Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
JM Clarke and Sons
Pebble Hall
Bosworth Road
Theddingworth
Lutterworth
Leics, LE17 6NJ

Name and address of agent
G P Planning
Mill House
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
24th May 2010

Application No.:
NCC Ref: 10/00038/WAS
DDC Ref: DA/2010/0474/NCC

Particulars and location of development

Change of Use of B8 Unit to Carpet Recycling and Use of Yard Area for Carpet Storage (Retrospective Application) at Pebble Hall Farm, Bosworth Road, Theddingworth, Leicestershire, LE17 6NJ

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 not later than the expiration of three years beginning with the date of this permission.

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.
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. The development hereby permitted shall be carried out in accordance with the following approved plans:


REASON: To specify the approved plans and documents which make up this planning application for the avoidance of doubt and in the interests of proper planning and monitoring of the development having regard to Policy 27 of the Waste Local plan (2006).

3. The waste development hereby permitted shall be restricted to carpet recycling which shall not exceed a total annual throughput of 1,000 tonnes per annum.

REASON: To define the scope of the permission and in the interest of clarity and to control the waste associated with the development in the interests of amenity and highway safety in accordance with Policy 8 and 15 of the Northamptonshire Waste Local Plan (2006) and Policy CS9 and CS14 of the MWDF Core Strategy (2010).

External Storage

4. Collected waste carpets brought to the site shall not be deposited outside of the building other than in the external storage area indicated on Drawing No. GPP-WWM-PH-10-23 which shall be enclosed by a 2 metre high steel palisade fence with lockable access gates, unless otherwise agreed in writing by the Waste Planning Authority.

REASON: To ensure that the area for external storage is properly defined and controlled in the interest of the amenity of the area in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy (2010).

5. There shall be no outside storage of shredded carpets.

REASON: In the interest of the amenity of the area in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy (2010).

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

6. The development shall not be commenced unless and until the use of the vehicular access in connection therewith has been approved, for which a separate planning application has been made to Leicestershire County Council.

REASON: In the interests of highway safety and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006) and Policy CS9 of the MWDF Core Strategy (2010).

Vehicle Sheeting/Mud on the Road

7. All waste transported to and from the site shall be securely sheeted to ensure that waste materials are not blown from vehicles and deposited on the public highway or surrounding land.

REASON: In the interests of highway safety and local amenity in accordance with Policies 8 and 15 of the Northamptonshire Waste Local Plan (2006) and Policies CS9 and CS14 of the MWDF Core Strategy (2010).

8. All vehicles leaving the site in connection with this development shall be controlled to ensure no mud or other debris is deposited on the public highway.

REASON: In the interests of highway safety and local amenity in accordance with Policies 8 and 15 of the Northamptonshire Waste Local Plan (2006) and Policies CS9 and CS14 of the MWDF Core Strategy (2010).

External Lighting

9. No exterior lighting shall be installed unless a scheme of lighting has been submitted and agreed in writing by the Waste Planning Authority.

REASON: in the interest of the amenity of the area in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy (2010).

Hours of Working

10. Except as may otherwise be agreed in writing by the Waste Planning Authority, site operations and any associated activities shall only be carried out between the hours of 07.00 and 18.00 Mondays to Friday and 08.00 and 13.00 on Saturdays and no operations whatsoever shall be carried out on the site on Sundays, Public or Bank Holiday.

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.
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 Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy (2010).

Noise

11. In the event that complaints regarding noise relating to the carpet shredding operation 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 interests of local amenity in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006) and Policy CS14 of the MWDF Core Strategy (2010).

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 carpet brought on to the site for recycling purposes, 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.


13. The operators of the site 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.


14. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this

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.
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 17 of the Northamptonshire Waste Local Plan (2006).

Informative(s)

1. The applicant is encouraged to enter into a Local Liaison Group with representatives of the local parish councils to develop communication links with the local community about the permitted developments and ongoing operations at the site.

REASONS FOR APPROVAL

The concerns expressed by the local parish councils relating to traffic and pollution have been carefully considered. The application site is located over 600 metres away from any sensitive receptors and this distance combined with the enclosure of the carpet recycling operation will help to minimise the potential amenity impacts such as noise and dust. In addition, it is not considered that there will be a detrimental impact on the character and appearance of the surrounding countryside as the outside storage element is adequately screened from the north and the A4304 by the existing buildings.

Therefore, it is considered that there is no justifiable reason to refuse the application which is considered to be acceptable having regard to saved policies 8, 15, 17 and 27 of the Northamptonshire Waste Local Plan (2006) and policies CS1, CS2, CS9 and CS14 of the Minerals and Waste Development Framework Core Strategy Development Plan Document (2010).

Date: 28th July 2010
Signed: [Signature]
For Chief Planning Officer

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.


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.