Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Christopher D Simms
93 High Street
Burton Latimer
Kettering
NN15 5LB

Name and address of agent (if any)

Part I - Particulars of application

Date of Application
14th December 2004

Application No.:
KE/04/1336C

Particulars and location of development

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:-

Commencement
1. The development must be begun within two years of the date of this permission.

Scope of Planning Permission

2. The development hereby permitted shall be restricted to the storage and processing of construction, demolition, industrial and kerbside collection waste and no putrescible materials shall be stored or processed at the site.

3. All tipping, sorting and waste processing operations shall be carried out within the building via an automated system of conveyors and screens to provide for the bulking, shredding and compacting of the materials.

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.
Access and Highway Safety

4. Prior to the commencement of any operations on the site, the adjacent access roadway shall be widened and thereafter maintained in accordance with the 1/200 scale deposited plan (Drawing No. 3412-10) and as further detailed in the BCAL letter dated the 26th January 2005 and the accompanying drawings Nos. 3412-10A and 3412-11.

5. Any gates at the access point shall be hung to open inwards only and shall be set back such that the largest vehicle that will visit the site can wait clear of the roadway while the gates are operated.

6. An area shall be suitably hard surfaced and set aside for the parking of all operational vehicles and other vehicles visiting the site.

Wheel Cleaning and Vehicle Sheeting

7. All operational vehicles leaving the site shall be cleansed of mud and other debris and all waste transported to the site shall be securely sheeted to ensure that no mud, debris or waste materials are deposited on the public highway.

Hours of Working

8. Except as may otherwise be agreed in writing by the County Planning Authority, the development hereby permitted and all operations relating thereto, shall be restricted to between the hours of 07.00 and 18.00 Monday to Friday and 07.00 to 13.00 on Saturday with no working on Sundays or Bank Holidays.

Amenity Protection

9. All operations shall be carried out in such a manner and measures undertaken to ensure that any effects of noise, dust and odour are kept to an absolute minimum.

More specifically:-

a) during the permitted operational hours the level of noise emitted as a measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the façade of any residential property of other occupied building during any 30 minute period.

b) provision shall be made for the suppression of dust, including the use of water spray facilities, as necessary.

c) any green waste brought to the site shall be separated and stored for a maximum period of 7 days before being transferred to a specialist green waste composting facility for processing.

10. A 3m high screen/noise bund shall be provided along the eastern boundary of
the site. The screen bund shall be such that the outward facing slope shall not exceed a gradient of 1 in 3 and the top of the mound shall be undulating to avoid an “engineered appearance”. The mound shall be seeded to a grass or grass/shrub mixture and thereafter maintained through the operational life of the development.

Storage of Materials

11. External storage and/or stockpiling of materials shall be no more than 6m in height and no materials susceptible to wind blow shall be stored outside the building. The area shall be controlled and managed to maintain a satisfactory appearance.

Use of Facility

12. The development hereby permitted shall be used as a transfer and recycling facility for waste materials arising locally to the site in Kettering and its immediate hinterland.

Reasons for conditions and relevant Development Plan Policies

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2-3. To specify the type of materials and manner of processing, and to avoid doubt as to the scope of this planning permission. Northamptonshire County Structure Plan 1996-2016 (CSP-Policy W3).

4-7. In the interests of highway safety. (CSP-Policy W3).

8-9. In the interests of the amenities of the area as a whole and nearby residential occupiers in particular. (CSP-Policy W3).

10-11. In the interests of the visual amenity. (CSP-Policy W3).

12. To ensure that waste materials are dealt with close to their source in order to prevent the long distance travelling of imported wastes in accordance with the “proximity principle”. (CSP-Policy W3).

Informatives Please see attached letter from the Environment Agency.

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REASONS FOR APPROVAL

This application relates to the use of a large modern industrial building and its associated land, extending to some 2.24 Ha as a materials recycling facility. The site is located off a private roadway (formerly Furnace Lane) at the northern end of Telford Way Industrial Estate. This roadway is to be slightly widened to meet highway requirements. Kettering Borough Council is supportive of the development and “welcomes the potential for improving the recycling opportunities in the area”. No objections have been raised by other consultees. However a number of individual representations have been made by residents of the newly developing Caitlands estate which is located on the opposite side of the main railway line. Their concerns relate mainly to problems of noise, dust, odour and traffic. The new housing area will not be affected by any increased traffic in Telford Way and in respect of the other points of concern, due to the distance between the site and the houses, the intervening railway line and the difference in contour levels, it is considered that their other amenity concerns are not justified. Furthermore, planning conditions can be imposed to control the amenity impacts, including the concerns expressed by the residents. In consequence refusal of the application is not justified and since it accords with the waste policies in the County Structure Plan and the emerging Waste Local Plan, it is considered that planning permission should be granted accordingly.

Date: 11\(^{th}\) March 2005 Signed

Authorised to sign on behalf of the Head of Sustainable Development

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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.

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