PLANNING PERMISSION

Name and address of applicant
Peter Bennie Limited
Oxwich Close
Brackmills Industrial Estate
Northampton
NN4 3PH

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
20\textsuperscript{th} June 2007

Application No.:
NCC Ref : 07/00024/WAS
Dist Ref: DA/2007/0709NCC

Particulars and location of development
Variation of condition 8 of planning permission DA/03/1466 to extend operation hours of the recycling facility. Boughton Quarry, Brampton Lane, Boughton.

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 \textbf{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:-

\textbf{Commencement}

1. Planning permission DA/03/1466C has been commenced.

\textbf{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. The development hereby permitted is restricted to the extension of the recycling building and its continued use, construction of the yard area, importation and processing of minerals for bagged aggregates and loam and for the continued recycling and infilling of the site within inert waste materials.

3. No materials shall be deposited on the site other than soils and those of a dry inert non-special nature.

4. Production and sales of bagged materials shall be for wholesale purposes only and no retail sales shall take place at the site.

Access and Highway Safety

5. The sole vehicular access for the development hereby permitted shall be by way of the existing access to Brampton Lane. The site entrance and internal haul road shall be maintained in a condition free from potholes while in use and shall be removed when no longer required or during the course of site restoration, whichever is the sooner. A wheel washing facility shall be maintained on site and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris.

Lorry Routing

6. All heavy goods vehicles visiting and leaving the site shall be directed via Brampton Lane onto the A508 Harborough Road or A5199 Welford Road and no such vehicles shall enter Boughton or Church Brampton villages or travel on other minor roads in the area except for making deliveries or collections to/from nearby villages.

Phasing and Tipping Operations

7. Within 6 months of the date of this permission a revised phasing plan showing progressive tipping and restoration proposals shall be submitted to the Waste Planning Authority for approval in writing.

Hours of Working

8. The development hereby permitted shall be restricted as follows:

   a) For the temporary period of six months from the date of this permission, unless otherwise agreed in writing by the Waste Planning Authority:

      the development hereby permitted and all operations relating thereto, including all deliveries and collections shall be restricted to between

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the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday with no working on Sundays and Bank Holidays, except for the use of the premises by Baylis Recycling when the hours shall be restricted to between 0600 to 2200 Monday to Friday and 0700 to 1300 Saturday with no working on Sundays and Bank Holidays.

b) Six months from the date of this permission, unless otherwise 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 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.

**Noise**

9. a) all plant, equipment and machinery used on site; including vehicular traffic shall be designed and maintained to reduce noise levels to a minimum. All plant equipment and machinery capable of being fitted with appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained. Within two months of the date of this permission, a scheme for the provision of additional noise bunding shall be submitted to the Waste Planning Authority for approval in writing. The scheme as agreed shall be implemented in accordance with the agreed timescales.

b) All mobile plant used in connection with the use of the premises by Baylis Recycling during the additional working hours in Condition 8a of this permission shall be fitted with reversing cameras and no audible reversing alarms shall be used.

**Dust**

10. Provision shall be made for suppression of dust, including the use of water spray facilities, as necessary.

**Visual Amenities**

11. The walls and roof of the recycling building extension shall be faced in materials to match those of the existing building.

12. Stockpiles of waste materials shall not exceed 4 metres in height.

13. No external lighting shall be installed until a scheme for such lighting has been submitted to the Waste Planning Authority and agreed in writing. The external lighting shall be implemented in accordance with the approved details.

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Landscaping

14. Except as may otherwise be agreed in writing by the Waste Planning Authority the Landscaping Scheme, previously approved on the 6th March 1996 (in connection with permission DA/95/441C) shall be carried out within the first available planting season following the completion of the development hereby permitted or the date referred to in Condition 18 of this permission, whichever is the sooner.

