Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Mick George Limited
Second Drive
Meadow Lane
St Ives
Cambs
PE27 4YQ

Name and address of agent (if any)

Part I - Particulars of application

Date of Application
15 January 2013

Application No.
NCC Ref: 13/00004/MINVOC
ENC Ref: 13/00115/NCC

Particulars and location of development
Variation of condition 14 (Time Limit) of planning permission 12/0007B/MINFUL to change the time limit for completion to two years from the commencement of the development at: Stonehill Quarry, Off Kings Cliffe Road, Yarwell, Northamptonshire, PE8 6NU.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

1. Commencement

The development hereby permitted shall be begun before the expiry of 1 year from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

2. Upon receipt of the notification of commencement under condition 1 above, this permission shall supersede East Northamptonshire Council planning permission reference number EN/03/00151/FUL within the red line of this application, as shown on plan/drawing no. S22/12/01 dated 3 October 2012 submitted with application reference number 12/00078/MINFUL.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

Scope of Permission

3. Except as otherwise required by this schedule of conditions the development hereby permitted shall be carried out in accordance with the following approved documents, submitted with application ref. no. 12/00078/MINFUL:

- The Part 1 Application Forms dated 9 October 2012
- The Part 4 Application Forms dated 4 October 2012
- The Supporting Statement dated 19 October 2012
- The letter from John Gough dated 16 November 2012
- Site Location Plan No. S22/12/01, dated 3 October 2012
- Schematic Site No. S22/12/02a, dated 18 October 2012
- Concept Restoration Plan No. S22/12/03a, dated 18 October 2012
- Mineral Extraction Area Plan No. S22/12/04, dated 4 October 2012

Reason: To specify the approved documents in the interests of amenity and the environment having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

Noise

4. The management and mitigation of noise over duration of the development hereby permitted and the procedure for the review of operations upon receipt of complaints by the Mineral Planning Authority, shall be undertaken in accordance with page 2 & Annexure 1 of the Scheme to Discharge Planning Conditions submitted pursuant to condition 4 of planning permission ref. no. 12/00078/MINFUL, dated January 2013. The scheme shall be implemented in full upon the commencement of the development for the life of operations at the site, permitted by permission ref. 12/00078/MINFUL as amended and superseded by this permission.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

5. For the duration of operations hereby permitted at the application site, the noise levels resulting from the development hereby permitted shall not exceed the following levels at the following properties when measured at any free field position within the curtilage of the respective properties:

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
• Linley Cottage, Yarwell Road, Yarwell, PE8 6PL: 55 LAeq 1 hour
• Hill House, Yarwell Road, Wansford PE8 6PL: 55 LAeq 1 hour
• The Old Pump House, Old Leicester Road, Wansford PE8 6NQ: 49 LAeq 1 hour

**Reason:** In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

6. Operations at the site from the development hereby permitted shall only take place between 07:00 – 18:00hrs Monday to Friday and 07:00 – 13:00hrs on Saturdays, with further restrictions on the following activities:

- No breaking of stone shall commence prior to 07:30hrs;
- No HGVs shall enter or leave the site prior to 08:00hrs;

There shall be no operations at the site on Sundays or Bank Holidays.

**Reason:** In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

### Air Quality

7. The management and mitigation of dust over the duration of the development hereby permitted and the procedure for the review of operations upon receipt of complaints by the Mineral Planning Authority, shall be undertaken in accordance with Annexure 2 of the Scheme to Discharge Planning Conditions submitted pursuant to condition 6 of planning permission ref. no. 12/00078/MINFUL, dated January 2013. The scheme shall be implemented in full upon the commencement of the development hereby permitted for the life of the operations at the site.

**Reason:** In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

### Highways

8. Vehicles entering and leaving the site in association with the development hereby permitted (for the life of the development hereby permitted) shall be routed, administered, managed and monitored in accordance with Page 4 of the Scheme to Discharge Planning Conditions (submitted pursuant to condition 7 of planning permission ref. no. 12/00078/MINFUL, dated January 2013).

**Reason:** In the interests of highway safety and safeguarding residential amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

**Note:** This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
9. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.

**Reason:** In the interests of amenity protection and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

10. All operational vehicles arriving at and leaving the site shall be appropriately sheeted so as to prevent material spillage, wind blow and dust nuisance.

**Reason:** In the interests of amenity protection and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

**Landscape & Ecology**

11. Restoration, seeding, planting and management of the application site shall be undertaken in accordance with the Ecological Management Plan (produced on 15/03/13) submitted pursuant to condition 10 of permission ref. no. 12/00078/MINFUL.

**Reason:** To secure a scheme that would ensure a timely restoration of the site that would result in a biodiversity benefit as a result of the proposed development, in accordance with Policies CS13 of the MWDF Core Strategy (May 2010), Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

**Recycling**

12. There shall be no processing or export of inert waste on the site, except that permitted directly to achieve the objectives of the scheme approved under condition 11 above.

