



Northamptonshire
County Council

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Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Shanks Waste Management Limited
Furnace Park,
Old Telford Way
Telford Way Industrial Estate
Kettering
NN16 8UN

Name and address of agent

GP Planning Ltd
Mill House
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application

5th September 2008

Application No.:

08/00071/WAS / KET/2008/0807/NCC

Particulars and location of development

Variation of conditions 3, 5, and 11 of planning permissions KE/04/1336 and KE/07/113 to amend hours of operation and restrictions on outside operations at Furnace Park, Old Telford Way, Telford Way Industrial Estate, Kettering

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:-

Note: This consent supersedes, consolidates, and updates the previous planning permissions for the site which were granted, reference KE/04/1336C and KE/07/113C.

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.

Commencement

1. The development 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.

Scope of Permission

2. This planning permission shall only relate to the area edged in red on the submitted plan, GPP/SWM/WC/08/02, hereafter referred to as the "site". The development hereby permitted shall only be carried out within the site in accordance with the details set out in the submitted application forms, certificates, and supporting information.

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

3. The development hereby permitted shall be restricted to the recycling, temporary storage, processing (excluding composting or anaerobic digestion) and transfer of waste.

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

4. The development hereby permitted shall be restricted as follows: -

- a) All tipping, sorting and waste processing operations, except for the occasional chipping of timber, and the crushing and screening of aggregates, shall be carried out within the buildings and via the outside automated system of conveyors and screens.
- b) The temporary storage of pre-sorted wastes and processed waste materials is hereby permitted outside of the buildings in the yard area.

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

Hours of Working

5. The development hereby permitted shall be restricted as follows: -

For the temporary period of six months from the date of this permission, unless otherwise agreed in writing by the Waste Planning Authority: -

- a) Except as may otherwise be agreed in writing with the Waste Planning Authority the receipt of waste and all waste processing activities inside the buildings and via the outside automated system of conveyors shall be

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restricted to between the hours of 06.00hrs and 22.00 hrs Monday to Friday, 07.00 hrs and 13.00 hrs Saturdays, with no receipt of waste on Sundays. The receipt of waste on Bank Holidays shall be confined to municipal waste contracts only, and to between the hours of 07.00 hrs and 18.00 hrs.

- b) Except as may otherwise be agreed in writing with Waste Planning Authority any external timber and aggregates waste processing operations in the yard area shall be restricted to between the hours of 07.00 hrs and 18.00 hrs Mondays to Fridays, 07.00 hrs and 13.00 hrs Saturdays, and at no times on Sundays and Bank Holidays.

Reason: To enable the Waste Planning Authority and Environmental Protection Authority to monitor the operations, in the interests of the amenities of the area as a whole and nearby residential occupiers in particular and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

6. Except as may otherwise be agreed in writing with Waste Planning Authority at the end of the 6 month trial the hours of working (for all site operations) 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. Bank Holiday working shall be confined to municipal waste contracts only.

Reason: In the interests of the amenities of the area as a whole and nearby residential occupiers in particular and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

Noise

7. The Noise Management Plan submitted as part of the application, and contained in *GP Planning Limited – Variation of Conditions, Permissions KE/04/1336C and KE/07/0113 for Shanks Waste Management Limited at Old Telford Way, Kettering dated 28th February 2008* shall be implemented in full in respect of the extended hours of working hereby approved under condition 5. Any variation to the approved scheme shall have received the prior written approval of the Waste Planning Authority.

Reason: In the interests of the amenities of the area as a whole and nearby residential occupiers in particular and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

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Wheel Cleaning and Vehicle Sheeting

8. 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.

Reason: In the interests of highway safety and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

Storage of Materials

9. 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.

Reason: In the interests of the visual amenity and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

Amenity Protection

10. 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) no plant, machinery or vehicles shall be used on site unless fitted with silencers maintained in accordance with the manufacturers recommendations and specification.
 - b) provision shall be made for the suppression of dust, including the use of water spray facilities, as necessary.
 - c) all green waste and putrescible waste shall be stored and processed in the new building.

Reason: In the interests of the amenities of the area as a whole and nearby residential occupiers in particular and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

Proximity Principle

11. All waste materials to be processed at the site shall originate from sources within a 30 mile radius of the site except for separately collected paper, card, plastics inputs for baling which shall originate from sources within a 50 mile radius.

Reason: In the interests of sustainable waste management, and in order to

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comply with the proximity principle (Northamptonshire Waste Local Plan Policy 4).

Monitoring

12. The operators of the site shall 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 on to the site for re-use, recovery, and disposal, together with an assessment of used and remaining capacity. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

13. 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 a written request. All such information supplied will be treated on a confidential basis.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

14. 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 ensure that the site manager can monitor the implementation of the conditions in accordance with Policy 27 of the Northamptonshire Waste Local Plan (2006).

Summary of Reasons for Approval

Planning permission for the extension in the hours of operation was previously granted on 23rd May 2008 and as part of that permission, a condition was imposed to limit the initial extension to hours to a 6 month period to assess any potential impacts on the amenity of the nearby residential properties in Tailby Avenue and Malham Drive. That condition has been retained in order to enable the Waste Planning Authority and Environmental Protection Authority to monitor the operations once the new permission has been implemented.

The proposed development is considered to be in line with the Development Plan in particular Northamptonshire Waste Local Plan Policies 1 (Principles for Waste

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Development), 4 (Development of Local Waste Facilities), 7 (Design), 8 (Traffic and Access), 15 (Local Amenity) and 17 (Waste Transfer, Recovery and Recycling). The development is also considered acceptable having regard to North Northamptonshire Core Spatial Strategy Policy 13.

Date: 21st November 2008

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.*

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