



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**4<sup>TH</sup> APRIL 2024**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2023/VOCM/0108/LCC (2023/0919/01)
<b>PROPOSAL:</b>	Variation of 2020/0861/01 (2020/VOCM/0120/LCC) Condition 3 to allow for 10 deliveries from local authority vehicles on a public / bank holiday
<b>LOCATION:</b>	Manor Farm, Sharnford Road, Aston Flamville. LE10 3AW.
<b>APPLICANT:</b>	J and F Powner Ltd.
<b>MAIN ISSUES:</b>	Local amenity; noise, dust and air quality; highway safety; and cumulative impact.
<b>RECOMMENDATION:</b>	PERMIT subject to the conditions set out in Appendix A and the prior completion of a S106 legal agreement covering commercial vehicle routeing.

**Circulation Under the Local Issues Alert Procedure**

Mrs. M. A. Wright CC

**Officer to Contact**

Christina Emmett (Tel. 0116 305 9089)  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. Manor Farm is located approximately 200 metres east of the boundary of the parish settlement of Aston Flamville – a hamlet located on the south-west boundary of the District of Blaby. The site is accessed via a track off Sharnford Road. The track includes Bridleway V34, which continues in a north-east direction after passing the site.
2. The majority of Aston Flamville lies within the designated Aston Flamville Conservation Area, although the application site does not fall within it. There are five nationally designated heritage assets within Aston Flamville, including St. Peter's Church (Grade II listed) - located approximately 500 metres from the site access - and The Manor House and Pigeoncote at Manor Farm, both Grade II listed and on Lychgate Lane off Sharnford Road.
3. The closest residential property is on the southern side of Sharnford Road and lies approximately 160 metres from the access road to the site.
4. A bridge over the M69 motorway lies approximately 960 metres west of the site and the Aston Firs Gypsy and Traveller site is approximately 2.7 kilometres northwest. The Aston Firs site is adjacent to Burbage Wood, which is a Site of Special Scientific Interest (SSSI).



## **Planning History**

5. In 2003 planning permission was granted under reference 2002/0747/01 to allow the development of a composting facility. The permission was subject to a section 106 agreement to control the routing of vehicles to and from the site. In March 2006 permission was granted to vary condition 3 of the above permission (reference 2006/0068/01) to include cardboard within the types of waste permitted to be composted at the site.
6. Permission was granted in 2008 (reference 2008/0653/01) to further increase the composting capacity of the site. The associated standard rules waste permit allows capacity up to 25,000 tonnes of compostable material onto the site and up to 12,000 tonnes of compost/final product.
7. Two variations have since been permitted, under 2010/0484/01 and 2011/0945/01, to increase the flexibility of the site by allowing deliveries of compostable materials at specific times of the day.
8. The 2008 planning permission (reference 2008/0653/01) included the relocation and extension of the site from the east to the west of Bridleway V34. The capacity of the site was increased with a view to meeting the requirements of the Compost Quality Standard (PAS100) to sell the final composted material, and in 2009 a change of use application was submitted and approved for an agricultural building to accommodate the transfer and baling of plastics and card (reference 2009/0487/01).
9. The permission granted following the 2010 planning application (2010/0484/01) varied condition 3 of permission 2008/0653/01 to change the hours of operation from 08:00-17:30 to 07:00-18:00 Monday to Friday and to open, but take no deliveries, on public and bank holidays.
10. In 2011 permission was sought for further variations to the permission for the composting facility to allow it to operate on Sundays and public bank holidays between the hours of 10:00 and 16:00, which was refused (reference 2011/0097/01). Later in 2011, a variation was sought and granted to allow up to 5 deliveries on public and bank holidays (reference 2011/0945/01).
11. By 2020 PAS100 had been achieved, meaning that the final product is not considered a waste material and is suitable for sale. An application to vary the relevant condition of permission reference 2011/0945/01 was sought and granted in 2020 (permission reference 2020/0861/01) to allow the export of the final product. It was assessed at this time that due to the existing waste management use of the site, the requirements of policies W4, W5 and W6 were met. This is the extant permission which this application seeks to vary.

