



## Town and Country Planning Act 1990

### PLANNING PERMISSION

#### Name and address of applicant

Northamptonshire County Council  
Waste Management  
County Hall  
Northampton  
NN1 1AX

#### Name and address of agent

### Part I - Particulars of application

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#### Date of Application

Received – 3<sup>rd</sup> March 2010  
Valid – 5<sup>th</sup> March 2010

#### Application No.:

NCC – 10/00020/WAS  
KBC – KET/2010/0185

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### Particulars and location of development

Variation of condition 7 of planning permission 09/00034/WAS to extend the current permitted opening times at Kettering Household Waste Recycling Centre, Garrard Way, Telford Way Industrial Estate, Kettering, NN16 8TD

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### 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:-

#### Time Limit

1. The development to which this relates must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 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.

## Scope of Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the submitted application: i.e. Application Form, dated 5<sup>th</sup> March 2010; Supporting Information; Application boundary – Ref: 5080830/PLN/002; Site Plan – Scale 1:1480; Proposed General Arrangement – Ref: 5080830/PLN/106 Rev D; Layout – Ref: 5080830/PLN/100 Revision C (as amended by Site Sections Drawing M09.071-106 submitted with application reference: 10/00011/NMA); and Landscaping Plan – Ref: 5080830/PLN/105 Rev D.

**Reason:** To define the scope of the permission and in the interest of clarity.

3. 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 control the usage of the site.

## Access and Highway Safety

4. The sole vehicular access for the development hereby permitted shall be that shown on Drawing No. 5080830/PLN/106 Revision D received on 15<sup>th</sup> June 2009. This access shall be laid out in accordance with this plan prior to the commencement of any operations on site.

**Reason:** To ensure a satisfactory means of access to the highway in the interests of highway safety in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

5. Prior to the bringing into use of the development hereby permitted a Traffic Regulation Order to secure parking restrictions on Garrard Way shall continue to be pursued with the Highway Authority.

**Reason:** To safeguard highway safety in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

6. The approved "Method Statement for the Control of Traffic Entering/Leaving Site via Garrard Way/Robinson Way" (approved 13<sup>th</sup> May 2010) shall be fully implemented in accordance with the details as approved.

**Reason:** To safeguard highway safety in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

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## Layout

7. The layout of the site shall be undertaken in accordance with the details contained in Drawing No. 5080830/PLN/100 Revision C received on 13<sup>th</sup> May 2009 unless otherwise agreed in writing by the Waste Planning Authority.

**Reason:** To ensure that the Waste Planning Authority retains control of the layout and location, erection, appearance and removal of buildings and foundations in the interests of amenity in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

## Hours of Working

8. Except as may otherwise be agreed in writing by the Waste Planning Authority, the use of the Household Waste Recycling Centre hereby permitted and any associated activities 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:** To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

## Hours of Construction

9. Except as may otherwise be agreed in writing by the Waste Planning Authority, construction of the Household Waste Recycling Centre hereby permitted and any associated activities shall be restricted to between the hours of 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays, with no construction works or associated activities on Sundays, Bank Holidays or Public Holidays.

**Reason:** To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

## Noise

10. Prior to bringing into use the development hereby permitted, a detailed mitigation scheme for noise emitted from the development shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall have full regards to all noise sources within the development site, and may include both structural sound insulation measures along with a noise management policy for the operational management of noise. The scheme shall be implemented prior to bringing into use the development, and once

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implemented shall be maintained and operated in accordance with the approved scheme. The scheme shall make full reference to the Noise Impact Assessment submitted with the application (Kettering Household Waste Recycling Centre Noise Assessment – Atkins, Doc Ref 200//Nov/05/5041119.904) and memorandum from Atkins dated 3<sup>rd</sup> July 2009 ref. 5080830.562.

**Reason:** To protect the amenities of nearby residential properties, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

11. Unless otherwise agreed in writing by the Waste Planning Authority the 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

October to March

Mondays to Fridays 08.30 to 17.00

Saturdays, Sundays and Bank Holidays 08.30 to 17.00

**Reason:** To protect the amenities of nearby residential properties, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

12. In the event that complaints regarding noise are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. 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 to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint.

**Reason:** To protect the amenities of nearby residential properties, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

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## Environmental Impact

13. Prior to the bringing into use of the development hereby approved, a scheme for the operational management of dust and odour nuisance, in the form of a nuisance management policy, shall be submitted to the Waste Planning Authority for approval in writing. The nuisance management policy as finally approved in writing shall be implemented and maintained and operated in accordance with the approved scheme. The proposed scheme shall make full reference to the potential mitigation measures provided in chapter 5 – Nuisance Dust and Odour Assessment of the Kettering Household Waste Recycling Centre – Air Quality Assessment, Atkins, Doc Ref Document 2, Job Number 504119.

