

Item No. 11

APPLICATION NUMBER	CB/13/04006/MW
LOCATION	Stone Lane Quarry, Woburn Road, Heath And Reach
PROPOSAL	Variation of condition 9 of planning permission BC/CM/2008/27 to increase HGV movements from 110 to 150 per day.
PARISH	Heath & Reach
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Georgina Toye
DATE REGISTERED	06 December 2013
EXPIRY DATE	07 March 2014
APPLICANT	Arnold White Estates Ltd
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE	Parish Council objection
RECOMMENDED DECISION	That Planning Permission be granted subject to conditions laid out below

Site Location:

Stone Lane Quarry is located approximately 100m north of the Village of Heath and Reach, and 900m south of the A5 Trunk Road. Kings Wood SSSI lies approximately 40m to the north west of the site with Stockgrove Country Park 500m to the west. There is one listed building approximately 200m south west and the site is bounded by foot path 2

The access to the site is gained directly from Woburn road that links the A5 to Heath and Reach village. Fox Corner quarry lies opposite the site whose access is from Woburn road.

The Application:

Stone Lane Quarry is currently undergoing restoration by the importation of inert material to raise the land to pre extraction levels as permitted on 6th January 2012. The site will then be landscaped in accordance with the approved landscaping plan. The applicant propose to vary condition 9 to increase the daily number of HGV movements so that they can expedite the infilling of the remaining void. The applicant states that this will also reduce the time of any environmental impacts that the operations may cause and the land will be utilised for beneficial uses sooner.

Condition 9 of planning permission BC/CM/2008/27 states

Unless otherwise approved in writing by the local planning Authority, there shall not be more than 110 HGV movements entering and exiting the site in anyone working day (pro rata for part days)

The applicant proposes to vary this to:

Unless otherwise approved in writing by the local planning Authority, there shall not be more than 150 HGV movements entering and exiting the site in anyone working day (pro rata for part days)

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (NPPF) Green Belt paragraphs 87 and 88

Bedford Borough, Central Bedfordshire and Luton Borough Councils: Minerals and Waste Local Plan (January 2014)

Policy MWSP3 - Determination of Planning Applications,

Saved General and Environmental Policies of the Bedfordshire and Luton Minerals and Waste Local Plan 2005.

GE1 - Matters to be addressed

GE5 - Protection of the Green Belt

GE18 - Disturbance

GE23 - Transport: suitability of the local road network

Planning History

BC/CM/2008/27	Application import inert materials to restore Stone Lane Quarry. Approved
CB/13/02353/MWNM	Non material Amendment to condition 1 of planning permission BC/CM/2008/27 to allow for the instillation of a tyre squeezer. Approved
CB/14/00315/MWNM	Non Material Amendment to amend phasing plans approved under condition 4 of planning Permission BC/CM/2008/17. Approved.

Representations:

(Parish & Neighbours)

Leighton Linlade Parish Council	No comments have been received.
Heath and Reach Parish Council	Object to the proposal unless: <ul style="list-style-type: none">• The mechanical cleaning of Woburn Road improves.• The speed limit from the A5 to Heath and Reach Village is dropped to 40mph.• Permanent reflective signage is erected along Woburn Road.• Vehicles entering the site are given priority over those leaving the site.• All vehicles from all quarries in the village to be taken into consideration.• Because of the excessive speed of HGV's on Woburn Road tachographs are inspected.
Neighbours	The planning application was publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedures) Order 1995, comprising an advertisement in a local newspaper and the display of a site notice. No response was received.

Consultations/Publicity responses

Cllr Vasillion	No comments have been received
Highways DC	Do not object to the proposal.
Highways Agency	Do not object to the proposal as it will not adversely affect the A5 at this location.
Environment Agency	Has no comments to make.
The Greensand Project	No comments have been received

Determining Issues

The main considerations of the application are;

1. Green Belt
2. If the increased HGV movements will cause a disturbance to near by sensitive receptors.
3. If the increased HGV movements will have a detrimental effect on highway safety

Considerations

The development plan comprises the Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Local Plan: Strategic Sites and Policies (MWLPSSP) (adopted January 2014). The saved General Environmental Policies in the Bedfordshire and Luton Minerals and Waste Local Plan 2005 and the saved policies in the South Bedfordshire Local Plan Review 2004 (SBLP). National guidance can be found within the National Planning Policy Framework (NPPF). Therefore, the applicable policies in this case are the NPPF Paragraph 9 - Green Belts, Policy MWSP3 - determination of Planning Applications, MWLP Policy GE1 - Matters to be addressed, GE5 - Protection of Green Belt Land, Policy GE18 - Disturbance and Policy GE 23 - Transport: suitability of local road network.