## **Description of Proposal**

12. The applicant is seeking a variation to Condition 3 of planning permission reference 2020/0861/01. The condition provides that;

*“Deliveries and deposit of compostable materials and collection of exported final product shall take place only between the hours of:*

*07:00 and 18:00 Monday to Friday;  
08:00 and 15:00 on Saturdays;  
10:00 and 13:00 on Public Holidays.*

*No more than 20 movements associated with the delivery of compostable material or export of final product, shall take place between 0700-0800 hours and 1730-1800 hours on any weekday (Monday-Friday). No more than 5 deliveries of compostable materials shall be permitted on any Public/Bank holiday.*

*Reason: To safeguard the amenities of the locality and minimise any adverse impacts”.*

13. The applicant proposes to amend the condition to read as follows,

Deliveries and deposit of compostable material and collection of exported final product shall take place only between the hours of:

07:00 and 18:00 Monday to Friday

08:00 and 15:00 on Saturdays

10:00 and 13:00 on Public/bank Holidays (No other customers permitted on a bank holiday other than Local Authorities and Leicestershire County Council).

No more than 22 movements associated with the delivery of compostable material or export of final product shall take place between 0700-0800 hours and 1730-1800 hours on any weekday (Monday-Friday). No more than 10 deliveries of compostable materials shall be permitted on any Public/Bank holiday.

14. Hinckley and Bosworth Borough Council (HBBC), which is one of the local authorities delivering to Manor Farm, currently collects waste on bank and public holidays and Blaby District Council is starting to collect waste on bank and public holidays in line with HBBC, as its neighbouring local authority. The proposed changes to Condition 3 would allow for an increase in deliveries on bank and public holidays to accommodate the increase in bank holiday waste collections.
15. The applicant does not propose to increase overall vehicle movements to and from the site in connection with the operations, as set out in Condition 3 of permission reference 2020/0861/01. To ensure this happens, the applicant proposes that vehicle movements on a Saturday would be decreased while the total expected vehicle movements on a bank holiday would be increased from 5 Local Authority deliveries to approximately 10 deliveries (an additional 5 deliveries). The vehicles are already operating during these times and the variation would allow the local authorities to tip at a composting site that is local to the origin of the waste.
16. The application seeks to vary Condition 3 to allow the site to receive the waste from Blaby District Council on bank and public holidays. No shredding is to take place outside of the times already permitted.

17. No vehicles will travel to the site through Aston Flamville village unless collecting waste from properties situated on Lychgate Lane. Commercial vehicles will follow an agreed alternative route as set out in the proposed section 106 agreement.

## **Planning Policy**

### **National**

#### **National Planning Policy Framework (NPPF)**

18. The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England. The NPPF does not contain specific policies on waste. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment (including the minimisation of waste and pollution). Chapter 15 of the NPPF relates to 'Conserving and enhancing the natural environment'.
19. Paragraph 180 e) refers directly to noise and states that, decisions should contribute to and enhance the natural and local environment by: *"preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;"*
20. Paragraph 191 states: *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."*

### **National Policy**

#### **National Planning Policy for Waste 2014 (NPPW)**

21. Paragraph 7 of the NPPW states the following:

*"When determining waste planning applications, waste planning authorities should:*

- *only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
- *recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.”*

## The Development Plan

### Leicestershire Minerals and Waste Local Plan (Up to 2031) Adopted 2019

22. The Leicestershire Minerals and Waste Local Plan was adopted in September 2019 and the relevant policies are:
23. Policy DM1: Sustainable Development - states that a positive approach that reflects the presumption in favour of sustainable development will be taken when considering proposals for minerals and waste development. Proposals should contribute to the three dimensions (economic, environmental, and social) of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change.
24. Policy DM2: Local Environment and Community Protection – concerns the potential effects from birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses.

