

- Legal I Marriott – agreed.
- Finance
- Other Chief Officers
- District Councils North Warwickshire Borough Council
Environmental Health – no response.
North Warwickshire Borough Council – no
objection.
- Health Authority
- Police
- Other Bodies/Individuals Kingsbury Parish Council – no response.
Environment Agency - assessed the application
as having a low environmental risk.

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 24th July 2007

**Kingsbury Landfill Site, Tamworth - Variation of Condition 11
to allow Construction of Site Facilities**

**Report of the Strategic Director for
Environment and Economy**

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 11 of planning permission NW378/97CM014 to allow construction of site facilities to an amended layout to that shown on plan K/BP/08 at Kingsbury Landfill Site, Tamworth, subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

Application Number: NW378/97CM019.

Received by County: 10th May 2007.

Advertised Date: 17th May 2007.

Applicant: Biffa Waste Services Ltd, c/o Severn Trent Water Ltd, Park Lane, Minworth, Sutton Coldfield, West Midlands, B76 9BL.

The Proposal: Variation of Condition 11 of Planning Permission No. NW378/97CM014 to allow construction of site facilities to an amended layout to that shown on plan K/BP/08 at Kingsbury Landfill Site, Tamworth.

Site and Location: Kingsbury Landfill Site, Rush Lane, Dosthill, Tamworth, B77 1LT.

See plan in **Appendix A**.

1. Application Details

- 1.1 This is an application to vary condition 11 (approved plans) of planning permission NW378/97CM014 in order to amend the layout of the site facilities. Part of the original permission was to build a separate site office for site personnel, however, this is no longer needed.
- 1.2 The amended layout now also includes provision of:-
- (i) Car parking.
 - (ii) Double weighbridge with associated single storey portacabin type office.
 - (iii) Wheel spinner (to accompany the wheel wash in the approved plan).
 - (iv) Leachate storage tank.
- 1.3 The weighbridge office measures 3.4 metres wide by 9.5 metres long and 2.1 metres high. In order to accommodate the weighbridges and office the access road would be slightly rerouted and part of it widened to around 18.5 metres where these facilities proposed.

2. Consultations

- 2.1 **North Warwickshire Borough Council** – no objection.
- 2.2 **Kingsbury Parish Council** – no response.
- 2.3 **Councillor B Moss** – no response as at 10/7/07.
- 2.4 **North Warwickshire Borough Council Environmental Health** – no response.
- 2.5 **Environment Agency** - assessed the application as having a low environmental risk.

3. Representations

- 3.1 None.

4. Observations

Site and Surroundings

- 4.1 Planning permission NW378/97CM014 was granted on 22nd September 1998 for the consolidation of a series of extant planning consents together with extension of mineral extraction and restoration of land by importation of controlled wastes on 30 hectares of land at Kingsbury Brickworks, Rush Lane, Dosthill.
- 4.2 Kingsbury Quarry/landfill site is located 2.3 Km to the north of Kingsbury, immediately to the south of Dosthill. Immediately to the north of the site is Baggeridge Brick Works, to the south is the M42, to the east is agricultural land and to the west of the site is a railway line and a restored landfill beyond.

Planning Policy

- 4.3 Kingsbury Landfill site is situated on land in the West Midland Green Belt. This is shown on the proposals map of the adopted North Warwickshire Local Plan (2006). Core Policy 4: Green Belt of the North Warwickshire Local Plan (2006) states that the openness of the Green Belt in the Borough will be maintained and there will be a general presumption against inappropriate development and proposals for development will be considered against policies contained in PPG2.
- 4.4 The weighbridge office which forms part of the development is considered by Planning Policy Guidance Note No2 "Green Belts" to be inappropriate development in the Green Belt (as defined by paragraph 3.4 of PPG 2) and may only be permitted when justified by the existence of very special circumstances. The remaining application is for plant/equipment which is essential to the running of the landfill site which is linked to the ongoing mineral operations at the site. Paragraph 3.11 of PPG2 Green Belts states that Mineral extraction need not be inappropriate development.
- 4.5 Very special circumstances were provided for in 1998. There is an ongoing mineral extraction operation and it is proposed to commence the Landfill element of the permission early next year. In order to facilitate the future land fill operation there is a need to put in the necessary infrastructure in order to enable it. This includes:-
- (i) Car parking.
 - (ii) Double weighbridge.
 - (iii) Wheel spinner (to accompany the wheel wash in the approved plan).
 - (iv) Leachate storage tank.
- 4.6 The original plan showing an office will not be built and instead the applicant would like to include a weighbridge office. In effect this is a swap of buildings and would not increase the impact on the openness of the green belt anymore than the approved plans.
- 4.7 The landfill site is a temporary operation so permission for the weighbridge office to be erected in the green belt would not be permanent. In addition the proposed development is low level therefore the visual impact caused by the development would be limited.

