

**Town and Country Planning Act 1990****PLANNING PERMISSION****Name and address of applicant**

Oracle Solutions Asbestos Ltd
Unit 13
Henson Way
Telford Way Industrial Estate
Kettering
NN16 8PX

Name and address of agent (if any)**Part I - Particulars of application**

Date of Application

5 August 2019

Application No.

NCC Ref: 19/00052/WASFUL

KBC Ref: KET/2019/0567/NCC

Particulars and location of development

A proposed development of the yard area to accommodate a sealed Asbestos waste skip at Unit 13, Henson Way, Telford Way Industrial Estate, Kettering, NN16 8PX.

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 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 provided in writing to the Waste Planning Authority within seven 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.

Scope of the Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be implemented and maintained in accordance with the following approved documents and plans:

- Application forms dated 18 July 2019;
- Planning Statement received 5 August 2019;
- Location Plan received 5 August 2019;
- Transfer Station Layout Plan received 19 July 2019;
- Yard Area Plan received 19 July 2019;
- Environment Agency Flood Map for Planning dated 19 June 2019; and
- Floodplain Plan received 19 July 2019.

Reason: For the avoidance of doubt and in the interests of amenity having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Operational Limits

3. The annual throughput shall not exceed 200 tonnes per annum of asbestos waste associated with the applicant's existing business as defined in the application details.

Reason: To define the scope of the permission and in the interest of clarity, amenity protection and highway safety having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

4. No waste other than those waste materials associated with the applicant's existing business as defined in the application details shall enter the site.

Reason: To restrict the waste types to those specified in the application in the interest of amenity and the environment having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

External Lighting

5. No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Waste Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and existing external lighting and details the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angles and luminaire profiles. In addition a lighting contour map shall be submitted along with details of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

Reason: In the interests of amenity, ecology, site security and sustainability having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

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.

Complaints

6. In the event that any complaints related to the development regarding odour, noise, lighting and/or dust or other land use planning matters are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the applicant, an assessment of the complaint shall be undertaken by the applicant. A report on the finding, 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. The approved proposals shall be implemented in accordance with the agreed programme and shall be maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the County 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 in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

1. This development will require a permit under The Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency. The Environment Agency advise the applicant to consider whether they can operate the site under a standard rules permit. More information on standard rule SR2008No9 (asbestos waste transfer station can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790106/R2008_No9_Asbestos_waste_transfer_station.pdf

The applicant may wish to submit an Environmental Permit: pre-application advice form available from:

<https://gov.uk/government/publications/environmental-permit-pre-application-advice-form> for more information.

Date: 04/10/2019

Signed



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.*

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*

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.