

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	6 October 2014
Subject:	County Matter Applications – N30/1033/14; N30/1029/14; N30/1027/14; N30/1026/14; N30/1025/14

Summary:

Planning Permission is sought by Harmston Waste Management (Agent: Ryland Design Services Ltd) to extend the operating hours of Harmston Quarry by 1.5 hours, to enable the quarry to operate until 19:00 hours Monday to Friday.

The main issue to consider in the determination of these applications are the impact on the amenity of the surrounding area. Harmston Parish Council and two neighbouring Parish Councils have raised objections in relation to issues associated with traffic. Similar concerns have been raised by the Local Member and a District Councillor.

There is no proposal to increase output or alter operations at the site and consequently vehicle movements would not significantly increase.

Recommendation:

Following consideration of the relevant planning policies and the comments received through consultation and publicity it is recommended that planning permissions are granted.

Background

1. Harmston Quarry is currently used for quarrying limestone as well as an inert waste recycling/landfill operation (construction and demolition wastes including soils, brickwork, concrete and sand). The mineral extraction and waste operations are covered by separate planning permissions however, these two operations are inter-related as the recycling/landfill operations also provide a means to facilitate the restoration of the quarry.
2. Currently, the hours of operation at the site are from 07:30 until 17:30 hours and this is controlled by five separate planning consents:
 - N30/0716/02 (as amended by permission N30/1211/10) for using the disused quarry for inert waste and to restore the quarry to agriculture;

- N30/1035/03 (as amended by permission N30/1211/10) for the determination of new conditions to which a mineral site is to be subject;
- N30/0941/04 (as amended by permission N30/1211/10) to continue to use the land for waste transfer and to construct a bund to surround the site;
- N30/0056/12 to retain and relocate a mobile washing and screening plant and retain settlement lagoons; and
- N30/0486/13 retrospective planning permission for a centrifuge plant and machinery.

The Application

3. Harmston Quarry currently operates under five planning permissions, all of which restrict the operating hours of the site to between 07:30 and 17:30 hours, Monday to Friday. Planning permission is now sought to vary Condition 11 of permission N30/0716/02; Condition 5 of permission N30/1035/03; Condition 8 of permission N30/0941/04; Condition 4 of permission N30/0056/12 and Condition 3 of permission N30/0486/13, to allow the site to operate until 19:00 hours.
4. The applicant states that they are seeking approval to extend these hours for the following reasons:
 - to bring them into line with other quarries in the area, which are able to operate until 19:00 hours. The longer operating hours at other quarries means that these quarries have a commercial benefit over Harmston Quarry, and this is putting the applicant at a disadvantage;
 - to maintain a current level of service;
 - traffic levels have increased on road networks and consequently deliveries are taking longer and therefore longer operating hours are required to service the quarry's customers;
 - there is an increased demand for building materials;
 - confirm that the site is not flood lit and for health and safety reasons cannot operate in the dark.

Site and Surroundings

5. Harmston Quarry is located in flat open countryside, approximately 1km to the south of RAF Waddington and 1.5km east of the village of Harmston. Access to the site is off the B1178 (Tower Lane) which links the A607 to the west and the A15 to the east. The site is bound by fencing, as well as hedgerow and trees on the north boundary with Tower Lane.
6. There are no residential properties within close proximity to the quarry, with the nearest residential property being located over 640 metres to the south of the site. A Public Right of Way is located to the north west of the quarry site.

Photos: Views of Harmston Quarry



Main Planning Considerations

National Guidance

7. Paragraph 5 of the National Planning Policy Framework (March 2012) (NPPF) states that it does not contain specific waste policies as these will be captured in the National Waste Management Plan for England. However, the NPPF confirms that in taking decisions on waste applications regard should be had to relevant policies in the NPPF as follows:
 - paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution;
 - paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
 - paragraph 186 requires planning authorities to approach decision taking in a positive way to foster the delivery of sustainable development;
 - paragraph 187 requires planning authorities to look for solutions rather than problems and at every level should seek to approve sustainable development where possible and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area; and
 - paragraph 215 states that 12 months after the publication of the NPPF(2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the

greater the weight that may be given. This is of relevance with regard to the North Kesteven Local Plan and the Lincolnshire Waste Local Plan.

Technical Guidance to the NPPF (March 2012) Paragraph 30 sets out the maximum recommended noise limit of 55dBA at quarries as being acceptable up until 19:00 hours.

Planning Policy Statement 10 “Planning for Sustainable Waste Management” (2005) (PPS10)

Annex E of PPS10 sets out the locational criteria to be taken into consideration in the determination of waste management planning applications. Of relevance to this application are considerations relating to visual intrusion, traffic and noise.