25. Policy DM9: Transportation by Road - sets out what a proposal must demonstrate for minerals and waste development involving the transportation of material by road.
26. Policy DM10: Public Rights of Way - states that planning permission will be granted where it is demonstrated that the proposal would protect public rights of way.
27. Policy DM11: Cumulative Impact - requires for a proposal to demonstrate that cumulative impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.

Blaby District Council Local Plan (Core Strategy) – Adopted February 2013

28. Policy CS11 – Infrastructure, Services and Facilities to support growth sets out the strategic objectives to deliver the infrastructure, services and facilities required to meet the needs of the population of the District of Blaby.
29. Policy CS18 – Countryside details when development might be considered within land that is designated countryside. The policy states that planning permission will be granted for limited small-scale employment and leisure development (including dwellings essential for these needs) subject to consideration of its impacts.
30. Policy CS19 - Biodiversity and geo-diversity sets out the strategic objectives to protect the districts natural environment, landscape and geology to improve biodiversity, wildlife habitats and corridors.
31. Policy CS21 - Climate Change lists a set of strategic objectives to tackle climate change and states that development which mitigates and adapts to climate change will be supported when it does not result in significant detriment to residential amenity, landscape and historical character or create an overbearing cumulative noise or visual impact.
32. Policy CS23 – Waste directly addresses how it will deliver its own strategic waste objectives and work with its partners, including Leicestershire County Council as the Waste Disposal Authority, to develop coordinated services and appropriate infrastructure within a hierarchical approach to waste collection, treatment, transfer and disposal.
33. Policy CS24 - Presumption in favour of sustainable development sets out goals and objectives to help achieve a positive approach that reflects the presumption in favour of sustainable development, as contained in the NPPF.

Blaby District Council Local Plan (Delivery) Development Plan Document – Adopted February 2019

34. Policy DM2 – Development in the Countryside is a strategic objective that seeks to protect important areas of the district’s natural environment, improve its biodiversity and provide an appropriate mix of employment opportunities.



## Fosse Villages Neighbourhood Plan (Referendum version) 2018-2029

35. Policy FV4: Biodiversity - New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and treelines) to support biodiversity.

### Consultations

36. **Blaby District Council (Planning)** – No objection, subject to all site operations according with all the details set out in submitted document titled '*V4 Amended Statement of Evidence*'.
37. **Blaby District Council (Environmental Health)** – No objection, joint response with Blaby District Council Planning received (see above).
38. **Local Highway Authority** – No objection. The LHA is satisfied that the additional trips would be unlikely to cause a severe impact on the public highway in accordance with Paragraph 111 of the National Planning Policy Framework (NPPF) and is satisfied that the use and enjoyment of the bridleway will not be significantly affected by this application.
39. Mrs Maggie Wright CC, the local member, and the Aston Flamville Parish Meeting have been notified of the application. At the time of writing, no responses had been received. Any response received in advance of the DCRB meeting will be reported in a supplementary addendum or orally.

### Publicity and Representations

40. The application has been publicised by means of site notices and press notices in accordance with the County Council's adopted Statement of Community Involvement.
41. No representations were received.

### Assessment of Proposal

42. Planning permission is sought for the variation of Condition 3 of planning permission reference 2020/0861/01 (2020/VOCM/0120/LCC) to allow for approximately 10 deliveries from local authority vehicles on a public / bank holiday. This would be an increase of 5 deliveries on a public/bank holiday.
43. This change is proposed by the applicant to accommodate operational changes in waste collections by Blaby District Council (BDC). BDC is beginning to offer collection services for residential customers on a bank/public holiday to be in line with the neighbouring HBBC. No overall additional vehicle movements are proposed to and from the site. It is proposed to accommodate these movements within existing movement limits, by decreasing vehicle movements on the Saturday and increasing vehicle movements on a public or bank holiday where required.

