PLANNING PERMISSION

Name and address of applicant
J M Clarke & Son
Pebble Hall
Theddingworth
Lutterworth
Leicestershire LE17 6NJ

Name and address of agent (If any)
Gill Pawson Planning
Mill House
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
6th July 2005

Application No.: DA/05/773C

Particulars and location of development
Extension of Existing Green Composting Site and Use of Site Excavation Material to re-profile Land to West of the Farm Building Complex, Land at Pebble Hall Farm, off A4304 Bosworth Road, Theddingworth, Leicestershire (Marston Trussell Parish).

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 shall be begun not later than the expiration of two years beginning with the date of this permission.

Scope of Planning Permission

2. The development hereby permitted is restricted to green waste composting only and no other form of waste storage or processing shall take place on the site.

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.
Area of Site

3. This permission relates to the areas shown edged red on the 1/10000 scale deposited plan GPP/PH/01/03 received on 6th July 2005.

Access and Highway Safety

4. The development shall not be commenced unless and until the use of the vehicular access in connection therewith, for which a separate application has been made to Leicestershire County Council has been approved by that Authority.

5. All vehicles leaving the site in connection with this development shall be controlled to ensure no mud or other debris is deposited on the public highway.

Hours of Working/Human Health

6. No turning or removal of compost on or from the land shall take place other than between the hours of 5.00 am until 7.00 am and 6.30 pm until 8.00 pm Mondays to Fridays and on Saturdays and Sundays, all of which shall be controlled in relation to the operations at the adjacent B8 units, in accordance with the Unilateral Obligation signed and dated the 6th October 2003.

Surface Water Drainage

7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Waste Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

Method of Working

9. The turning and removal of compost shall only take place during suitable weather conditions in terms of wind direction and this shall be monitored and the additional safeguards provided, as set out in the revised Risk Assessment submitted in connection with the original application DA/03/725C and dated the 28th August 2003.

Site Works/Landscaping

10. The composting operations shall take place on an impermeable pad and the soils excavated shall be used in connection with the restoration of the land to the rear of the farm buildings complex.

11. The demolition materials currently stored on the land to the rear of the farm buildings shall be crushed and screened and used for the formation of the impermeable pad at the composting site. This area of land shall then be regraded, covered with soil, seeded and maintained as grassland. Prior to the

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commencement of these operations, temporary fencing shall be erected alongside the River Welland to prevent any spillage of materials and drainage to the watercourse.

Restoration

12. Except as may otherwise be agreed in writing by the Waste Planning Authority, in the event of the composting operations ceasing, the impermeable pad shall be removed and the land shall be restored to its former condition.

Stockpile Height

13. Green waste storage and the windrows shall be confined to mounds not exceeding three metres in height.

Reasons for conditions and relevant Development Plan Policies

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

2. To define this permission. Northamptonshire Waste Local Plan (NWLP Policy 18)

3. To define the boundaries of the composting and other operations. (NWLP Policy 18)

4&5. In the interests of highway safety. (NWLP Policy 18)

6. To ensure that the specified composting operations only take place when the adjacent B8 units are not occupied. (NWLP Policy 18)

7. To prevent the increased risk of flooding to third parties and to reduce the risk of pollution of controlled waters - as specified by the Environment Agency. (NWLP Policy 18)

8. To reduce the risk of pollution of controlled waters - as specified by the Environment Agency. (NWLP Policy 18)

9. In the interests of public safety. (NWLP Policy 18)

10 &11. To ensure that existing stored and newly excavated materials are used for the benefit of the whole development in the interests of visual amenity. (NWLP Policy 18)

12. To retain control over the detailed appearance and treatment of the development in the interests of the amenities of the area as a whole. (NWLP Policy 18)

13. To safeguard the visual amenities of the area. (NWLP Policy 18)

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Informatives

1. Please see attached letter from the Environment Agency.

2. This planning permission is dependent upon the demolition of the nearby B8 Building as indicated in the applicant's agent's letter dated the 28th September 2005 and as shown edged red on the accompanying plan ASC.05.412A.

Reasons for Approval

This application involves an extension to an existing green waste composting facility for which planning permission was granted under DA/03/725C in October 2003, and is operating successfully, together with use of the excavated soils to reclaim a nearby area. No objections have been raised to the development in planning/land use terms. However, Leicestershire County Council, the relevant Highway Authority, raised objections to the increased use of the existing access in highway safety terms. In order to overcome this objection a 'trade-off' has been put forward whereby the use of a nearby B8 unit is being given up, and the building demolished, on the basis that the traffic generated by the new development would not exceed that of the particular B8 unit. Planning permission should therefore be granted subject to these arrangements being finalised.

Date: 4th October 2005
Signed: [Signature]

Authorised to sign on behalf of the Head of Sustainable Development

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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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