** – (a) That for the reasons given in the report planning permission be granted for non-compliance with Condition 8 (to increase the number of vehicle movements to 10 over 3 tonne); and Condition 14 (operating hours from 0800 to 1630 to 0700 to 1700) of Planning Permission CH.04/14/704W at former sawmill colliery site, Cannock Wood Industrial Estate, Cannock

(b) That the application for non-compliance of condition 13 (to increase the height of stockpiles from 4 to 6 metres) be deferred to a future meeting of the Planning Committee for further consideration regarding the proposed increase in stockpile height to 6 metres

**Waste County Matter – Staffordshire Moorlands: SM.04/10**

**Severn Trent Water Limited for construction of a combined sewage pumping station at Hughes Concrete Yard, Barnfields Industrial Estate, off Sunnyhills Road, Leek**

109. **Report** – Members received a detailed description of the proposed application aided by slides.

This planning application was considered by the Planning Committee at its meeting held on 14 October 2004 when it was resolved to defer to determination pending the outcome of a site visit. The application was then considered at the meeting held on 11 November 2004 when it was resolved to defer determination pending the outcome of an independent report regarding the potential odour impacts of the development.

The applicant commissioned a report (produced by Odournet) and submitted this to the County Council in January 2005. With this report and the report previously produced by Expertise Limited (commissioned by the Kerrygold Company) it was considered unnecessary for a completely new report to be produced. Therefore these existing reports were independently reviewed by a consultant (Netsen) employed by the County Council.

The proposal was for the construction of a combined sewage pumping station at Hughes Concrete Yard, Barnfields Industrial Estate, Leek. The development was part of the proposed construction of a foul trunk sewer to alleviate existing flooding problems in the North Leek area caused by the incapacity of the existing combined sewer system.

The area surrounding the site was industrial with the nearest unit being approximately 20 metres from the proposed development. A new access would be created onto Sunnyhills Road to allow the site to be separated from Hughes Concrete.
The application was advertised by site and press notices and six neighbours were individually notified. Three letters of representation had been received raising concerns relating to odour, vermin and traffic. A further letter had been received from a neighbour who had a factory on Sunnyhills Road.

Neighbouring industrialists had expressed concerns about possible odours from the proposed facility, one neighbouring industrial unit used a product particularly sensitive to foul odour. The points at which foul odours might be emitted from the facility were at the proposed air vents and manhole covers, and also during maintenance works. Although the likelihood of any odours affecting neighbouring properties was small, it could have implications for surrounding businesses if these conditions were to occur on a regular and consistent basis. Concerns had also been raised regarding vermin being attracted to the site.

The Odournet Report, commissioned by the Applicant commented that five odour units per cubic metre (ou/m$^3$), hourly average, was a level at which a faint odour was noticeable, but below that, it was unlikely to cause any annoyance. The report then used dispersion modelling to calculate the emission rates which would be necessary at the site to result in an odour level of 5 ou/m$^3$ at nearby properties and concluded that it was unlikely that the proposed station would have a detrimental impact on these surrounding properties. However, this was based on a level suitable to avoid annoyance to general industrial neighbours and did not take any account of the particularly sensitive receptor, which was within 100 metres of the proposed station.

The independent report (Netsen Report) suggested that as the station was entirely new, much more stringent odour standards were achievable and could be required in order to protect amenity. They suggested that a level of 1.5 ou/m$^3$ (as recommended in the Environment Agency’s Horizontal Guidance Note H4 for waste water treatment facilities) be applied, which would result in a considerably lower emission rate at the source. This would require some mitigation measures to be introduced in order to meet that limit and Netsen suggested that this should include the station being enclosed within a building with a suitable extraction system and means of treating the air prior to discharge.

It was considered appropriate that an odour abatement scheme should be submitted for approval by the Planning Authority prior to the commissioning of the station to ensure that the development did not affect any surrounding properties. No conclusive evidence was available as to whether or not the proposed station would create any impacts on the neighbouring properties and so the only way to ensure the station did not affect any neighbours was to adopt a precautionary approach and to apply the most stringent odour control measures and include planning conditions which would ensure the odour was monitored and did not exceed this level. This would ensure that the development complied with Structure Plan Policy MW6 and Waste Local Plan Policy 3.

In accordance with the County Council’s Scheme of Public Speaking at Meetings, Mr. C. Ravenhall, spokesperson for Kerrygold, made representations direct to the Committee objecting to the proposals and Mr. L. Morris representing Severn Trent Water Limited, made representations direct to the Committee supporting the proposals.

Members then discussed the planning application in detail. A Member commented that he had concerns about the pumping station being in such close proximity to this industrial unit. Members agreed that there were extra risks with this application regarding odour pollution and therefore should accept the advice of the County Council’s consultants regarding submission and approval of odour abatement, monitoring and a reporting scheme prior to development being brought into use. A
Member then raised concerns that there was no provision for power failure in these proposals. A Member then sought clarification on the monitoring of odour emissions and was informed that this would be included in Condition 9. Following further discussion on a show of hands, it was:

110. **RESOLVED** – That, for the reasons given in the report, planning permission be granted for construction of a combined sewage pumping station at Hughes Concrete Yard, Barnfields Industrial Estate, off Sunnyhills Road, Leek.