44. The principle of tipping at the site on a public or bank holiday has already been established during the determination of planning permission reference 2010/0484/01. The increased number of vehicles sought are due to BDC commencing collections on public / bank holidays and so the vehicles will, upon commencement by BDC, already be operating and collecting refuse in the local area, but the variation would allow for BDC to tip at a composting site local to origin on a public / bank holiday, as is the case with neighbouring HBBC. The proposal therefore accords with Policy CS11 – Infrastructure, Services and Facilities in contributing towards meeting the service needs of the population of the District of Blaby.
45. The current application does not seek to increase the volume of compostable material permitted to be received by the site over the course of the full operational week as the additional vehicle movements proposed to tip on a public / bank holiday from BDC currently tip on a Saturday. Therefore, the volume of final product produced would not increase.
46. Other composting facilities, such as Soars Lodge Farm in Broughton Astley and Cosby Spinneys Farm in Cosby, are permitted to receive deliveries on public/bank holidays. Should all Blaby collections have to travel further afield to alternative facilities once public/bank holiday collections commence, there would be a potential impact upon the wider community in the form of noise and dust as a result of traffic movements travelling through the district. The ability of the site to accept waste from Local Authorities so they do not have to find facilities further afield accords with Policy CS21 – Climate Change with a reduction in the carbon footprint of the Blaby District Council once it commences collecting on a public/bank holiday. This would also meet Policy DM1: Sustainable Development objectives as the proposal would make a positive contribution to reducing its effects on climate change in the form of the reduced travel distance of vehicles.

#### Planning Policy Assessment

47. The site is located within designated countryside (Blaby District Council Local Plan (Core Strategy) Development Plan, Policy CS18 – Countryside and Blaby District Council Local Plan (Delivery) Development Plan Document, Policy DM2 – Development in the Countryside). The site gained its original planning permission for a green waste processing and composting use in 2003 (permission reference 2002/0747/01), so the principle of the operational use within designated countryside has been established, with the current proposal seeking a variation in permitted hours for delivery and deposit of waste at the site.

#### Noise, Dust and Odour and Air Quality

48. There is the potential that noise, dust and odour from additional vehicles travelling to and from the site could have an adverse impact upon residential amenity and local air quality. However, the variation sought is for Local Authority vehicles only and it is considered that the additional impacts of a projected increase of approximately 5 deliveries on a public / bank holiday outside of the existing limits would be insignificant. The deliveries in question are not in addition to what is currently permitted. Therefore, any additional noise or other pollution on a public / bank holiday would be minimal and deemed acceptable. Shredding of received waste does not currently occur on a bank holiday and it has been clarified that

this application does not seek to change that. Further, any impacts that may arise would remain relatively local and not impact residents within the wider district area. Environmental Health raise no concerns or objections to the proposal. Overall, the proposal accords with Leicestershire Minerals and Waste Local Plan Policies DM2 and DM11.

### Ecology and Biodiversity

49. The proposal would not have any detrimental impacts upon the ecology or biodiversity of the site or wider area including the Burbage Wood and Aston Firs Site of Special Scientific Interest (SSSI). The proposal is found to accord with Blaby District Council Local Plan (Core Strategy) Development Plan Policy CS19 - Bio-diversity and geo-diversity and Fosse Villages Neighbourhood Plan (Referendum version) 2018-2029 Policy FV4: Biodiversity.

### Heritage

50. The application site does not fall within the Aston Flamville Conservation Area and the proposal would not impact nearby heritage assets or any within the wider area.

### Traffic, Access and Parking

51. There would be an increase in movements to and from the site on public or bank holidays, but this would be accommodated by a reduction in movements on other days. It has been assessed that, in accordance with Paragraph 111 of the National Planning Policy Framework (NPPF), and with Policies DM1 and DM9 of the Leicestershire Minerals and Waste Local Plan, and CS11 of Blaby District Council Local Plan (Core Strategy) Development Plan, the additional trips would be unlikely to cause a severe impact on the public highway.

