



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Claude N Smith Ltd
Slate Drift Industrial Estate
Collyweston
Northamptonshire
PE9 3PG

Name and address of agent (if any)

CQA International Ltd
The Keele Centre
3 Mile Lane
Keele
ST5 5HH

Part I - Particulars of application

Date of Application

4 July 2017

Application No.

NCC Ref: 17/00039/MINFUL

DDC Ref: 17/01497/NCC

Particulars and location of development

Partially retrospective application for the installation of 2 no. cold stores for mineral processing – Collyweston Slate Mine, Slate Drift Industrial Estate, Collyweston, Northamptonshire PE9 3PG

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 and Compliance

1. The development hereby permitted has commenced.

Reason: Because the planning application is partly retrospective and for the avoidance of doubt.

2. The development hereby permitted shall be time limited and shall cease on 24 September 2025, by which time the use of the refrigeration units shall have ceased, and the refrigeration units, acoustic walls and any other structure shall

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have been removed from the land, and the land shall have been reinstated to a ground level hard surfaced yard.

Reason: For the avoidance of doubt and to ensure that the development is removed upon completion of the mining operation permitted under permission ref. no. 15/00030/MINFUL.

Scope of the Permission

3. Except where otherwise required by other conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the following approved documents:
 - Application Forms dated 27 June 2017;
 - Supporting Statement dated 26 June 2017;
 - The red-line plan/drawing by Peter Stevens received on 12 October 2017.

Reason: For the avoidance of doubt and to specify the approved documents.

4. Unless previously agreed in writing by the Mineral Planning Authority, the dimensions of each of the refrigeration units shall be restricted to being no greater than 13.5m (length), 2.6m (width) and 2.7m (height), and shall only be retained in a colour finish to be agreed in writing by the Mineral Planning Authority.

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

Hours of operation

5. The use of the refrigeration units shall only take place between the hours of 07:30 Mondays to 15:30 on Saturdays. The refrigeration units shall not be used on Sundays or Public Bank Holidays.

Reason: To ensure that operations are carried out within reasonable hours so as to minimise amenity disturbance in accordance with Policy 18 of the Northamptonshire Minerals & Waste Local Plan (2017).

Lighting

6. No lighting shall be installed externally on the refrigeration units until details of the lighting has been submitted to and approved in writing by the Mineral Planning Authority. The details to be submitted for approval shall include details of the hours of use, location, height, design, sensors, and luminance. The lighting shall only be installed and operated as approved.

Reason: In the interests of the visual and rural amenities of the area and in the interests minimising the impact of lighting on bats having regard to Policy 18 and 20 of the Northamptonshire Minerals & Waste Local Plan (October 2017)

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Noise

7. Noise emissions from the refrigeration units hereby permitted shall not at any time exceed the following limits at any noise sensitive property:
 - 44 dB(A) $L_{Aeq,1hr}$ (Free field), between the hours of 07:01hrs – 21:59hrs; and,
 - 42 dB(A) $L_{Aeq,1hr}$ (Free field), between the hours of 22:00hrs – 07:00hrs.
8. The second refrigeration unit shall not be operated in any way until the submission, prior written approval from the Mineral Planning Authority, and full implementation as approved, of acoustic screens in accordance with Appendix 4 of the report by Acoustic Associates (dated September 2017), and any other mitigation, received by the Mineral Planning Authority on 12 October 2017. The acoustic barriers shall be maintained as approved for the life of the refrigeration units at the application site.

Reason for conditions 7 and 8: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017) and the National Planning Practice Guidance.

Complaints

9. In the event any complaint regarding noise is received by the Mineral Planning Authority (MPA), and the MPA requires its investigation and it is thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the MPA for prior written approval, no later than 5 working days from the receipt of the complaint or any extended time period as may be agreed in writing by the MPA. Any remedial measures shall be implemented in accordance with a timescale approved by the MPA.
10. If in the opinion of the Mineral Planning Authority (MPA) the operators measures have not satisfactorily resolved the complaint (notified under condition 9 above) then further proposals for monitoring and/or remediating the impact subject of the complaint shall be submitted for prior written approval of the MPA, within 5 working days of notification by the MPA or any extended period as may be agreed in writing by the MPA. In the event that the MPA is not satisfied that the issues causing complaint have not been satisfactorily rectified, then operation and use of the refrigeration units shall cease until such time as sufficient control measures have been put in place by the operator and agreed in writing by the MPA.

Reason for conditions 9 and 10: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017) and the National Planning Practice Guidance.

Ecology

11. Upon any re-issue, the Mineral Planning Authority shall be provided with a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010. In the event that any

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planning condition imposed by this planning permission conflicts with the protected species licence, then the requirements in this condition shall be superseded by the conflicting requirement specified in the licence.

Reason: As part of the development requires a licence issued by Natural England to take place, and this licence may impose requirements that overlap with the conditions of this planning permission having regard to Policy 20 of the Northamptonshire Minerals & Waste Local Plan (October 2017).

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the Mineral Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. The applicant has been sent a draft copy of the planning conditions. 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) Order 2015.

Date 31st October 2017.....

Signed G. P. Watson.....

For Assistant Director of Environment,
Planning and Transport

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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 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.*

4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:
http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf*

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