PLANNING PERMISSION

Name and address of applicant
Barton Plant Ltd
Cranford road
Burton Latimer
Kettering
NN15 5TB

Name and address of agent
Gill Pawson
GP Planning Ltd
Mill House
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application
1st June 2007

Application No.:
NCC Ref: 07/00018/WAS
Dist Ref: DA/07/0654/NCC

Particulars and location of development
Removal of imported inert waste for use in the construction of Northampton's western relief Harlestone Quarry, Harlestone Road, Harlestone, Northampton.

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 one year beginning with the date of this permission.

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.
Scope of Planning Permission

2. Minerals to be extracted from the site shall be restricted to previously imported clay soils and the depth of the working shall not exceed 10.0 metres below existing ground levels.

3. The area for clay extraction shall be confined to the proposed extraction area identified on Plan 9010/EXTRACTAREA and as shown on Section drawings 9010/extract/x and 9010/extract/l, submitted with the planning application.

Site Stability

4. Prior to the commencement of development a method statement for the operations (including any measures necessary to ensure the stability of the remaining waste) shall be submitted to the Mineral Planning Authority for agreement in writing. The development and operations shall proceed fully in accordance with the approved details.

Hours of Working

5. Except as may be otherwise be approved in writing by the Mineral Planning Authority, the extraction of clay materials at the site shall be restricted to between the hours of 7.00 am and 6.00 pm on Mondays to Fridays and 7.00 am and 1.00 pm on Saturdays, with no such operations on the site on Sundays or Public Holidays.

Access and Highway Safety

6. The sole vehicular access for the development hereby permitted shall be by way of the existing access with the A428 Northampton to Rugby Road. This access shall be maintained to the standard stipulated in Planning Permission DA/81/373C for the duration of the life of this planning permission.

7. Prior to the commencement of the removal of clay a scheme for additional warning signage to warn of Heavy Goods Vehicle movements at the access on to the A428 Road shall be submitted to the Waste Planning Authority and agreed in writing. The scheme as agreed shall be implemented prior to the removal of clay from site commencing.

Traffic Routing

8. All Heavy Goods Vehicles associated with the development hereby permitted shall be routed to and from the site via Sandy Lane and the A4500 Road in accordance with the submitted "Lorry Routing Plan BP/HQ/07/01.

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Vehicle Cleaning/Mud on the Road

9. Prior to the commencement of the removal of clay soils from the site works to hard pave the haul road from the new wheel wash to the site entrance shall be undertaken and all vehicles utilizing the wheel wash shall travel via the paved haul road direct to the site exit.

10. The new wheel cleaning facilities on the site shall be utilized by all vehicles transporting clay from the site and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris by the use of such facilities to the fullest extent reasonably practicable, and a road sweeping vehicle shall be employed to clean the access and internal paved haul road, to prevent mud and dust being carried onto the highway.

Noise/Amenity Protection

11. All vehicles, permanent plant and machinery controlled by the applicant and operated within the site shall be maintained in accordance with the manufacturer’s specification at all times, and shall be fitted with and use effective silencers and “White noise or broadband audible warning signals shall be used by all mobile plant including lorries.”

12. Noise from all operations at the Harlestone Quarry site shall be controlled in accordance with the noise monitoring scheme submitted and agreed under the requirements of condition 10 of Planning Permission DA/05/876C. Accordingly the noise levels at the noise sensitive properties shall not exceed 45 dB(A) LAeq 1 hour (free field) at the Quarries and 55 dB(A) LAeq (free field) at the Lodge and 51 Rugby Road, during working hours, other than those during initial stripping and bund formation which shall be no greater than 70 dB(A) LAeq 1 hour (free field). Should the agreed maximum specified level be exceeded the operator shall immediately implement remedial measures to rectify the situation and the Mineral Planning Authority shall be notified in writing of the remedial measures undertaken.

13. If the levels continue to exceed the maximum specified noise level and subsequent written notice is given by the Mineral Planning Authority then all operations on site shall cease within 2 days of such a written notice. No operations shall re-commence on site until a programme of remedial action has been agreed in writing by the Mineral Planning Authority.