1. Green Belt

Stone Lane is located within the South Bedfordshire Green Belt and was previously a quarry which is now undergoing restoration by the importation of inert waste to raise ground levels permitted under planning permission BC/CM/2008/27. Therefore the principle use of the site for landfill has already been established. The increase in HGV movements will help to ensure that the restoration to be completed at an earlier date. The variation sought is not considered to be inappropriate development in the Green Belt.

2. Disturbance

The purpose of MWLP Policy GE18 is to minimise disturbance from waste operations which can at times be intrusive and cause disturbance. This can be by noise, dust, litter odour, illuminations and vibration. Therefore the impact of any anticipated disturbances must be reduced as far as practicable and the proposal outweighed by other planning benefits. The main consideration arising from the proposal is mud and debris being deposited on to the highways from lorries exiting the site.

Health and Reach Parish Council has expressed concerns with the road

conditions along Woburn Road and requested a site visit for two parish councillors to see the wheel wash facilities. Although the parish council were satisfied with the wheel wash facilities on site, concerns were raised regarding the film of material that appeared to be left by HGV's on Woburn Road. In response to this the applicant agreed make the HGV wait on the site for 1 minute to allow water from the lorries to drip before entering on to the highway in addition to mechanically sweeping the road. The officers and parish councillors are satisfied with these arrangements and therefore it is concluded that the proposal accords with MWLP Policy GE 18.

3. Transport

MWLP Policy GE23 states that where access to a proposed development site can only be achieved by road the Local Planning Authority will only grant permission if the material is capable of being transported to and from sites via the strategic highway network. The suitability and capacity of available access routes must be taken into account. Proposals which use significant lengths of unsuitable roads to gain access to the strategic highway network will not be permitted, unless suitable improvements can be agreed with the developer.

It is considered that Woburn Road is the main link between Heath and Reach Village to the A5. The authority's Highways DC Team were made aware of the Parish Council's objection and their concerns. Nevertheless the Highways Team do not object to the application. Stone Lane access can accommodate some queuing inside the site and the Highways Team have not commented that they are concerned with potential queuing outside the entrance with the proposed increase of numbers. The access is also wide enough to accommodate both incoming and outgoing HGV's without the need for prioritising.

The Parish Council have requested in their comments that all vehicles from all of the quarries within the Heath and Reach area should be taken into account. However under planning permission BC/CM/2008/17 a condition prohibits HGVs from turning left at the access to go through the village. Further more there is a lorry weight restriction in force to stop through traffic to and from Leighton Buzzard. Therefore the current and proposed HGV numbers will not have an impact on the built up area of the village and an over all assessment of all vehicles from quarries is not warranted for this proposal.

It is therefore considered that the proposed increase of 40 HGV movements per day is unlikely to have a significant detrimental effect on the local highway and therefore accords with MWLP Policy GE23.

The proposed condition to be varied contains the phrase 'Except as may be approved in advance and in writing by the Local Planning Authority'. This is commonly referred to as the tailpiece to the condition. Case law that has emerged subsequent to the 2002 permission makes clear that allowing for material changes to a planning permission by negotiation with the council, in effect sidestepping the formal planning process and the need for consultation is likely to be unlawful¹. In order to render the condition lawful, it is necessary to delete the 'tailpiece'.

Equality Act

¹ R(Warley) v Wealdon DC [2011] EWHC 2083 (Admin) and R (Mid Counties Co-operative Ltd) v Wyre Forest DC [2009] EWHC 964 (Admin) (see ID 38 and 39), the latter case flowing from Henry Boot Homes Ltd v Bassetlaw DC [2002] EWCA Civ 2003, [2003] 1 P and CR23

The Equality Act 2010 came into force on 1st October 2010 and has effect of making it lawful to discriminate against people who are disabled or associated with a disabled person. The Act sets out the Equality Duty which public bodies must fulfil when carrying out their functions. It is considered that determination of the proposal has no impact on equalities.

Human Rights

It is considered that no human rights implications arise from the proposal and the decision to grant permission.

Conclusion

It is considered that the impact of the waste facility on the Green Belt was substantively assessed when granting Planning Permission BC/CM/2008/17.

It is considered that the increase of HGV movements will not cause any further significant disturbance and the proposal accords with MWLP Policy GE18.

The Highways Authority do not object to the planning application and do not request that Woburn Road has additional signage or the speed limit lowered. It is not considered necessary to evaluate all vehicles from all the quarries under this proposal as HGVs from Stone Lane do not enter the village of Heath and Reach. The access to Stone Lane quarry is of a sufficient width that incoming and out going HGV's can pass one another safely. The access is also long enough to accommodate some queuing of HGVs within the site and no HGVs have currently had cause to queue outside the site. The site also has a CCTV camera with live feed that the Local Planning Authority can use to monitor the entrance of the site on a regular basis. Therefore it is considered that the proposal accords with MWLP Policy GE23.

