

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Rick Bright, Bright & Associates, Pear Tree House, Dovaston, Oswestry, Shropshire, SY10 8DP**

Agent for: **Ocean Blocks & Aggregates Ltd, Victoria Business Park, St Austell, Cornwall, PL26 8LX**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **5 October 2015**, and the plans and drawings attached thereto numbered: **HK1026-D1, HK1026-D2, HK1026-D3 and HK1026-D4.**

brief particulars of which are as follows:

Concrete block manufacturing process utilising an existing building formerly used for clay storage and an existing hardstanding area at Former Herreshoff Kiln (No. 2) Site, Torycombe Road, Lee Moor, PL7 5JU

subject to the conditions set out in the attached sheets



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on behalf of the Head of Planning, Transportation and Environment

Date: 15 January 2016

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - South Hams District Council Application No. 42/2374/15/CM
Devon County Council Ref. DCC/3809/2015**

1. The development shall commence within three years of the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered HK1026-D1, HK1026-D2, HK1026-D3 and HK1026-D4.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. Before the development hereby permitted is commenced, the applicant shall submit for the approval of the Mineral Planning Authority a Construction Environment Management Plan and a method of construction statement to include:

- (i) Details of construction vehicle movements/routes and types of vehicle
- (ii) Hours of operations (noisy works audible beyond the site boundary should be restricted to the hours of 07:00 to 19:00 Mondays to Fridays, 07:00 to 13:00 hours on Saturdays and no such works should be carried out on Sundays and public holidays).
- (iii) Routes to and from the site for construction vehicles
- (iv) Hours of delivery
- (v) Details of temporary construction compounds/storage areas and car parking;
- (vi) Programme of works including measures for traffic management and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

The construction method statement shall be submitted to and approved in writing by the Minerals Planning Authority and the construction shall proceed as set out in the approved details.

REASON: To ensure that the short term impacts of the construction are managed to reduce the impact on neighbouring residential property and that associated parking and storage are managed to avoid unacceptable effects on the local environment and in the interests of highway safety in accordance with the Development Plan specifically South Hams DPDPD Policy DP7

4. The annual throughput (importation of aggregate and exportation of concrete products) shall not exceed 500,000 tonnes in any year and the evidence of the annual throughput shall be provided in accordance with details that have been submitted to, and agreed in writing by, the Mineral planning Authority.

REASON To ensure that the predicted impacts on the highway are not exceeded by the operation in the interests of amenity and highway safety in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP43, Devon Minerals Local Plan policy MP28, South Hams DPDPD Policy DP7 and South Hams DPDPD Policy DP3.

5. There shall be no retail sales of concrete products or bagged aggregate from the site.

REASON: To control the character and to minimise the volume of traffic attracted to the site in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP43 and South Hams DPDPD Policy DP7.

6. The aggregate for the manufacture of the concrete blocks shall be sourced only from the adjacent china clay mineral site.

REASON: To ensure that the predicted impacts on the highway are not exceeded by the operation, in the interests of highway safety and residential amenity in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP43, Devon Minerals Local Plan policy MP28, South Hams DPDPD Policy DP7 and South Hams DPDPD Policy DP3.

7. Operations authorised by this permission shall be restricted to the following periods;

Operational Hours:

0700 to 1900 Monday to Friday

and shall not take place on Saturdays, Sundays or Bank or Public Holidays.

Any deliveries entering or exiting the site by Heavy Goods Vehicle:

0700 to 1700 Monday to Friday

and shall not take place on Saturdays, Sundays or Bank or Public Holidays.

For the avoidance of doubt this does not related to servicing and maintenance of plant machinery.

REASON: To ensure that deliveries to the site do not adversely affect the residential amenity of properties close to the application site in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP43, Devon Minerals Local Plan policy MP28, South Hams DPDPD Policy DP7 and South Hams DPDPD Policy DP3.

8. During the operating hours set out in condition 7 above, the noise levels arising from the development shall not exceed 55 dB (LAeq) (1 hour), freefield at any noise sensitive property. At all other times, the noise levels arising from the development shall not exceed 45 dB (LAeq) (1 hour), freefield at any noise sensitive property.

REASON: To ensure that all reasonable measures to reduce noise from the site have been taken to reduce the impact of the proposal on the residents of nearby properties in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP51, Devon Minerals Local Plan policy MP28 and South Hams DPDPD Policy DP3.

9. In the event of a substantiated noise complaint a Noise Mitigation and Management Scheme shall be submitted to Mineral Planning Authority within 1 month of the substantiated complaint. The site shall be operated in accordance with the approved Noise Mitigation and Management Scheme. The scheme shall be reviewed every year or when additional plant is installed or any change in process occurs. A copy of any revised scheme produced shall be submitted to the Mineral Planning Authority for approval within 14 days of being completed.

REASON: To minimise the effect on the living conditions of local residents in accordance proposal on the residents of nearby properties in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP51, Devon Minerals Local Plan policy MP28 and South Hams DPDPD Policy DP3.

10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted and use effective silencers.

REASON: To ensure that all reasonable measures to reduce noise from the site have been taken to reduce the impact of the proposal on the residents of nearby properties in accordance with the Development Plan specifically Devon Minerals Local Plan policy MP51, Devon Minerals Local Plan policy MP28 and South Hams DPDPD Policy DP3.

11. There shall be no scrub removal or other clearance of vegetation on this site during bird nesting season 1 March to 31 August (inclusive).

REASON: To minimise disturbance to nesting birds in accordance with the Development Plan specifically South Hams DPDPD Policy DP5.

12. There shall be no additional external lighting installed or used and there shall be no floodlighting during the hours of darkness.

REASON: To ensure that site lighting does not impact on local wildlife and that the impact of the site on the rural nature of the area is reduced in accordance with the Development Plan specifically South Hams DPDPD Policy DP5.

13. In the event of the permanent cessation of operations at the manufacturing, the buildings, hoppers, stocking areas and all associated structures approved shall be dismantled and removed from the site within 6 months. Following the removal of the plant, the site shall be restored in accordance with a scheme that shall be submitted to the Mineral Planning Authority for its approval within one month of the cessation of working. The restoration works shall be implemented in strict accordance with the approved detailed scheme or any such alternative details that may be subsequently agreed by the Mineral Planning Authority.

Reason: To ensure the achievement of satisfactory restoration in line with the approved existing restoration scheme and in accordance with Devon Mineral Local Plan policy MP 28 and Devon Minerals Local Plan policy MP51

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.