

Item No. 12

APPLICATION NUMBER	CB/14/00134/MW
LOCATION	Sundon Landfill Site, Common Lane, Sundon, Luton, LU3 3PF
PROPOSAL	Variation of condition 17 of planning permission CB/12/03266/MW to permit an increase in the number of HGVs entering the site from 111 to 175 per day.
PARISH	Toddington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Georgina Toye
DATE REGISTERED	24 January 2014
EXPIRY DATE	25 April 2014
APPLICANT	Central Bedfordshire Council
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Parish Council Objection
RECOMMENDED DECISION	That Planning Permission be granted subject to the following:

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The permission hereby granted shall extend to the area edges with a thick black line on the attached plan no. BC/CM/2001/7/X.

Reason: To define the permission.

- 2 Except as may be approved in advance and in writing by the Local Planning Authority or as required in terms of the conditions of this permission, the development hereby authorised shall not take place otherwise than in complete accordance with the application numbered BC/CM/2001/7 as amended by the agent's letter of modification dated 9 June 2001 (with accompanying revised method statement for surface water management) and agent's letters of modification dated 20 June 2001 and 3 July 2001, the further modifications presented in the agent's report dated October 2002 and as further amended by the planning application dated 17 October 2012 and application number CB/14/00134/MW dated 17th January 2014.

REASON: To define the permission, whilst allowing for a degree of flexibility in exceptional circumstances.

- 3 The development hereby permitted shall be begun within one year of the date of this permission. Written notification of the date of commencement shall be given to the Local Planning Authority within five working days of the event.

REASON: To require commencement of operations within a reasonable timescale, to define the date of commencement, and to prevent the accumulation of unimplemented permissions.

- 4 No waste materials other than uncontaminated inert waste shall be brought into the site.

REASON: To maintain proper regulation of the operation - MWLP Policy GE17

- 5 Except as may be approved in advance and in writing by the Local Planning Authority, no wastes or processed inert materials shall be taken off the site other than for disposal at an appropriate licensed facility.

REASON: To maintain proper regulation of the operation, whilst allowing a degree of flexibility in exceptional circumstances - MWLP Policy GE17

- 6 Capping materials and restoration soils shall not be placed otherwise than in such a manner as to prevent slippage or erosion. Any slippage or erosion that does occur shall be rectified by immediate and appropriate remedial action.

REASON: To ensure stability of containment -- MWLP Policy GE26

- 7 Notwithstanding the provisions of the General Permitted Development Order, details of all buildings, fencing, fixed plant and fixed equipment shall be submitted to and approved by the Local Planning Authority prior to installation.

REASON: To enable the Local Planning Authority to retain appropriate regulatory control of the development and prevent the installation of buildings, fencing, plant or equipment that may be insensitive to the surrounding environment.

- 8 Except as may be approved in advance and in writing by the Local Planning Authority, no operations authorised or required by this permission shall take place other than within the following times:

Monday to Friday (inclusive): 07:00 hrs to 19:30 hrs
Saturday: 07:30 hrs to 12:00 hrs

Except as may be approved in advance and in writing by the Local Planning Authority, no operations shall take place on Sundays or Public Holidays.

REASON: To minimise disturbance to local residents, whilst allowing for a degree of flexibility in exceptional circumstances - MWLP Policy GE18

- 9 The phasing of the development in terms of importation and placement of restoration soils and subsequent landscaping shall take place in accordance with:

- drawing no. A0716021_PHA_01 (dated July 2011) and the 'Phasing Schedule of Works' contained within the application dated 17 October 2012; and
- the scheme reference BC/CS/2006/1, as approved by formal letter on 3 May 2006, with the exception that implementation of the approved landscaping works shall proceed on the basis of the 6 phases shown on drawing number no. A0716021_PHA_01 (dated July 2011) rather than in the phasing manner shown in that scheme.

All restoration works, including landscaping, shall be completed by 30 September 2017.

REASON: To control the duration and phasing of the operations hereby permitted - MWLP Policy GE26.

- 10 No vehicles used for transport of clay, aggregate, minerals or inert waste materials for the capping and restoration works shall enter or leave the site other than by means of the new haul road constructed from the junction of the A5120 and Harlington Road as OSGR 502426 230504 to the rail underpass located at OSGR 503472 228882, as identified on attached drawing number BC/CM/2001/7/X.

REASON: To control access to the site in the interests of highway safety and public amenity - MWLP GE23.

- 11 The haul road referred to in condition 10 shall not be constructed otherwise than in accordance with scheme reference BC/CS/2003/13 approved by formal letter dated 29 January 2004. The scheme shall be carried out in full.

REASON: To ensure appropriate access arrangements in the interests of highway safety and local amenity - MWLP Policy GE23.

- 12 Construction of the haul road referred to in condition 10 shall not be undertaken other than in accordance with the scheme reference BC/CS/2003/19 as approved by formal letter dated 8 July 2003. Any necessary mitigation measures shall be implemented in full before construction of the haul road commences.

REASON: To ensure appropriate protection of a protected species - MWLP Policy GE13.

- 13 Construction of the haul road referred to in condition 10 shall not be undertaken other than in accordance with the scheme reference BC/CS/2003/19 as approved by formal letter dated 8 July 2003. Any necessary mitigation measures will be agreed in writing by the Local Planning Authority and implemented in full before construction commences within 500 metres of the pond.