Buildings, Plant and Machinery

15. All buildings, moveable structures, hard standings, works, plant or machinery shall be removed to provide for the final rehabilitation of the tipping site by 30th November 2013, or at such earlier times as the Waste Planning Authority may determine that they are no longer required for the purpose they were installed.

Restoration

16. Restoration of the site shall comprise: the removal of all machinery, plant, buildings hard standing and other structures; and the haul road and vehicular access; the re-grading and replacement of soil to approved levels and contours (Drawings ASC/95/31 and ASC/95/32 in connection with permission DA/95/441C), and the restoration of the site to a state suitable for agriculture. All such work shall be carried out prior to the end date in condition 18 below.

Revised Restoration Scheme

17. In the event that tipping operations in all phases are not substantially completed by 30th November 2014, a revised restoration scheme shall be submitted showing revised levels utilizing the materials already on site by that date. The revised scheme as may be agreed in writing by the Waste Planning Authority shall be implemented and completed by the end date in Condition 18.

End Date

18. The development hereby permitted shall cease not later than 30th November 2015 (two thousand and fifteen) and the site shall be reinstated in accordance with conditions of this permission by that date.

Aftercare

19. Except as may otherwise be agreed in writing by the Waste Planning Authority, not later than the completion of the operations or by the date referred to in Condition 18 of this permission, whichever is the sooner, a

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five year outline strategy of aftercare shall be submitted to the Waste Planning Authority for approval to bring the land to the required standard for agricultural use. The five year outline strategy of aftercare, as may be approved by the Waste Planning Authority, shall be implemented to the Authority's satisfaction during the five year period following its approval and annual aftercare meetings shall be arranged during this period.

The reasons for the conditions and the Development Plan policies are:

1. To clarify that the development has been commenced in accordance with Section 91 of the Town and Country Planning Act 1990.

2&3. To define this permission (County Structure Plan (CSP) 1996-2016 – Policy W3).

4. The site is not allocated for retail purposes and such sales would generate additional traffic and activity to the detriment of the amenities of the area (CSP Policy W3, Daventry District Local Plan Policy EM16, Waste Local Plan Policy 4).

5. In the interests of highway safety (CSP Policy W3 Waste Local Plan (WLP) Policy 8)

6. In the interest of local amenity and to ensure that all heavy goods vehicles visiting and leaving the site are routed via the principal road network and do not enter nearby villages. (CSP Policy W3, WLP Policies 8 and 15)

7. To ensure that the site is restored in an orderly manner (CSP Policy W3, WLP Policy 16)

8-10. To safeguard the amenities of the area as a whole and Boughton village in particular (CSP Policy W3, WLP Policy 15)

11-14. In the interests of visual amenity (CSP Policy W3, WLP Policy 15)

15. To ensure that the lower part of the site is cleared to provide for its final restoration (CSP Policy W3, WLP Policy 16)

16. To provide for the satisfactory restoration of the site (CSP Policy W3, WLP Policy 16)

17. To assist the Waste Planning Authority in monitoring the restoration of the site (CSP W3, WLP Policy 16)

18. To specify the date when all operations at the site shall cease and restoration shall be completed (CSP Policy W3, WLP Policy 16)

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19. To bring the land back to a standard required for agriculture, and ensure that proper aftercare provisions are undertaken. (CSP W3, WLP Policy 16)

Summary of Reasons for Approval

The application has been assessed having regard to Policies 4, 8, 15 and 17 of the Waste Local Plan. Planning permission exists for the waste recycling building and outside storage areas and the current application is solely related to the modification of Condition 8 of permission DA/03/1466C to extend the hours of recycling activities. Objections have been raised relating to the amenity impacts of extending the hours of working however the activities which will take place outside of the building are limited and not likely to cause significant noise disturbance to justify refusing the application. A planning condition can be imposed to limit the initial extension to hours to a 6 month period to allow operator to demonstrate that the noise impacts are not significant. There are no reasons to justify refusal of the application and therefore it should be approved.

Date: 1st August 2007  
Signed __________________________

For Chief Planning Officer

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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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