Dust

14. Dust shall be controlled in accordance with the scheme of measures for the suppression of dust and the monitoring of such operations which been submitted to and approved by the Mineral Planning Authority in connection with condition 14 of Planning Permission DA/05/876C

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Sheeting of Lorries

15. All loaded HGV vehicles leaving the site shall be sheeted.

Lorry Movements

16. Except as may otherwise be agreed in writing by the Minerals Planning Authority, following the submission of a Transport Assessment and Route Safety Study for the A428 Road, the maximum number of Heavy Goods Vehicle movements per day at the Harlestone Quarry in connection with all mineral extraction, waste disposal, and materials recycling operations at the Harlestone Quarry site shall not exceed 150 movements (75 in and 75 out). The operator shall keep written records of all daily HGV movements and shall submit these on a weekly basis to the Minerals Planning Authority.

End Date

17. The development hereby permitted shall cease not later than 31st December 2007.

Reasons for conditions and relevant Development Plan Policies

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

2. To specify the mineral to be extracted and the depth of working. (Minerals Local Plan 28).

3. To specify the area for clay extraction within the existing landfill site.

4. To safeguard the stability of the adjacent landfill areas site. (Minerals Local Plan (MLP) 29).

5. To protect the amenities of local residents. (MLP policy 28)

6-10. In the interests of highway safety. (MLP 18)

11-13. To safeguard the amenities of local residents and the occupiers of “The Quarries” in particular. (MLP 28).

14. To protect the amenities of the locality from the effects of any dust arising from the development. (MLP 28)


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17. To specify the date when the development shall be completed and to enable the Minerals Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period. (MLP28).

Summary of Reasons for Approval

A need for a substantial amount of clay has arisen in connection with the Cross Valley Link Road and related flood alleviation works on the west side of Northampton. Therefore this planning application is effectively a minerals application which has to be considered against the policies in the Minerals Local Plan.

The application is considered to be in accordance with Policy 13 ("Borrow Pits") in the Minerals Local Plan and therefore acceptable in principle. Objections raised regarding the management of the site and compliance with planning conditions has resulted in the applicant providing a firm commitment to address matters of concern. A new wheel wash is now operational and other works have carried out to the access and are planned for the public footpath. The Mineral Planning Authority has enforcement powers relating to the non-compliance with planning conditions where it is expedient to take such action. It is considered that this point has not been reached and the objections raised about site management would not justify refusing the planning application.

Policy 30 of the Minerals Local Plan requires the cumulative impact of development to be considered. The site already has permission for mineral extraction, inert waste recycling and waste soil disposal. The soil disposal activities will be suspended during the clay removal. Furthermore, the site is over 500 metres from the nearest residential activities and other than the highway traffic impacts there is no justification to refuse the application on cumulative impact.

Policy 17 of the Minerals Local Plan requires the highway safety implications to be considered The Highway Authority requires a Transport Assessment and Road Safety Study on the basis of the applicant's initial proposal for 370 HGV movements per day and the amended proposal for 250 HGV movements per day. However, on the basis that the site already exists and does not have a maximum figure controlling daily HGV movements the Highways Authority is willing to accept 150 per day as a maximum, unless the appropriate assessment and study are submitted to demonstrate that a higher number can be safely accommodated. This application is related to a specific engineering project which has already commenced. It is considered that it would be reasonable and appropriate to grant planning permission with a restriction on the maximum daily HGV movements, and give the applicant the option of providing further highway safety information to enable the maximum daily HGV

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movements to be reconsidered in due course. It is therefore considered that the application should be approved.

Date: 1st August 2007  Signed ........................................
For Chief Planning Officer

Informative

The applicant has agreed to enter into a unilateral obligation under Section 106 of the Town and Country Planning Act 1990 to undertake to maintain the public footpath pavement on the east side of the A428 Road between the site entrance and Harlestone Firs in a clean condition during the life of operational activities at the Harlestone quarry/landfill site.

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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.

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