**Reason:** For the avoidance of doubt, to ensure timely restoration of the site and to allow the impacts of any additional operations to be fully considered in a planning application in accordance with Policies CS13 of the MWDF Core Strategy DPD (May 2010), Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

**Catchment Area**

13. All material imported to the site should be from a catchment area of no greater than 20 miles radius from the application site.

**Reason:** To ensure that waste materials are dealt with as close to their source as possible in the interest of self sufficiency and sustainability having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD1 of the Northamptonshire MWDF Control and

**Note:** This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
14. The operating company shall keep a record of the quantity of waste received by weight, its source and HGV movements associated with the development. These records shall be provided to the Waste Planning Authority upon request, within 14 days of such a written request. All such information supplied shall be treated on a confidential basis.

**Reason:** To ensure that waste materials are dealt with as close to their source as possible in the interest of self sufficiency and sustainability having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD1 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

**Time Limit**

15. The development hereby permitted shall be completed no later than 2 years (24 months) from the date of the commencement of the development hereby permitted, by which time the development shall have ceased and the site have been restored in accordance with the scheme approved under condition 11.

**Reason:** For the avoidance of doubt and to ensure timely restoration of the site in accordance with Policies CS13 of the MWDF Core Strategy, Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

**Material Limits**

16. There shall be no more than 10,000m³ of soil material imported to the site in connection with the proposed development.

**Reason:** For the avoidance of doubt and to allow the impacts of any additional importation of material to be fully considered in a planning application in accordance with Policies CS3 and CS13 of the MWDF Core Strategy DPD (May 2010), Policies CMD7, CMD8 and CMD 13 of the MWDF Control & Management of Development DPD (June 2011) and Policy 5 of the North Northamptonshire Core Spatial Strategy (June 2008).

**REASONS FOR APPROVAL**

The proposal to extend the end date for completion of the development by up to 1 year from the previously approved date of January 2015, would not materially change the need for and benefits of the development, or the impact upon aggregate supply and the provision of waste disposal facilities. Therefore the proposal would comply with the requirements of Policy CS3, CS4 and CS5 of the MWDF Core Strategy, Policy CMD4 of the MWDF Control & Management of Development DPD, and the NPPF.

The proposed extension to the date for completion of the development, would not

**Note:** This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
alter the noise and dust impacts of the development, and subject to planning conditions requiring that the development be carried out in accordance with approved schemes, the development would comply with the NPPF, Policy CS14 of the MWDF Core Strategy, and Policy 13 of the North Northamptonshire Core Spatial Strategy. There would be no adverse impact upon ecological interests as a result of the proposed new completion date and the impact upon landscape and visual amenity would be minimal, so the development as amended would continue to meet the objectives of MWDF Core Strategy Policy CS13, Policies CMD7, CMD8 and CMD13 of the MWDF Control & Management of Development DPD, and Policy 5 of the North Northamptonshire Core Spatial Strategy.

The proposed amendment to condition 14 would not alter the highway impact of the development, therefore the development would comply with the requirements of Policy CS9 of the MWDF Core Strategy and Policy CMD1 of the MWDF Control and Management of Development DPD. Although the beneficial impact upon run-off and flood water management may be delayed to a limited extent, the longer term benefits would not be prejudiced. There would be no adverse impact upon historic environment assets.

Overall it is considered that the proposed amendment is acceptable having regard to the local development plan policies, and that the previously recognised merits and benefits of the proposals granted permission under ref. no. 12/00078/MINFUL, would not be prejudiced by the proposed amendment to condition 14. Consequently it is recommended that planning permission should be granted, subject to the conditions detailed below.

**POSITIVE AND PROACTIVE MANNER STATEMENT**

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner by liaising over submissions pursuant to conditions attached to previous planning permission ref. no. 12/00078/MINFUL to allow schemes to be integrated into one composite schedule of conditions, by discussing the contents of any new conditions, by liaising with consultees, respondents and the applicant/agent where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

**INFORMATIVE**

1. **The Environment Agency**

   This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency.

   Information on Environmental Permits is available on the Environment Agency website at:


   **Note:** This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
The operator may be able to meet the terms of one of our Standard Rules Environmental Permits. Further information on Standard Rules Environmental Permits is available on the Environment Agency website at:

If the operator can not comply with one of the Standard Rules Environmental Permits a Bespoke Environmental Permit would be required.

The operator will need to submit a recovery plan with their application for an Environmental Permit. The recovery plan will need to demonstrate that the proposed activities fit within the technical definition of 'waste recovery' as opposed to waste disposal. Materials used must be inert and fit for purpose.

The operator is advised to seek pre-application advice before making an application for an Environmental Permit. Please contact Charles Phillipps at the Kettering Environment Agency Office on telephone number 01536 385154.

Date: 28th March 2013 Signed

For Assistant Director of Environment and Planning

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.


Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.