Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Lowick Manor Farms
Drayton Estate Office
Lowick
Kettering
NN14 3BJ

Name and address of agent (if any)
Gill Pawson Planning
Mill House
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
21st December 2006

Application No.
EN/07/0051C

Particulars and location of development
Extension of composting site, including extraction of limestone, to facilitate storage and processing of wood waste Land off Old Aldwincle Road, Lowick.

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:-

Commencement
1. The development must be begun not later than the expiration of two years beginning with the date of this permission.

Scope of Planning Permission
2. The mineral development hereby permitted is restricted to the minor extraction (16,000 tonnes) of limestone aggregate only of which a maximum of 8,000 tonnes may be taken off site for sale. No other materials shall be removed from the site and the depth of excavation shall not exceed 4.0 meters.

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Access and Highway Safety

3a) Except as may otherwise be agreed in writing by the Waste Planning Authority, (as a result of an alternative arrangement for a contribution to highway maintenance), prior to the commencement of the development hereby permitted a Section 278 (Highways Act 1980) legal agreement shall be entered into to secure provision for maintenance of the public highway.

3b) Prior to the commencement of the development hereby permitted, a minimum 10.5m kerb radii shall be provided on the southern side of the access point with Aldwincle Road and within 3 months of the date of this permission further kerbing work for a minimum distance of 35metres shall be undertaken on the opposite side of the highway to the access point on to the Old Aldwincle Road.

3c) Within three months of the date of this permission a scheme for signage to warn drivers of the use of the Aldwincle Road for access by Heavy Goods Vehicles shall be submitted for agreement in writing. The agreed scheme shall be implemented and maintained.

4. The access gradient shall not exceed 1 in 20 for the first 15 metres into the site from the highway boundary.

5. The existing gate(s) at the access point shall be hung to open inwards only and shall be set back along the Old Aldwincle Road such that 3 No. of the largest vehicles that will visit the site can wait clear of the highway while the gates are operated. Heavy Goods Vehicle access through the gate shall be managed to ensure that vehicles do not queue on the public highway.

6. All commercial traffic visiting and leaving the site shall be directed via Aldwincle Road to and from the A6116 junction to the south and a sign shall be erected inside the gateway requiring all such vehicles to turn right into Aldwincle Road when leaving the site. Access to and from the western (village) end of Old Aldwincle Road to the A6116 shall be restricted to local farm traffic only.

7a. The route of the public bridleway NH.19 which follows the length of Old Aldwincle Road shall be kept clear, unobstructed and safe for users and no structures or materials shall be placed on the right of way. Any damage to the surface of the right of way shall be made good by the applicant.

b. Within three months of the date of this permission proposals for suitable warning signs to be erected on the public bridleway shall be submitted for approval and the agreed signs shall be installed and maintained.

8. A passing bay shall be provided in Old Aldwincle Road approximately midway between the entrance to the site and the access to the public highway.

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Wheel Cleaning and Vehicle Sheeting

9. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that no mud or debris is deposited on the public highway.

Hours of Working

10. Except as may otherwise be agreed in writing by the Waste Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 07.00 and 18.00 Monday to Friday and 07.00 to 13.00 on Saturday with no working on Sundays or Bank Holidays.

Amenity Protection

11. All operations shall be carried out in such a manner and measures undertaken to ensure that any effects of noise and dust are kept to an absolute minimum. More specifically:-

   a) during the permitted operational hours the level of noise emitted as a result of any activity or operations shall not exceed 55dB LAeq (1 hour) when measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the facade of any residential property or other occupied building during any 30 minute period.
   b) provision shall be made for the suppression of dust, including the use of water spray facilities, as necessary.

12. No floodlighting shall be installed or operated in the carrying out of the development.

13. The water storage lagoon shall be securely fenced and provided with safety warning notices.

Landscaping and Ground Modelling

14. Within 4 months of the date of this permission the ground modelling works proposed on submitted Plan ASC.06.527A shall be commenced and the works shall be completed no later than 8 months from this permission date.

15. Within 3 months of the date of this permission full details of a scheme of landscaping shall be submitted to the Waste Planning Authority for approval. Such details shall incorporate the general principles indicated in the application submitted Plan GPP/SP/LC/01/06.

16. No ground modelling, soil disturbance or storage of materials shall take place closer than 4m to the hedgerow. A minimum 4m “no plough zone” shall also be introduced as a buffer to protect new planting from agricultural damage and pesticides.

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17. All of the subsequently agreed landscaping shall be carried out in the first planting season following its approval and shall be maintained and any trees or shrubs which die or otherwise fail within 5 years of planting shall be replaced with similar species.

**Restoration**

18. In the event of the wood waste storage and composting process ceasing for a period in excess of 12 months all concrete hardstandings, buildings and other structures shall be removed and the land shall be restored in accordance with a scheme utilising the materials in the ground modelling works, which shall be submitted to the Waste Planning authority for agreement in writing. The agreed scheme shall be implemented within the timescales as approved.

**Reasons for conditions and relevant Development Plan Policies**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. To define this permission.

3.5 To ensure a satisfactory means of access to the highway and highway improvement works. (Waste Local Plan (WLP) Policy 8) and in the interests of highway safety.

6. To ensure that all commercial traffic visiting and leaving the site is routed via the principal road network and does not enter nearby villages. (WLP Policy 8 and 15).

7&8. To protect users of the bridleway and to avoid conflict with minerals traffic. (WLP Policy 14).

9. In the interests of highway safety. (WLP Policy 8).

10-13. To safeguard the amenities of the area as a whole and the local community in particular. (WLP Policy 15).

14-17. To ensure that the development is adequately screened and is absorbed into the local landscape. (WLP Policy 9).

18. To ensure that the land is restored to a condition capable of beneficial use. (WLP Policy 16 and Minerals Local Plan Policy 14).

**Reasons for Approval**

Planning permission exists for green and wood waste composting at the site, and permission was also granted for the extraction of limestone to facilitate the construction of the composting pad and water run-off lagoon. These previous applications were considered to be in accordance with the Development Plan and were approved subject to conditions. The current application to extend the local waste facility being developed is supported by the Waste Local Plan policies 1,4, 8

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and 18, however the case for taking out more limestone in accordance with Policy 12 of the Minerals Local Plan is more balanced. There are overall improvements proposed in this application in relation to the ground modelling and landscaping proposals and therefore it is considered that it would be appropriate to approve this small addition to the previous limestone extraction permission and the additional future wood storage area.

The environmental, amenity and highway safety objections have been carefully considered and it is considered that the impacts can be satisfactorily controlled by planning condition. The Highway Authority is satisfied with a negotiated package of localised highway improvement works and a financial contribution. The other objections raise by Aldwincle Parish Council are not considered to be justifiable reasons for refusal. It is however suggested that a Local Liaison Group is established to engage the local community in Aldwincle and Lowick in the ongoing activities at this site.

Date 21st March 2007  Signed ..........................

On behalf of the
Head of Sustainable Development

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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 Department for Communities and Local Government 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 Department for Communities and Local Government 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.