Recommendation

That Planning Permission be granted subject to the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 Planning permission shall extend to the area edged with a thick black line on the attached plan reference BC/CM/2008/27-1. The development shall be carried out in accordance with the planning application dated 29th August 2008 and the accompanying supporting information contained within the Hives Planning Document entitled 'Planning Application submission and Environmental Statement in Support of the Proposal To Restore Stone Lane Quarry to Pre-Extraction Ground Levels Through the Importation of Inert Waste Material' as supported and amended by further information dated 31st October 2008, 4th December 2008, 9th April 2009, and 11th August 2009, the Non material Amendment reference CB/13/02353/MWNM dated 1st July 2013 as amended on the 11th July 2013, and the subsequent Planning application for the variation of condition 9 dated 12th November 2013 amended on the 5th December 2013.

Reason: To define the permission and allow for minor amendments.

- 2 The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

Reason: To comply with section 51 of the Town and Country Planning Act.

- 3 The waste operations hereby permitted shall cease on, or before the 21st January 2023 this date being ten years from the date of commencement of waste development. The restoration of the site, excluding the aftercare requirements, shall be completed within a further year and in accordance with the detailed approved scheme for restoration.

Reason: To ensure the development is completed within an acceptable timescale (Policy GE26 of the MWLP)

- 4 Except for such modification as may be approved in writing by the Local Planning Authority, the site shall be worked in seven phases as show on Plan no. 02250/001 to 02250/007 and subsequent phases shall not proceed without the written consent of the Local Planning Authority, which shall be dependant on the progress in the restoration of the previous phases, in accordance with the approved scheme.

Reason: To ensure a high standard of development and restoration of the site (MWLP Policy GE26)

- 5 The visibility splay as constructed shall be maintained at all times in accordance with the scheme approved by letter on 19th December 2012 under reference CB/12/03127/MWS at all times.

Reason: In the interest of highway safety (MWLP Policy GE23)

- 6 No HGVs exiting the site access onto the public highway shall turn left out of the site.

Reason: To ensure that HGV's do not travel through the village of Heath and Reach and in the interest of highway safety (MWLP Policy GE23)

- 7 No waste shall be delivered to the site unless the wheel wash and the wheel shaker shown on drawing no. 2007.2576.001 Rev B have been installed and operational. The tyre squeezer shall be installed and operational at all times in accordance with Sketch number BC/CM/2008/27/1 and Drawing number 01892/0031 approved by letter under reference CB/13/02353/MWNM. No HGV exiting the site shall do so without first passing over the wheel cleaning facilities. All practicable measure to keep Woburn Road clear of mud and debris shall be taken at all times.

Reason: To maintain safe highway conditions in the interest of highway safety (MWLP Policy GE23).

- 8 The existing sign located at the entrance of the site directing HGVs to turn right out of the site must be kept in accordance with the scheme approved by letter on the 26th October 2012 under reference CB/12/03130/MWS. The sign shall be maintained for the duration of the use of access for the purpose hereby permitted and removed thereafter.

Reason: To ensure that HGVs do not travel through the village of Heath and Reach in the interests of highway Safety (MWLP Policy GE23)

- 9 Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than 150 HGV Movements entering and exiting the site in any one working day (pro rata for part days)

Reason: To restrict throughput capacity at the site and in the interests of highway safety MWLP Policy GE23.

- 10 A record of daily HGV movements shall be maintained on site at all times and submitted to the Planning Authority at the end of every six month period from the beginning to the conclusion of operations. The record of daily HGV movements shall also be made available for inspection by the local Planning Authority within 7 working days of any written request.

Reason: To enable monitoring of other planning conditions

- 11 The access gates to the site shall not be closed during operational hours.

Reason: In the interests of highway safety MWLP Policy GE23.

- 12 The monitoring of the site entrance by CCTV camera shall be carried out in accordance with the scheme dated 6th November 2012 as approved under reference CB/12/03131/MWS.

Reason: To allow the monitoring of traffic movements and the condition of the site entrance and public highway.

- 13 Hours of operations

Unless otherwise approved in writing by the Local planning Authority, No operations authorised or required under this permission shall take place on site except between the hours of 07:00 and 18:00 Monday to Fridays. There shall be no operations on site on Saturdays, Sundays and Bank Holidays.

Reason: to minimise disturbances to nearby residential properties and to protect the amenities of the surrounding environment MWLP Policy GE18

- 14 No deposit of waste shall take place except in accordance with the scheme for marking the limits of waste disposal as approved by letter on the 21st November 2012 under reference CB/12/03132/MWS. The markers shall remain in place for the life time of operations.