Local Plan Context

8. The following policies of the Lincolnshire Waste Local Plan (2006) are of relevance to this application:

Policy WLP1 (Objective of the Plan) states that waste management proposals will be considered in relation to their contribution towards the waste management hierarchy which in order of priority is:

- Reduction (minimisation of waste);
- Reuse;
- Recycling and composting;
- Energy recovery from waste;
- Disposal of residual waste.

When applying the hierarchy and assessing the need for waste facilities regard will be paid to:

- Proximity principle;
- Regional self-sufficiency;
- Waste planning policies and proposals of neighbouring areas;
- Best available techniques and the environmental setting of the facility.

Policy WLP5 (Construction and Demolition Waste Facilities) states that planning permission will be granted for construction and demolition waste recycling facilities provided they are:

- (i) located within quarries or their associated processing plant sites and would not prevent the restoration of such; or
- (ii) associated with an existing waste management facility; or
- (iii) directly associated with a major demolition project; or
- (iv) located with areas designated for general industrial uses (Class B2 of the Use Classes Order); and
- (v) meet the criteria set out in Policy WLP21; and
- (vi) demonstrate the arrangements for the disposal of the residual waste

from the recycling operations.

Policy WLP21 (Environmental Considerations) states that planning permission will be granted for waste management facilities according to a number of criteria, the most relevant ones of which are:

Dust, Odour etc

(xi) where the development including its associated traffic movements, visual impact, noise, dust, odour, litter and emission, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

Recovery of Materials

(xvii) where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

9. The following policy of the North Kesteven Local Plan (2007) is relevant to this application:

Policy C5 (Effects Upon Amenities) states that planning permission will be granted for proposals, provided that they will not adversely affect the amenities enjoyed by other land users to an unacceptable degree.

Results of Consultation and Publicity

10. (a) Harmston Parish Council - the quarry, situated as it is, means that virtually all traffic uses the routeing bypass (avoiding Thorpe on the Hill) and then through Haddington, Aubourn and Harmston and return. These are traditional villages and therefore many houses are directly on or very close to the road, making any effect of the noise and pollution of the traffic even more intrusive and pernicious. This traffic starts well before 7am in the mornings and continues throughout the day until after 6pm. The noise, pollution and disturbance from the sheer volume of lorries is considerable. While the Parish Council accepts that, until there is a southern bypass, this routeing is the most direct, asking now that the hours are extended until well into the evening is one step too far. Moreover, it has already been accepted by Highways that the road through Harmston is below the minimum recommended width for two opposing HGVs to pass one another with reasonable separation.

The rationale offered by the applicant is that other quarries 'in the area' have extended opening. On checking, Cemex Norton Disney Quarry, Breedon's Norton Bottoms Quarry and Longwood Quarry all open at 7am and, in closing at 5pm, all close earlier than the Harmston quarry. That said, precedent, even if it were to apply is not a valid planning consideration. Further, the applicant requests the variation on

commercial grounds. These must be balanced against the effects of extended hours. Each case should be looked at in isolation and the pros and cons considered before reaching a decision. Noise and disturbance are valid considerations and it is the Council's contention that these will be increased significantly during what should be the 'quieter' part of the day. It is understood that there are firm limits placed on the hours a driver may work in a day. Opening for 12 hours would exceed those hours.

In reaching a decision, previous adherence to conditions is relevant and there have been numerous cases over the years when the hours of operation have been stretched and enforcement action taken.

In summary, heavy traffic to and from Harmston quarry starts in early morning and continues until early evening, causing considerable noise, pollution and disturbance. The road used in Harmston, Church Lane, is below recommended width for opposing HGVs to pass with reasonable separation. The opening hours are already longer than other local quarries, asking to extend opening by a further hour and a half into mid/late evening, which should be a quieter part of the day, is a step too far. It is requested that the application is refused.

(b) Coleby Parish Council - individual comments were received from the Parish Councillors which included:

- the roads between the A15 and A46 are already over used and under sized and have become an "unofficial ring road";
- extra usage of these roads by the trucks from the quarry will lead to increased risk of accident;
- more traffic in the evenings and in dark winter months becomes a road safety issue;
- driver's hours, which are also controlled, means that the late opening will mean a wider spread of lorries and will not help local residents;
- there could be a compromise, to allow the site to operate until 18:30, instead of the requested 19:00.

The Council voted 5 votes to 2 against the applications.

