



**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and address of applicant**

**Name and address of agent (if any)**

D. A. Bird Ltd  
51 Camp Hill  
Bugbrooke  
Northampton  
NN7 3PH

**Part I - Particulars of application**

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**Date of Application**

**Application No.**

12 February 2018

**NCC Ref:** 18/00011/MINVOC

**SNC Ref:** S/2018/0641/PC

**Particulars and location of development**

Variation of Condition 7 (Restoration) of planning consent ref.: 13/00118/MINVOC to extend the end date at Pury End Quarry, Westy Road, Pury End, Northamptonshire.

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**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 (subject of application ref. no. 18/00011/MINVOC) hereby permitted has commenced.

Reason: In the interest of clarity and to comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Scope of Planning Permission

This planning permission shall only relate to the area edged in red on the

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submitted plan, GPP/DAB/PE/08/02, hereafter referred to as the "site". The development hereby permitted shall only be carried out within the site in accordance with the details set out in the submitted application forms, certificates, and supporting information.

Reason: To define the scope of the permission and in the interest of clarity having regard to Policy 18 of the NMWLP (2017).

3. The storage shed indicated on plan GPP/DAB/PE/08/02 dated 20/12/2013 shall be removed from the site upon cessation of quarry operations and the land restored in accordance with restoration plan reference: ASC.07.286 approved under planning permission 07/00012/MIN.

Reason: In the interests of visual amenity having regard to Policy 18 of the NMWLP (2017).

4. Hours of Working

Except as may otherwise be agreed in writing by the Minerals Planning Authority, site preparation, mineral extraction, levelling and restoration operations and any associated activities including plant and machinery maintenance shall be restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and 7.00am and 1.00pm on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

Reason: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties having regard to Policy 18 of the NMWLP (2017).

5. Noise and Dust

All plant and machinery used on site and capable of being fitted with silencers shall be so fitted and thereafter maintained in accordance with manufacturer's instructions.

6. Noise levels from operations at the site shall not exceed a maximum of 55 dB(A) Laeq 1 hr (freefield) when measured at residential properties on the edge of Pury End village. In the event that complaints regarding noise or dust are received by the Mineral Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. 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 Mineral Planning Authority no later than 5 working days from receipt of the complaint.

Reason for conditions 5 and 6: In the interests of residential amenity having regard to Policy 18 of the NMWLP (2017).

7. Restoration

Except as may otherwise be agreed in writing by the Minerals Planning

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Authority, the use of the building for the purpose of stone cutting and preparation hereby permitted shall cease upon the completion of minerals operations, and no later than the 30th June 2020 (two thousand and twenty) and the site shall be reinstated in accordance with the restoration scheme reference: ASC.07.286 approved under planning permission 07/00012/MIN.

Reason: To ensure that the site is satisfactorily restored in the interests of residential amenity having regard to Policy 18 of the NMWLP (2017).

### POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the application have been assessed against relevant Development Plan policies, the National Planning Policy Framework, the National Planning Policy for Waste and the National Planning Policy Guidance. The Waste Planning Authority has identified all material considerations; considered any valid representations received; liaised with consultees to resolve issues; and, progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date.....11<sup>th</sup> May 2018.....

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](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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