REASON: To ensure appropriate protection to a protected species - MWLP

Policy GE13.

- 14 Construction of the haul road referred to in condition 10 shall not be undertaken other than in accordance with the scheme reference number BC/CS/2003/9 as approved by formal letter dated 21 July 2003 so as to ensure the appropriate preservation of any archaeological finds encountered during construction.

REASON: To ensure appropriate archaeological preservation - MWLP Policy GE14.

- 15 No waste or other capping or restoration materials shall be brought onto the site unless the appropriate signage and other appropriate safety measures have been installed to protect users of Public Rights of Way in accordance with the scheme reference BC/CS2003/13 as approved by formal letter dated 21 July 2003. The signage and any measures so installed shall be maintained for the duration of the operations hereby permitted.

REASON: In the interests of public safety.

- 16 No waste materials or other capping materials shall be brought onto the site unless the wheel cleaning facilities detailed in the scheme reference BC/CS/2003/13 as approved by formal letter dated 23 June 2003 have been installed. Thereafter, no heavy goods vehicles shall leave the site in such condition as to deposit mud or debris on the highway.

REASON: To prevent transmission of mud and debris onto the highway in the interests of highway safety and local amenity - MWLP Policies GE18 and GE23.

- 17 The number of heavy goods vehicle (above 7.5 tonnes) movements to and from the site in any one day shall not be more than as follows:

- Monday to Friday (inclusive): 175 movements each way (350 total movements);
- Saturday: 50 movements each way (100 total movements)

A log of daily heavy goods vehicle movements shall be maintained and made available to the Local Planning Authority for inspection within seven days of a written request.

REASON: In the interests of highway safety and local amenity - MWLP Policy GE23.

- 18 The Local Planning Authority shall be notified in writing of the date of completion of the capping and restoration works within 7 days of the event. Within 12 months of the date of completion of the capping and restoration works, and in any event no later than 30 September 2017, the haul road referred to in condition 10 shall be removed and the ground restored in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the satisfactory restoration of the site - MWLP Policy

GE26.

- 19 Except as may be approved in advance and in writing by the Local Planning Authority, no vehicles shall use the haul road referred to in Condition 10 other than such vehicles as may be directly engaged in landfill site capping/restoration operations or the normal agricultural business of the New Manor Farm landholding.

REASON: In the interests of highway safety, to prevent intensification of haul road use beyond that identified in the application.

- 20 All site accesses shall be secured at their junctions with the public highway against unauthorised entry by means of appropriate gating and physical barriers in accordance with the scheme reference BC/CS/2003/32 as approved by formal letter dated 12 August 2003.

REASON: To safeguard against potential fly-tipping or nuisance - MWLP Policy GE18.

- 21 No works relating to the control and management of surface water at the site shall take place other than in accordance with the scheme reference BC/CS/2003/6 as approved by formal letter dated 1 July 2003.

REASON: To ensure satisfactory pollution control - MWLP Policy GE17.

- 22 No works for the management of leachate shall be undertaken other than in accordance with the scheme reference BC/CS/2003/6 as approved by formal letter dated 1 July 2003.

REASON: To ensure satisfactory pollution control - MWLP Policy GE17.

- 23 No works for the control and management of landfill gas shall be undertaken other than in accordance with the scheme reference BC/CS/2003/6 as approved by formal letter dated 1 July 2003.

REASON: To ensure satisfactory pollution control - MWLP Policy GE17.

- 24 There shall be no leachate re-circulation.

REASON: To prevent the risk of pollution

- 25 No operations authorised or required by this permission shall take place within 10 metres of the railway property boundary other than in accordance with the details approved by letter on 23 June 2003.

REASON: To ensure the railway is not adversely affected during or after execution of the development.

- 26 No crushing or screening plant or other equipment for processing of inert materials shall be used on the site otherwise than in such a manner as to prevent the transmission of odour, dust, vibration or noise to neighbouring properties.

REASON: In the interests of public health and local amenity - MWLP Policy GE18.

27 No crushing or screening plant or other equipment for processing of inert materials shall be used on the site otherwise than for purposes that are directly related to the development hereby authorised.

REASON: To prevent inappropriate use of the site for processing of materials for use elsewhere.

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 principle use of the site as a landfill which is now undergoing capping and restoration has been previously assessed under the permitted landfill application.

The site currently carries out dust mitigation measures by having HGVs sheeted unless tipping and the dampening down of areas that can produce dust. Further to this mechanical sweeping takes place of the A5120 when any material is seen on the road. It is therefore considered that the site has sufficient mitigation measures to minimise dust disturbance and material being deposited on the road and accords with MWLP Policy GE18.

It is likely that the majority of Vehicles will be leaving the M1 Junction 12 and going straight to Sundon Landfill. There is no reason for these HGVs to enter the village of Toddington. It is also considered that the A5120 is a main highway from the M1 and that the road does not have vehicle restrictions. It is unlikely that HGV's connected with the operations at the Sundon Landfill will go through the village of Toddington and the proposal accords with MWLP Policy GE23.

NOTE

The Committee were advised of comments received from Sundon Parish Council.