(c) Aubourn and Haddington Parish Council - registered their strong objection to the proposal and made the following observations:

- despite the existing 'operating hours' restrictions, the G.S lorries regularly convoy and rattle through Aubourn from between 05:00-06:00am every day and some weekends;
- lorries to and from the site are still passing through the villages at 6pm most evenings;
- the vehicles tend to travel in convoy to and from the quarry, multiplying their nuisance value in noise and pollution;

- loads of aggregates are frequently spilled on the bends leading to and from Aubourn.

The reasons given for longer hours of operation have to balance with the disturbance caused by the vehicles as they travel through Aubourn and Haddington villages. A finishing time of 19:00 hours means that lorries will be returning to their base long after E.G Hughes returning to Eagle. All the residents live on the main roads through the villages and are consequently in close proximity to traffic noise and vibration, especially that caused by empty vehicles which rattle when travelling at speed.

It is hoped that when the commercial concerns of the operators are weighed against the damage to the quality of life of rate payers, the application will be refused.

- (d) Local County Council Member, Councillor Mrs M J Overton - objects to the applications. The HGV vehicles do pass through the village of Harmston and further extension would be unreasonable. The comments put forward by the Parish Council are supported. It will require the arrangements with drivers to be made clearer, so they arrive appropriately.
- (e) North Kesteven District Councillor, Councillor Mrs L Conway - the road through Harmston has been acknowledged by Highways as being below the minimum recommended width for two HGVs to pass with reasonable separation and to extend the working hours of the quarry will exacerbate this already problematic situation. The increased hours of operation will significantly increase noise and disturbance to Harmston residents during this early evening period. It is requested that the application be refused.
- (f) Ministry of Defence - has no safeguarding objections to the proposal.
- (g) Environment Agency - has no objection to the extension of permitted hours of operation however, if planning permission is granted the site operator should be advised to notify the Agency and update the management system to reflect the change.
- (h) Highways (Lincolnshire County Council) - does not wish to restrict the grant of planning permission.

The Environmental Health Officer (NKDC) and the Lincolnshire Wildlife Trust were consulted on 30 July 2014.

11. The application was publicised by site notice and a press notice appeared in the Lincolnshire Echo on 7 August 2014. No representations were received as a result of this publicity.

District Council's Recommendations

12. North Kesteven District Council originally stated that they had no objection to the application, but subsequently responded to request that the Parish Council's objections be taken into consideration.

Conclusions

13. The applications seek permission to extend the current hours of operation at Harmston Quarry, which are currently 07:30-17:30, by 90 minutes to allow the quarry to operate up until 19:00 hours Monday to Friday. The applicant maintains that the current hours place the quarry at a disadvantage, compared to other quarries in the area that operate under longer operating hours. An extension to the hours is now required as traffic levels have increased on the road network and consequently deliveries are taking longer. There is also an increased demand for building materials and therefore longer operating hours are required to accommodate this. The main issues to consider in relation to these applications are the impacts on amenity, particularly those associated with traffic and noise as the operations would continue for a longer period.
14. Concerns have been raised by Harmston Parish Council and two neighbouring Parish Councils, as well as the Local County Council Member and District Councillor about traffic: specifically in relation to the increased disturbance to residents, and the suitability of the roads. The application is not seeking to increase the output at the site or change operations, and therefore vehicular movements would not increase. If planning permission were to be granted for these applications it would have the effect of spreading the existing number of vehicular movements over a longer time period. Fundamentally, the issue is whether allowing longer operating hours, and the associated vehicular movements, would have a detrimental impact on amenity over and above the current situation. Vehicular movements and routing have been considered in relation to previously consented applications at the site, and it is considered that the increase in hours proposed by the applications would not have a significant impact so as to be contrary to Policy WLP21(xi) of the Lincolnshire Waste Local Plan or to Policy C5 which seeks to protect amenity and Policy C2 which seeks to protect the countryside.
15. As discussed the applications are not seeking to increase or alter output at the quarry and therefore operations would remain the same. The same operations and activities would continue but this proposal would give scope for them to continue over a wider period of time. The concerns of the Parish Councils in relation to increased disturbance are acknowledged, specifically with reference to vehicles being permitted to travel at the quieter time of the day. However, advice in the Technical Guidance to the NPPF on noise levels in relation to mineral sites which sets 55dBA as a maximum is that such noise levels that result due to operations are acceptable up until 19:00 hours. Also noise standards such as BS4142 identify the evening period starting at 19:00 hours when noise standards are correctly more stringent.