### Public Rights of Way

52. Bridleway V34 runs along the access road between the highway and the site. The proposal would not alter the use or provision of the bridleway and no overall increase in vehicle movements is proposed. Therefore, the proposal accords with paragraph 104 of the NPPF and LMWLP Policy DM10.

### Sustainability

53. The above assessment sets out the economic and environmental benefits of the applicant accepting a minor increase in compostable waste deliveries on public and bank holidays. The proposal satisfies the requirement that any adverse impacts will not outweigh the benefits, as set out in LMWLP Policy DM1: Sustainable Development.

### Cumulative Impact

54. It is always appropriate to consider the cumulative impact of a number of separate effects from a single site. Adverse cumulative impacts may include increased levels of noise or impacts upon the local highway network. No other live planning applications are being considered within or surrounding the immediate vicinity of

the site which would be relevant to the consideration of the proposed development within this report with regards to local amenity

55. The proposed change of hours follows a number of permissions that have increased the capacity of waste being received by the site (in 2006 and 2008) and increased the flexibility of the site by allowing deliveries of compostable materials during extended operating hours in 2010 and in 2011 (allowing the site to operate on bank holidays). In 2020 Condition 11 was amended to allow the export of the final product.
56. The proposed development, allowing for an additional 5 deliveries on bank and public holidays requires no increase in the total number of movements allowed over the course of the week. It remains that no shredding would take place on public or bank holidays. This would ensure that any noise and dust impacts from the operations remain minimal.
57. Therefore, it is considered that the proposed development in addition to the existing permitted operations would result not result in unacceptable adverse cumulative impacts arising from the site in terms of local amenity and noise and dust pollution within the rural environment and upon local residents. Overall, the proposal is found to accord with Policy DM11 and not be in conflict with paragraph 115 of the NPPF.

#### Legal Agreement

58. Any granting of planning permission for the proposed development should be made subject to the prior completion of a legal agreement to continue to secure the routing of commercial vehicles to the site. The applicant would be required to meet all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

#### Conclusion

59. In conclusion, the proposal has been assessed and it is deemed that any impacts on noise and dust; air quality; and highway safety would be insignificant. As addressed in the proposal assessment section, the increase in deliveries on public and bank holidays would not be in addition to those already permitted. Therefore, the cumulative impact that would arise from this proposal is considered acceptable, subject to the agreement of a new legal agreement to ensure that the use of roads through Aston Flamville village, by commercial vehicles accessing the site, is minimised.

#### Statement of Positive and Proactive Engagement

60. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

#### Recommendation

61. PERMIT subject to the conditions set out in Appendix A and the prior completion of a S106 legal agreement covering commercial vehicle routing.

**Officer to Contact**

Christina Emmett (Tel: 0116 3059089)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**Conditions**

1. The development hereby permitted shall be deemed to have commenced on the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:

a) Drawing No. GPP/PW/MF/08/02 v3 titled 'Site Plan'

b) Application Form, dated 18.01.2024

c) Document titled 'V4 Amended Statement Evidence' dated 17.01.2023

*Reason: For the avoidance of doubt as to the development that is permitted.*

**Hours of Operation**

3. Deliveries and deposit of compostable material and collection of exported final product shall take place only between the hours of:

07:00 and 18:00 Monday to Friday

08:00 and 15:00 on Saturdays

10:00 and 13:00 on Public/bank Holidays (No other customers permitted on a bank holiday other than Local Authorities and Leicestershire County Council).

No more than 20 movements associated with the delivery of compostable material or export of final product shall take place between 0700-0800 hours and 1730-1800 hours on any weekday (Monday-Friday). No more than 10 deliveries of compostable materials shall be permitted on any Public/Bank holiday.