(Reason: To define the limits of the permission and allow for monitoring of other planning conditions)

- 15 The provision of protective fencing for the sensitive historic ridge and furrow areas during the landfilling process shall be carried out in accordance with the scheme approved by letter on the 29th October 2012 under reference CB/12/03133/MWS. The fencing shall be erected before landfilling takes place in Phase 6 of operations.

Reason: To protect archaeological features MWLP Policy GE14

- 16 Environmental Protection

No waste other than solid inert waste material shall be deposited on the site.

Reason: to prevent the possible contamination of the groundwater and protect the amenities of neighbouring properties MWLP Policy GE 17

- 17 No subsoils or topsoils shall be spread, unless and until a topographical survey of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: to provide for a satisfactory and orderly method of working and eventual restoration of the site MWLP Policy GE 26

- 18 The control and monitoring of dust shall be carried out in accordance with the scheme approved by letter on the 26th October 2012 under reference CB/12/03134/MWS. The results of the dust monitoring shall be submitted to the Local Planning Authority in accordance with this scheme.

Reason: to protect local amenity MWLP Policy GE 18

- 19 Surface water drainage shall be carried out in full accordance with the scheme approved by letter on the 6th November 2012 under reference CB/12/1315/MWS.

Reason: To prevent the possible contamination of groundwater and of flooding MWLP Policy GE17 and GE19.

- 20 The monitoring and control of noise shall be carried out in full accordance with the scheme approved by letter on the 6th November 2012 under reference CB/12/03368/MWS.

Reason: To minimise disturbance to nearby sensitive receptors by reason of noise MWLP Policy GE 18

21 Erection of buildings, plant, machinery

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be erected shall be submitted to the Local Planning Authority for approval in writing and the details shall be implemented as approved.

Reason: To enable the Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area MWLP Policy GE 9 and GE18.

22 All external lighting shall be installed in accordance with the scheme approved by letter on the 6th November 2012 under reference CB/12/3137/MWS.

Reason: To protect the amenities of the area)MWLP Policy GE 18

23 Restoration and aftercare

Restoration of this site shall be carried out in strict accordance with the scheme approved by letter on the 23rd November 2012 under reference CB/12/03138/MWS.

Reason: To ensure a satisfactory restoration of the site MWLP Policy GE26

24 The five year aftercare and management of the restored land shall be carried out in strict accordance with the scheme approved by letter on the 23rd November 2012 under reference CB/12/03139/MWS

Reason: To provide for the satisfactory restoration of the site MWLP Policy GE 27 of the MWLP

25 An Annual Environmental Monitoring Report for operations hereby permitted shall be submitted to the Local Planning Authority by 30 June each year covering preceding financial year (1 April to 31 March). The report shall contain the following;

- a. A statement of operations over the past year, to include noise, traffic, rates of processing, progress on restoration;
- b. Identification of any problems caused by these operations and action taken to address these;
- c. A statement of future planned operations over the next year;
- d. Identification of any potential problems which could be caused by future operations and the action to be taken to address these;
- e. quantities of waste imports, and amount of void space remaining;

Reason: The safeguard the amenities of the surrounding area and to assist the Local Planning Authority in the forward planning process

Notes to Applicant

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning Permission has been granted for this proposal. The Council acted pro-actively through the positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (development Management procedure) (England) (amendments No.2) order 2012.

Reasons for Granting

It is considered that the impact on the Green Belt has already been substantively assessed under planning permission BC/CM/2008/17 and that the proposal of an increase of 20 HGV movements per day is unlikely to have any impact on the openness of the Green Belt.

The applicant currently has 1 wheel washes on site, a tyre squeezer at the lower part of the site and a wheel wash at the access of the site. However in response to the parish councillors comments during a meeting the site is now operating a dwell time of 1 minute to avoid any mud film on Woburn Road. It is considered that the increase of HGV movements will not cause any further disturbances and the proposal accords with MWLP Policy GE18.

The Highways Authority do not object to the planning application and do not request that Woburn Road has additional signage or that the speed limit lowered from the A5 to the village. It is not considered necessary to evaluate all vehicles from all the quarries under this proposal as HGVs from Stone Lane do not enter the Village of Heath and Reach. Other concerns included the access to Stone Lane quarry and possible stacking of HGVs on Woburn Road. The access is of a sufficient width that incoming and out going HGV's can pass one another without prioritising incoming HGVs. The access is also long enough to accommodate some stacking of HGVs within the site and no HGVs have currently had cause to stack out side the site. The site also has a CCTV camera with live feed that the Local Planning Authority can look at to monitor the entrance of the site on a regular basis. Therefore it is considered that the proposal accords with MWLP Policy GE23.

DECISION

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