Consequently from a noise assessment standpoint there is no difference in assessing the impact of the development from the current permitted operating hours to the new times proposed in the applications before the Committee today.

16. It is considered that the site's position is sufficiently remote from residential receptors and would not consequently result in an unacceptable impact on amenity. The site operations and activities take place at the base of the quarry and it is considered that they would have a negligible impact on the surrounding area in terms of noise impact.

Other Issues

17. The applicant maintains that the current hours put it at a disadvantage when compared to other operators in the area and examples are cited of sites that have longer operating hours. The Waste Planning Authority takes the view that all sites have their operating times set on a case by case basis. The finishing times of other mineral sites in the area range from between 17:00 – 18:00 hours.
18. Whilst the concerns of the Parish Council, the Local Member and residents are acknowledged and understood these concerns relate primarily to the existing operations and the traffic movements generated from these existing operations; previously considered under existing consents. There is no intention to increase output or alter operations at the site. Within the site the operating day would be extended by 1.5 hours into the evening. The site is remote from any residential dwellings, consequently it is considered that the time extension of operations within the site would have a negligible impact on the amenity of the immediate or surrounding area. In relation to traffic it is not anticipated that the number of vehicles would increase or alter in anyway. It is the applicant's assertion that vehicle movements would remain the same. However it seems likely that given the operator would be extending their operating hours by 7.5 hours per week this would result in additional throughput and consequently a modest increase in vehicle movements.
19. Even with a modest increase in vehicle movements it is assessed that this would not be unacceptable in respect of highway safety or amenity local residents in nearby local villages could reasonably expect to enjoy. Whilst a concern has been made that this extension of time into the evening would have a negative impact on neighbouring residents, the technical guidance to the NPPF, paragraph 30, identifies 'normal working hours as being up to 19:00 hours and guidance in BS4142 defines the evening period between 19:00 hours and 23:00 hours. It is therefore considered that the applications would not be contrary to Policies WLP 5 or WLP21 of the Lincolnshire Waste Local Plan.
20. Finally, the applicant has confirmed the site is not flood lit and operations cannot continue in the dark. Consequently the site would only be able to operate until 19:00 hours from April and September (six months). This

addresses the fears raised by Coleby Parish Council who are concerned about additional vehicles in the winter months. Taking all these matters into account there is no planning reason not to allow the conditions to be extended until 19:00 hours.

21. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission is granted as follows:

N30/1027/14

That planning permission be granted subject to all other conditions, except Condition 11, set out in the Council's Decision Notice reference N30/0716/02 dated 26 July 2002, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition which replaces condition 11:

11. No activities or operations associated with the development hereby permitted shall take place outside the hours of:

07:30-19:00 Monday to Friday: and
07:30-13:00 Saturdays

No activities or operations associated with the hereby permitted development shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

11. In the interest of local amenity.

N30/1029/14

That planning permission be granted subject to all other conditions, except Condition 5, set out in the Council's Decision Notice reference N30/1035/03 dated 15 September 2003, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition which replaces condition 5:

5. No activities or operations associated with the development hereby permitted shall take place outside the hours of:

07:30-19:00 Monday to Friday: and
07:30-13:00 Saturdays

No activities or operations associated with the hereby permitted development shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

5. In the interest of local amenity.

N30/1025/14

That planning permission be granted subject to all other conditions, except Condition 8, set out in the Council's Decision Notice reference N30/0941/04 dated 1 December 2004, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition which replaces condition 8:

8. No activities or operations associated with the development hereby permitted shall take place outside the hours of:

07:30-19:00 Monday to Friday: and
07:30-13:00 Saturdays

No activities or operations associated with the hereby permitted development shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

8. In the interest of local amenity.

N30/1033/14

That planning permission be granted subject to all other conditions, except Condition 4, set out in the Council's Decision Notice reference N30/0056/12 dated 14 February 2012, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition which replaces condition 4:

4. No activities or operations associated with the development hereby permitted shall take place outside the hours of:

07:30-19:00 Monday to Friday: and
07:30-13:00 Saturdays

No activities or operations associated with the hereby permitted development shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

4. In the interest of local amenity.

N30/1026/14

That planning permission be granted subject to all other conditions, except Condition 3, set out in the Council's Decision Notice reference N30/0486/13 dated 2 September 2013, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition which replaces condition 3:

3. No activities or operations associated with the development hereby permitted shall take place outside the hours of:

07:30-19:00 Monday to Friday: and
07:30-13:00 Saturdays

No activities or operations associated with the hereby permitted development shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