*Reason: To safeguard the amenities of the locality and minimise any adverse impacts.*

4. The shredding or handling of such material shall take place only between the hours of:

08:00 and 17:30 Monday to Friday

08:00 and 15:00 on Saturdays

*Reason: To safeguard the amenities of the locality and minimise any adverse impacts.*

**Highways**

5. Deliveries of compostable materials to the site and collection to and from the site shall be limited to a maximum number of 100 per week and subject to a maximum of 30 in any one day. A record of all vehicle movements to the site associated with this development shall be kept and made available for inspection upon request by the Waste Planning Authority.

*Reason: In the interests of highway safety and to ensure no adverse impact upon the character and appearance of the Aston Flamville Conservation Area.*

6. The improvements to Bridleway V34 which forms part of the application site shall be maintained for the life of the waste use as approved by condition 9 of planning permission 2008/0653/01.

*Reason: To ensure the safety of bridleway users.*

7. A 3m wide grass verge shall be maintained adjacent to the existing farm access track for bridleway users. This verge shall be segregated from the existing track by short wooden posts with chamfered tops set into the ground at 3m intervals.

*Reason: In the interests of highway safety.*

8. The signs as detailed in the document titled "Details to discharge the requirements of the following Conditions of Permission 2008/0653/01" (not dated) approved on 5th August 2009 shall be maintained at the beginning of the bridleway on Sharnford Road and where farm traffic joins the bridleway at the entrance to the existing farm buildings, warning drivers of the possible approach of horse riders, cyclists and pedestrians.

*Reason: In the interests of highway safety.*

9. The access to the site shall be maintained in accordance with the provisions detailed in the letter from the Highway Authority to Francine Taylor dated 9th January 2008 referred to in condition 14 of planning permission ref. 2002/0747/01.

*Reason: To ensure adequate visibility is available at the vehicular access onto Sharnford Road in the interests of highway safety.*

#### Permitted operations

10. Unless previously agreed in writing by the Waste Planning Authority, the composting facility shall accept only green waste (as defined in the Waste Strategy 2000), natural untreated wood and cardboard. No other materials shall be brought to the site for composting. Incidental arisings of non-compostable material shall be placed in a container under cover prior to their removal from site.

*Reason: For the avoidance of doubt and to ensure a safe and satisfactory form of development.*

11. The reception and storage bays shall be maintained for the duration of the waste operations hereby permitted and as per the detail in document GPP/PW/MF/08/02.

*Reason: For the avoidance of doubt and to ensure a safe and satisfactory form of development.*

### Environmental Considerations

12. The environmental complaint handling procedure as detail in the document titled “J and F Powner Ltd Complaints Procedure” (not dated) discharged on the 5th August 2009 shall be adhered to for the duration of the development hereby permitted.

*Reason: In the interests of the amenity of the area, to minimise the impact of the development on nearby occupants and to ensure the development remains compatible with other uses in the locality.*

### Drainage

13. The drainage plans as detailed Figure 9.02 in the “Details to discharge the requirements of the following Conditions of Permission 2008/0653/01” (not dated) approved on 5th August 2009, shall be adhered to for the duration of the development hereby permitted.

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

### Landscaping

14. The scheme of landscape works as detailed in the document titled “Details to discharge the requirements of the following Conditions of Permission 2008/0653/01” (not dated) approved on 5th August 2009 shall be adhered to for the duration of the development hereby permitted.

*Reason: In the interests of the visual amenity of the locality and to ensure a high quality of landscaping is maintained.*

### Miscellaneous

15. Unless previously agreed in writing by the Waste Planning Authority, any compost material on the site shall be stored no higher than 4 metres from ground level.

*Reason: In the interests of safety and the visual amenity of the locality and to enhance the visual appearance of the development.*

16. No lighting installations or fencing shall be provided or erected on site unless details of any installation have first been submitted to and approved in writing by the Waste Planning Authority.

*Reason: In the interests of the visual amenity of the locality and to enhance the visual appearance of the development.*



## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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