Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Enterprise Managed Services
Enterprise Highways Division
Staffordshire Place No 1
Tipping Street
Stafford
ST16 2LP

Name and address of agent (if any)

Part I - Particulars of application

Date of Application
12 November 2012

Application No.
NCC Ref: 12/00064/WASVOC
ENC Ref: 12/01888/NCC

Particulars and location of development
Variation of conditions of planning permission EN/92/376C to alter the site layout and access at the Household Waste Recycling Centre, Northampton Road, Rushden, Northamptonshire, NN10 6BW.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

1. Commencement

The development hereby permitted shall be begun before the expiry of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
2. **Waste Type Restriction**

The development hereby permitted shall be restricted to the purpose provided for in Section 51 of the Environmental Protection Act 1990, and for no other purpose whatsoever.

Reason: To restrict the waste types processed on site in the interests of amenity and the environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

3. **Access and Highway Safety**

The sole vehicular access for the development hereby permitted shall be from Northampton Road as shown on Access Design Drawing 5113809/SK10 Rev A dated 21 January 2013.

Reason: To ensure a satisfactory means of access to the highway in the interests of highway safety in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

4. **Site Layout**

The internal layout of the site shall be in accordance with the details shown on the General Arrangement Drawing 5113809/002 dated 2 October 2012.

Reason: To specify the approved document in the interests of amenity and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

5. **Hours of Opening**

The public use of the Household Waste Recycling Centre hereby permitted shall be restricted to between the hours of 08.00 to 20.00 April to September and 08.00 to 18.00 October to March.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

6. **Hours of Operational Activities**

The associated operational activities such as the transfer of materials from the site and use of mechanical compaction equipment shall be restricted to the following hours:

- April to September
  - Mondays to Fridays 08.30 to 19.00
  - Saturdays, Sundays and Bank Holidays 08.30 to 17.30

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October to March
Mondays to Fridays 08.30 to 17.00
Saturdays, Sundays and Bank Holidays 08.30 to 17.30

Reason: In the interests of amenity protection having regard to Policy CS14 of
the Northamptonshire MWDF Core Strategy DPD (May 2010).

7. Landscaping

The existing trees and hedgerows around the boundaries of the site shall be
retained, undisturbed and undamaged by the development hereby permitted.

Reason: In the interests of amenity protection, landscape character and
biodiversity having regard to Policy CS14 of the Northamptonshire MWDF
Core Strategy DPD (May 2010) and Policies CMD7 and CMD8 of the
Northamptonshire MWDF Control and Management of Development DPD
(June 2011).

8. Monitoring

The operating company shall submit an annual report in writing to the Waste
Planning Authority within one month of the first anniversary of operations
commencing and at 12 monthly intervals thereafter. The report shall include
detailed information on the types, quantities and sources of all waste materials
brought on to the site and taken off the site. The information required by this
condition shall also be supplied at any other time on request by the Waste
Planning Authority. All such information will be treated on a confidential basis.

Reason: To enable the Waste Planning Authority to monitor progress towards
achieving the principles in Policy CS1 of the Northamptonshire MWDF Core
Strategy DPD (May 2010) and Policies CMD1 and CMD14 of the
Northamptonshire MWDF Control and Management of Development DPD
(June 2011).

9. Complaints

In the event that complaints regarding odour, noise, lighting and/or dust
(including bioaerosols) are received by the Waste Planning Authority from any
sensitive receptor, and thereafter notified to the operator, an assessment of
the complaint shall be undertaken by the operator. A report on the findings,
with proposals for removing, reducing or mitigating identified adverse effects
resulting from the operation, and a programme for the implementation of
remedial measures and works to be undertaken shall be submitted to the
Waste Planning Authority no later than five working days from the receipt of
the complaint, unless a later date is otherwise agreed in writing by the Waste
Planning Authority.

Reason: In the interests of amenity protection having regard to Policy CS14 of
the Northamptonshire MWDF Core Strategy DPD (May 2010).

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under the Building Regulations for which separate permission may be required. The
requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability
should also be adhered to wherever appropriate.
REASONS FOR APPROVAL

This application is to alter the internal site layout and also the access to the site from Northampton Road to better facilitate the movement of traffic in and around the site. These proposed changes have been designed to reduce congestion during peak times. No changes to the activities undertaken on site are proposed. The proposals have been assessed against the local development plan, in particular Policies CS1, CS2 and CS14 of the Northamptonshire Core Strategy DPD (May 2010). It is considered that the development is acceptable in principle having regard to the local development plan policies and that there are no traffic and access or amenity grounds for the Waste Planning Authority to refuse the application. It is recommended that planning permission should be granted, subject to conditions of consent.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by assessing the proposals against relevant Development Plan policies, all material considerations and consultation responses. This approach has been in accordance with the requirement set out in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

INFORMATIVE

1. The applicant's attention is drawn to the following comments from the Highway Authority:

   No works within the existing adopted highway may commence without the express written permission of the Highway Authority. Planning permission does not give or infer such permission. The Highway Authority will only give consent to commence works subject to the completion of an appropriate agreement in accordance with the Highways Act 1980. Full engineering, drainage, street lighting and constructional details will be required to process such an agreement to form the promoted off-site accommodation works. The applicant's attention is also drawn to the implementation of the Traffic Management Act 2004 where a three month notice period to allocate road space (for works within the highway) is formally given prior to commencement of works.

   Date: 11th February 2013
   Signed: [Signature]

   For Assistant Director of Environment and Planning

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.


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