3. In the interest of local amenity.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

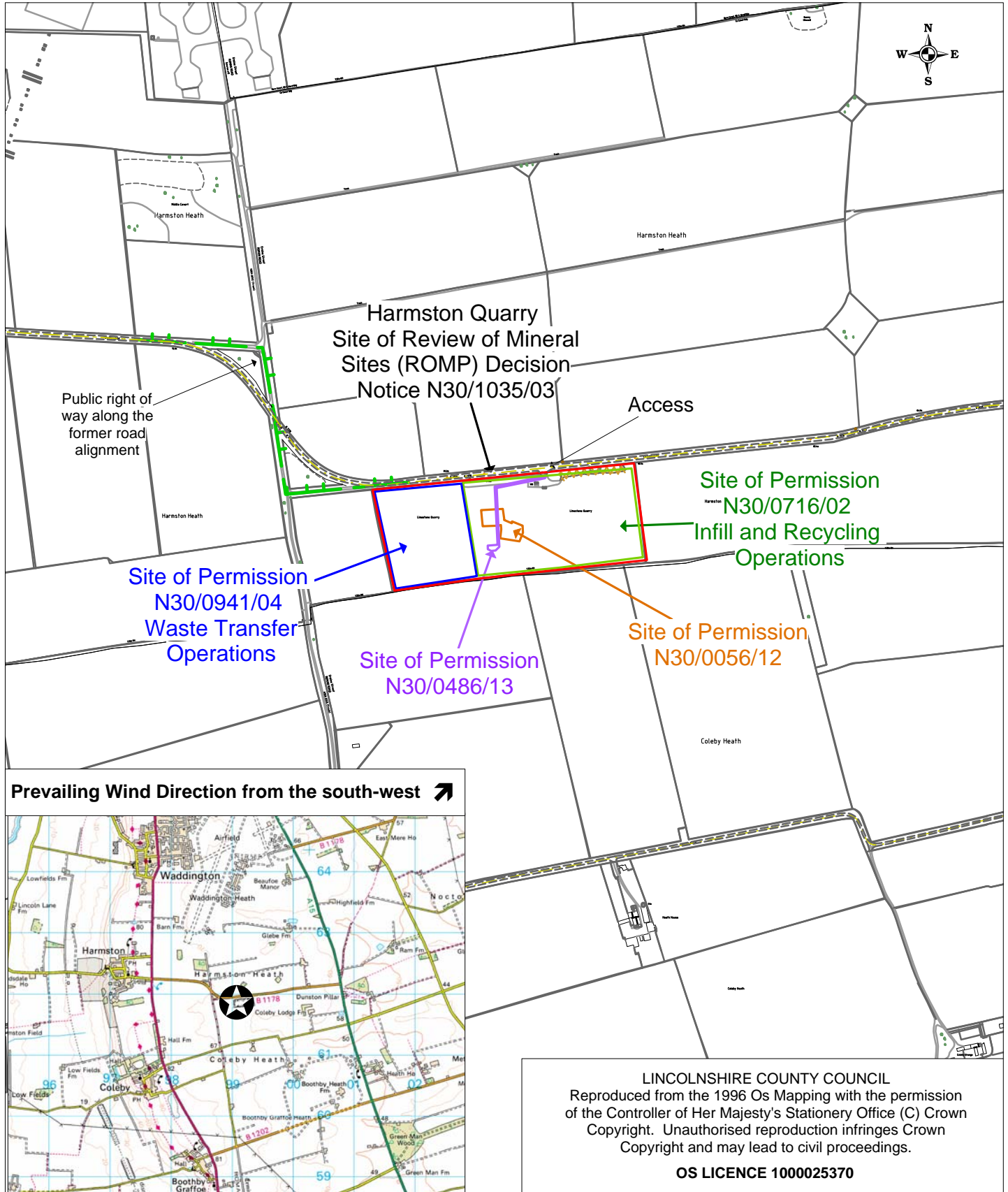
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files N30/1033/14 N30/1029/14 N30/1025/14 N30/1026/14 N30/1027/14	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
North Kesteven Local Plan (2007)	North Kesteven District Council website www.n-kesteven.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 OCTOBER 2014



Location:
Harmston Quarry
Tower Lane
Harmston

Application No: See Report
Scale: 1:10 000

Description:

To vary condition 3 of planning permission N30/0486/13; to vary condition 8 of planning permission N30/0941/04; to vary condition 11 of planning permission N30/0716/02; to vary condition 5 of planning permission N30/1035/03; and to vary condition 4 of planning permission N30/0056/12 to extend the permitted hours of operation up to 7pm Monday to Friday