**Waste County Matter: Newcastle: N04/20/237/W**

Mr. S. Furnival for Certificate of Lawfulness for use of land for car dismantling for spares, not involving crushing or metal recycling at land off Limekiln Lane, Hardinswood, Kidsgrove

111. **Report** – Members considered an application for a Certificate of Lawful Use (CLU) for a vehicle dismantling business at land off Limekiln Lane, Hardinswood, Kidsgrove. The business included the drainage of oils and fluids from vehicles, dismantling of vehicles, sale of removed parts and some fitting and mechanical work. The Applicant claimed that the use had been carried out continuously for more than 30 years.

The application was supported by two letters from the operators of neighbouring businesses and an aerial photograph claimed to be taken in 1969, a layout plan of the site was also included for clarification. The County Council also had possession of aerial photographs of the site taken in 1991 and 1981.

The submitted photograph showed the site in use for dismantling of vehicles and storage of vehicles and parts. Proof of the date of when the photograph was taken was inadequate. However, the photograph was consistent with the Council’s 1981 and 1991 photographs and, as there was no contradictory evidence, it was considered that the benefit of any doubt as to its date should be given to the Applicant. On a show of hands it was:

112. **RESOLVED** – To permit the application for a Certificate of Lawfulness for use of land for car dismantling for spares, not involving crushing or metal recycling at land off Limekiln Lane, Hardinswood, Kidsgrove.

**Mineral County Matter: Newcastle Borough: Application N.04/11/2008M-218M**

Advantage West Midlands for the Excavation of 530,000 tonnes of marl from the Peacock Hay and Chatterley Sidings Sites, with Storage at Bradwell West Marl Pit pending sale/disposal, Chatterley Valley, Newcastle-under-Lyme

113. This proposal was part of a major initiative to develop a Regional Employment Area at Chatterley Valley, including the Premium Employment Site the subject of Structure Plan Policy E4. Chatterley Valley was the largest of nine Priority Investment Areas sponsored by the North Staffordshire Re-generation Zone. As well as this mineral application, Advantage West Midlands had also submitted outline applications to Stoke and to Newcastle for large scale business development in the area. A Member immediately requested that to better appreciate the proposals, it would be beneficial for members of the Planning Committee to visit the proposed site. Following at show of hands it was:
114. **RESOLVED** - (a) That on 31 March 2005, Members of the Planning Committee visit the proposed site for the excavation of 530,000 tonnes of marl from the Peacock Hay and Chatterley Sidings with storage at Bradwell West Marl Pit pending sale/disposal, Chatterley Valley, Newcastle-under-Lyme.

(b) That following the site visit on 31 March 2005, a Special Meeting of the Planning Committee be held to determine the planning application.

**Decisions Taken Under Delegated Powers**

(Schedule 2)

115. **Report** - The Committee considered 32 “County” matters and statutory consultations dealt with by the Corporate Director (Development Services) under delegated powers.

116. **RESOLVED** – That the report (Schedule 2) to the signed minutes be received.

**High Lane Void, Silverdale**

117. **Report** – Members received a report informing them of the transfer of the ownership of High Lane Void to English Partnership and updating them with regard to the restoration of the Void.

High Lane Void was created as part of an opencast coal operation to accommodate spoil from Silverdale Colliery. Following the closure of the colliery the Void had remained as a partly flooded site in an area where the County Council and Newcastle Borough Council had been seeking to carry out environmental and economic regeneration activities.

A Planning Application was submitted by Terry Adams Limited for the restoration of High Lane Void to the level of the surrounding land by infilling with controlled waste together with the construction of an access road. The application was refused and an appeal was dismissed by the Secretary of State following a public local inquiry primarily on Green Belt grounds.

In February 2005 English Partnership (EP) acquired the ownership of High Lane Void from Viridor. English Partnership had already acquired Silverdale, Waste Farm and Furnace Pools from the Coal Authority and now had a comprehensive land ownership of the area between Scott Hay Road in Silverdale and Black Bank Road (there was still one parcel of land between the Void and Black Bank Road which remained in the ownership of the Terry Adams group of companies. EP had indicated, in the meetings leading up to their acquisition of the Void, that they would undertake to reinstate the land to a safe condition and incorporate it into an integrated plan for all the land that they had acquired in the area and would seek to bring about the project known as Silverdale Vision. It was most likely that there would be a single planning application for all the land which EP had acquired, which would include the reinstatement of the Void which would be submitted to Newcastle Borough Council.

There were regular discussions involving officers from both Councils with EP. All three organisations shared a common objective to restore the land to an attractive and beneficial condition and to optimise the use of the former Colliery for housing and employment uses.
A further report would be brought to the Planning Committee, regarding the way in which the Void would be reinstated, when the situation was clearer. Officers would continue to participate in discussions on the development of the restoration scheme for the Void and the former Colliery with the objective of creating a safe and attractive environment with good public access.

118. **RESOLVED** – That the report be received and the contents noted.

**CHAIRMAN**

Documents referred to in these minutes as Schedules are not appended, but will be attached to the signed copy of the Minutes of the meeting. Copies, or specific information contained in them, may be available on request.