**Reason:** To protect the amenities of nearby residential properties, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

## Dust

14. Provision shall be made at all times for the suppression of dust, including the use of water spray facilities, as necessary, to control adverse impact of fugitive dust emissions from vehicles entering, leaving or manoeuvring within, the site.

**Reason:** To protect the amenities of nearby residential properties, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

## Lighting

15. No external lighting shall be installed until a scheme for such lighting has been submitted to the Waste Planning Authority and agreed in writing. The external lighting shall be implemented in accordance with the approved details.

**Reason:** To prevent light spillage in the interest of residential amenity, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

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## Contaminated Land/Risk Assessment

16. The Kettering Depot Household Waste Recycling Centre Contamination Assessment dated October 2009 as approved on 14<sup>th</sup> January 2010 shall thereafter be implemented.

**Reason:** To protect controlled waters having regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 13 of the Northamptonshire Waste Local Plan (2006).

17. If, during development, contamination not previously identified is found to be present at the site then no further development unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To protect controlled waters having regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 13 of the Northamptonshire Waste Local Plan (2006).

## Surface Water Drainage

18. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

**Reason:** To ensure that soakaways are not located in areas where contaminants are present in soil to prevent risk to controlled waters in accordance with Policy 13 of the Northamptonshire Waste Local Plan (2006).

19. All surface water from parking and manoeuvring areas and hardstanding areas shall be passed through a petrol/oil interceptor prior to disposal to groundwater, watercourse or surface water sewer and the interceptor shall be maintained in accordance with manufacturer's guidelines.

**Reason:** To protect controlled waters having regard to Policy 13 of the North Northamptonshire Core Spatial Strategy (2009) and Policy 13 of the Northamptonshire Waste Local Plan (2006).

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## Ecology/Biodiversity

20. Measures for mitigation, compensation, habitat area retention, protection and biodiversity enhancement should be implemented in accordance with the recommendations contained in the Ecological Assessment Report No. C1125/V1 dated 25<sup>th</sup> June 2008 and the Addendum Report dated 5<sup>th</sup> August 2009 by Cresswell Associates, the Bat Report Revision A dated April 2009 submitted with the planning application 09/00034/WAS, the Precautionary Method of Working agreed with Natural England in May 2009 and the Ecology/Biodiversity Report by Atkins dated November 2009 agreed with the Waste Planning Authority on 13<sup>th</sup> May 2010.

**Reason:** To protect the interests of design, landscape character, biodiversity and local amenity in accordance with Policies 7, 9 and 15 of Northamptonshire Waste Local Plan (2006).

## Landscaping

21. Unless otherwise agreed in writing with the Waste Planning Authority the scheme of landscaping as detailed in Drawing No. 5080830/PLN/105 Revision D shall be implemented in full in the first planting season (October to March) following the site commencing the operations hereby permitted. Any trees or shrubs which die or for any reason fail to become established within five years of planting shall be replaced during the following planting season with trees and shrubs of a similar size and species as those originally required.

**Reason:** To ensure the implementation and maintenance of the approved planting and landscaping scheme in accordance with Policy 7 of the Northamptonshire Waste Local Plan (2006).

## Monitoring

22. The operators of the site will at a minimum of 12 monthly intervals provide in writing to, and upon request by, the Waste Planning Authority detailed information on the quantities and types of all waste materials brought onto the site for re-use, recovery and sent for. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

**Reason:** To be in keeping with the proximity principle, national waste policy and the imposition of the landfill regulations and future changes to the planning system and waste management system and to monitor the effect of the imposition of the directive regulations in accordance with Policy 17 of the Northamptonshire Waste Local Plan (2006).

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23. The operating company shall keep records of the quantity of waste received by weight and its source and these records shall be provided to the Waste Planning Authority within seven days of written request. All such information supplied will be treated on a confidential basis.

**Reason:** To be in keeping with the proximity principle, national waste policy and the imposition of the landfill regulations and future changes to the planning system and waste management system and to monitor the effect of the imposition of the directive regulations in accordance with Policy 17 of the Northamptonshire Waste Local Plan (2006).

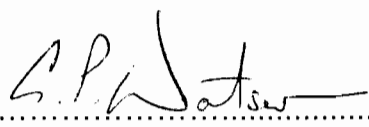
24. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

**Reason:** To monitor the implementation of the conditions in accordance with Policy 17 of the Northamptonshire Waste Local Plan (2006).

#### REASONS FOR APPROVAL

Given that the proposal is to increase operating hours at a permitted recycling operation, the principle of its use is acceptable in accordance with Policy 2 of the Northamptonshire Waste Local Plan (2006). Subject to the imposition of a condition which restricts the use of mechanical compaction equipment to the hours permitted in condition 7 of planning permission 09/00034/WAS it is considered that the development as proposed would not give rise to any unacceptable amenity or other impacts in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006)

Date: 28 May 2010

Signed  .....

For Chief Planning Officer

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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.*
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at [http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs\\_a5\\_leaflet.pdf](http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf)*

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