Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Barton Plant Limited
The Old Piggeries
Cranford Road
Burton Latimer
Kettering
NN15 5TB

Name and address of agent
GP Planning
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
23rd March 2010

Application No.: 
NCC Ref: 10/00022/WAS
DDC Ref: DA/2010/0282/NCC

Particulars and location of development

Revision to restoration of quarry to allow the inclusion of soils from the Sandy Lane Improvement North road works at Harlestone Quarry, Harlestone Road, Harlestone, Northamptonshire, NN15 5TB.

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 three years 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.
REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Permission

2. The development hereby permitted shall be carried out in accordance with the following approved plans:


REASON: To specify the approved plans and documents which make up this planning application for the avoidance of doubt and in the interests of proper planning and monitoring of the development having regard to Policy 27 of the Waste Local plan (2006).

3. All materials imported to the site in connection with the development hereby permitted shall arise solely from the Sandy Lane North road construction works.

REASON: To specify the source of waste materials in accordance with the submitted application and to safeguard amenity impact in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy.

Rights of Way

4. Prior to the commencement of works affecting any existing public right of way full details of any enhancement, improvement, diversion, closure, or warning signs shall be submitted to and gain the approval of the Waste Planning Authority in writing.

REASON: To safeguard the existing public rights of way having regard to Policy 14 of the Waste Local plan (2006).

Noise and Dust

5. Tipping and restoration operations on site, including the movement of vehicles, shall be controlled to minimize the creation of dust from these operations and measures to reduce dust emissions during dry weather periods, including the use of water spray facilities, shall be undertaken.

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6. All plant, equipment and machinery, including vehicles shall, where capable, be fitted with silencers, baffles, cladding or rubber linings, and be maintained so as to reduce noise to a minimum and operated in accordance with manufacturer’s instructions and noise generated from operations on the site shall not exceed 55dB(A) Leq 1 hr free field at the nearest noise sensitive properties.


**Hours of Working**

7. Except as may otherwise be agreed in writing by the Waste Planning Authority, site operations and any associated activities shall only be carried out between the hours of 07.30 and 18.00 Mondays to Friday and 07.30 and 13.00 on Saturdays and no operations whatsoever shall be carried out on the site on Sundays, Public or Bank Holidays.

REASON: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties and in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy.

**Soil Stripping, Storage, Handling and Replacement**

8. All topsoil from within the application site shall be separately stripped and stored separately and retained for subsequent re-use on the site following completion of re-contouring.

REASON: To ensure the availability and protection of any available topsoil for subsequent reuse in site restoration having regard to Waste Local Plan 2006 Policy 16.

**Final Landform and Contours**

9. The final landform/contours following the completion of tipping and restoration, within the area subject to this planning permission, shall be as shown on the submitted drawings unless the amount of inert waste material available to be imported is less than originally proposed and an alternative final contour plan is submitted and agreed in writing by the Waste Planning Authority.

**Restoration and Landscaping**

10. Following completion of the land raising operations the topsoil materials

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stored in the temporary screening bund shall be re-spread evenly over the restored surface and the site shall be prepared for tree planting in accordance with the submitted Landscaping Statement Ref: 325/C01/00-007 produced by Lockhart Garratt Ltd. The site shall thereafter be planted with trees, and maintained, in accordance with the submitted Landscaping Statement.

11. Any trees, shrubs or hedges planted in accordance with the approved scheme shall be maintained and any plants which within five years of planting either: die; are removed; or become seriously damaged or diseased; shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the County Planning Authority.


End Date

12. The development hereby permitted shall cease upon completion of the Sandy Lane North road improvement works and the site shall be restored in accordance with the conditions of this permission within 3 months of the completion of the road works scheme.

REASON: To enable the Waste Planning Authority to reconsider the development in the light of circumstances prevailing at the end of the period stated and to ensure that the site is restored in a reasonable timescale, having regard to Waste Local Plan (2006) Policy 16 and Policy CS13 of the MWDF Core Spatial Strategy.

Informative(s)

1. With respect to construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:-

   - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times.

   - There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office, under s131 HA1980.

   - If as a result of the development the Right of Way needs to be closed a Traffic Regulation Order will be required for surfacing works. An Application form for such an order is available from Northamptonshire

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County Council website, a fee is payable for this service and a period of six weeks notice is required:-


- Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access development Officer, standard examples can be provided.

REASONS FOR APPROVAL

The concerns raised by Harlestone Parish Council and the adjoining neighbour relating to the landscape and visual impact of the proposed development have been carefully considered. The judgement about this application requires a balance of the following: whether the revised contours on the application area are acceptable; whether the non-placement of this waste in the quarry area is prejudicial to the future restoration of the quarry; whether the delay in tree planting is acceptable. Also relevant to the decision is the environmental benefits of disposing with waste close to its source.

It is considered that: an increase to the height of the contours would not prejudice the overall final restoration of the application site although it would mean that an area which had been almost completed, apart from tree planting, would be re-engineered; the proposed contour revisions would not cause any significant additional landscape detriment and the intended tree planting will help to soften its landscape and visual impacts in the long term; a delay in the tree planting for at least a further two years would not be desirable. There are significant environmental benefits to disposing this waste material close to source due to the reduction in transportation mileage which would otherwise result if the waste materials were taken to other existing inert landfill sites.

Therefore, the proposed development is considered to be acceptable in accordance with Policies 1, 4, 8, 9, 14, 15, 22 and 23 of the Northamptonshire Waste Local Plan (2006) and Policies CS1, CS9, CS13 and CS14 of the Northamptonshire Minerals and Waste Development Framework Core Strategy Development Plan Document (2010).

Date: 25th May 2010

Signed: [Signature]

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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