5. Conclusion

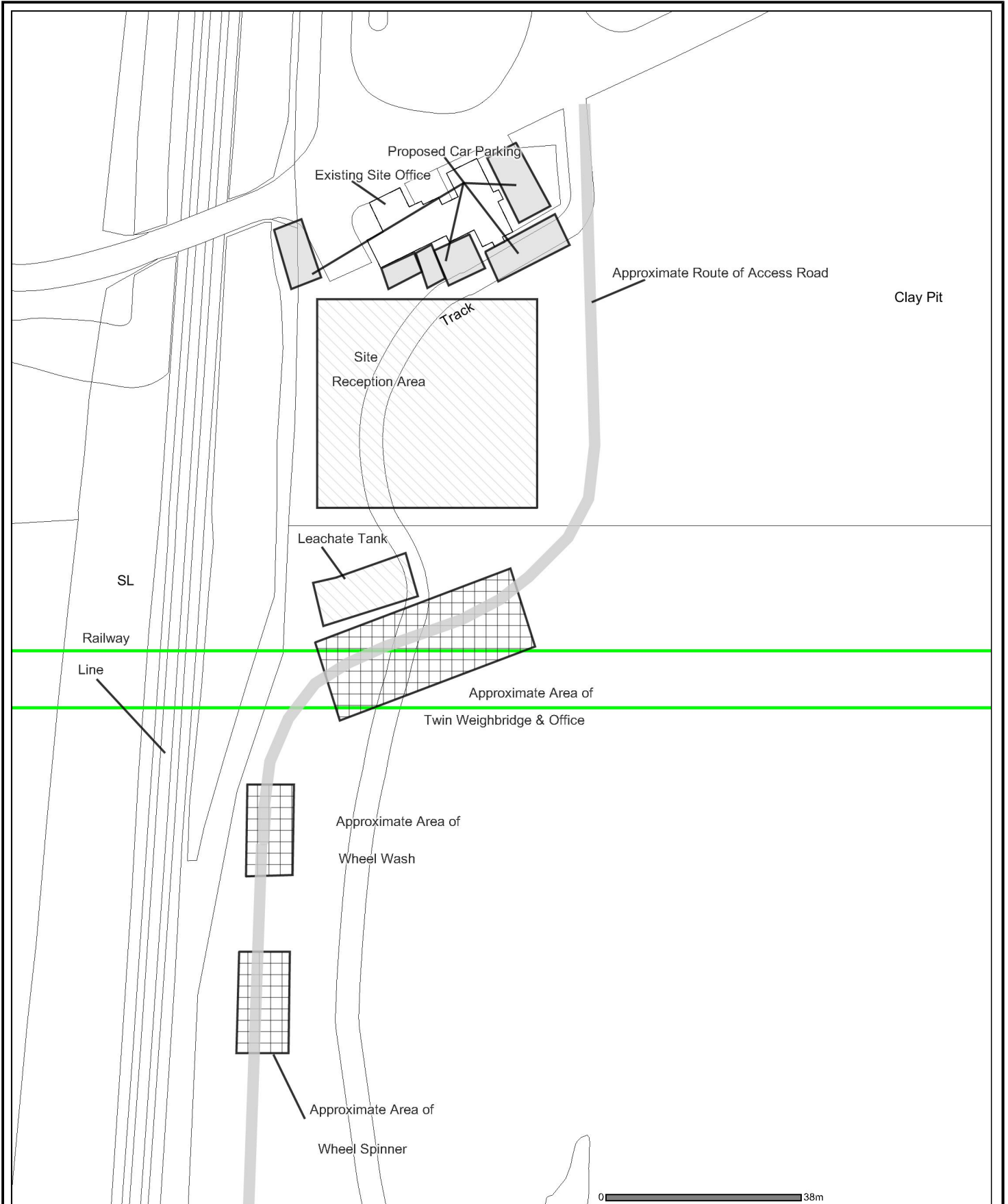
- 5.1 Although the development constitutes inappropriate development in the Green Belt, very special circumstances exist to justify the granting of planning permission in this specific instance. It is necessary to build the infrastructure at Kingsbury Landfill site in order to implement the approved application to restore the land used for mineral extraction by importation of controlled wastes.

Furthermore, it is considered that this development would not have a significant impact on the visual amenity of the locality or the openness of the Green Belt because of the single storey building proposed, the small scale of the plant to be included and the enclosed nature of the site away from residential properties. The development is, therefore, considered to be acceptable.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick

6th July 2007

APPENDIX A OF AGENDA NO.



Scale 1: 1000

Ref No. NW378/97CM014

Drawn Ruth Bradford

Regulatory Committee - 24 July 2007

Subject
Kingsbury Landfill Site - Variation of Condition



John Deegan
 Strategic Director for
 Environment and Economy
 Shire Hall, Warwick, CV34 4SX

Regulatory Committee – 24th July 2007

**Kingsbury Landfill Site, Tamworth - Variation of Condition 11
to allow Construction of Site Facilities**

Application No: NW378/97CM019

1. All conditions and limitations relating to planning permission NW378/97CM014, except as amended by planning permission NW378/04CM043, In effect of the date of this permission shall continue to apply except: -

Condition 11 shall be amended to: -

The development hereby permitted shall be carried out in accordance with the details submitted with application reference no. NW378/97CM019 and in accordance with the approved plans reference no.(s) K2030201 and K2030300 and any samples or details approved in accordance with the conditions attached to this permission, unless these conditions require or allow, or the County Planning Authority agrees in writing to any modifications.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

Development Plan Policies Relevant to this Decision:-

The North Warwickshire Local Plan (2006):

- (i) Core Policy 4: Green Belt.

Reasons for the Decision to Grant Permission

The harm caused by the inappropriateness of the development hereby permitted in the Green Belt is not accompanied by any other detriment which cannot be successfully overcome by conditions and is outweighed by the very special circumstances constituted by the need to provide the infrastructure to facilitate the running of the land fill site.

Note: The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.