Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Ray Bell & Sons
Unit 3
The Old Brickworks
Harborough Road
Pitsford
NN6 9AA

Name and address of agent (if any)
GP Planning
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
18 June 2013
Application No.
NCC Ref: 13/00051IVVASVOC

DDC Ref: DA/2013/0482

Particulars and location of development
Variation of condition 10 of planning permission DA/04/1494 to allow for extended hours of working at The Old Brickworks, Harborough Road, Pitsford, Northamptonshire.

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 2 years beginning with the date of this permission.

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

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Area of Site

2. The development hereby permitted is restricted to the area shown edged in red on the submitted 1/500 scale site layout plan (drawing no. RB/PEM/02a) revision dated 16th October 2004.

3. The waste development hereby permitted shall not exceed a total annual throughput of 25,000 tonnes per annum.

4. All receipt and processing of non-hazardous and asbestos waste shall take place within the buildings.

    Reason: To specify the area and to avoid doubt as to the scope of this planning permission.

Type of Waste

5. All wastes imported to, stored on, handled on, and ultimately exported off site shall be solely confined to wastes of a non-hazardous or inert nature, except for bagged asbestos.

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

Access and Highway Safety

6. The sole vehicular access for the development hereby permitted shall be by way of the existing access located as shown on the deposited plan. The sight lines giving visibility along the road over a distance of at least 215 metres in both directions, from a point measured 4.5 metres back along the centre line of the access, these dimensions to be measured along and from the near edge of the carriageway shall be maintained for the duration of the use of the site. The areas of land between the required sight lines and the highway carriageway shall be kept clear, level and retained at a height not exceeding 0.9 metres above the carriageway level.

7. The existing warning signs and road markings shall be retained and maintained in the highway in order to warn of the presence of the access and of turning vehicles.

8. All operational vehicles shall exit the site by turning left out of the site, and the existing signage to this effect shall be retained and maintained.

9. All operational vehicles arriving at and leaving the site shall be appropriately netted or sealed so as to prevent material spillage, wind blow and dust nuisance.

10. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

    Reason for access and highway safety conditions: In the interests of highway

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safety, and having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy 2010.

Dust

11. Suitable measures shall be adopted to ensure dust is kept to a minimum including the use of water spray facilities in periods of dry weather, and for operational areas within the building, external stockpiles of materials and hard surfaces and roadways.

Reason: In the interests of the amenities of the surrounding area, and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Recycling Building

12. Prior to commencement details of a scheme to fit and operate roller doors or other suitable doors to enclose the recycling building shall be submitted to the Waste Planning Authority for approval in writing. The scheme as approved shall be implemented prior to the commencement of the extended hours of operation and thereafter maintained.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Noise

13. No vehicles or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential amenity.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

14. 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 assessment of the complaint shall be undertaken by the operator. 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 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. If complaints relate to noise continue after remedial measures have been implemented noise monitoring shall be undertaken to verify whether the noise levels exceed BS8223:1999 Design Criteria levels are being met following receipt of written notification from the Waste Planning Authority. A report on the findings shall be submitted to the Waste Planning Authority for approval in writing including proposals for removing, reducing or mitigating identified adverse effects resulting from the operations. The approved proposals shall be implemented in accordance with the agreed programme and shall be

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maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Hours of Working

15. The operations hereby permitted shall be restricted to between the hours of 06.00 and 20.00 on Monday to Fridays and 07.00 and 19.00 on Saturdays, with no operations on Sundays, Public, Statutory or Bank Holidays, and operations shall be controlled in accordance with the following specific requirements:

(i) Soil screening, road sweeping and inert waste crushing plant and machinery shall only be operated between the hours of 08.30 – 17.00 Monday to Fridays and 09.00 – 13.00 on Saturdays.

(ii) Between 06.00 and 07.00 Monday to Fridays, all operations shall take place within the buildings, with no external use of plant or movement of waste, with the exception of no more than four forklift truck movements between the buildings.

(iii) The recycling plant within the recycling building shall only be operational between the hours of 07.00 and 17.00 Monday to Fridays and 08.00 and 13.00 on Saturdays.

(iv) No deliveries to the site shall be accepted outside of the hours 07.00 – 17.00 Monday to Fridays and 07.00 – 13.00 Saturdays.

(v) During the hours of 06.00 - 07.00 and 17.00 - 20.00 Monday to Fridays and 13.00 – 19.00 Saturdays all buildings shall be enclosed and doors only opened to enable forklift truck movements between buildings.

Reason: To protect the amenities of local residents and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Storage of Materials

16. External storage and/or stockpiling of soils or construction waste shall be no more than 3 metres in height, and no materials susceptible to wind blow shall be stored outside the building.

Reason: To ensure the County Planning Authority retain control over the appearance of the development and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Prevention of Pollution

17. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be as least equivalent to the capacity

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of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: To prevent contamination of the site, in the interests of the amenities of the area as a whole, and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Lighting

18. No new external lighting fixed to buildings or mobile plant shall be installed until a scheme of all lighting provision related to the development hereby permitted has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use.

Reason: In the interests of the amenities of the surrounding area, and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy 2010.

Indicative Catchment Area

19. All waste materials to be processed on the site shall originate from locations within a 30 mile radius of the site, unless expressly approved in writing by the Waste Planning Authority.

Reason: In order to reflect the proximity principle and to minimise the transportation of waste from source and across waste planning authority boundaries; and the long term local nature of the facility; and in the interests of sustainability, having regard to Policy CS9 of the Northamptonshire MWDF Core Strategy 2010 and Policy CMD1 of the Northamptonshire MWDF Control and Management of Development DPD 2011.

Monitoring

20. 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. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

21. 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.

Reasons for monitoring conditions: To enable the Waste Planning Authority to

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monitor progress towards achieving the principles in Policy CS1 of the Northamptonshire MWDF Core Strategy 2010.

22. 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 having regard to Policy CMD14 of the Northamptonshire MWDF Control and Management of Development DPD 2011.

Complaints

23. In the event that complaints regarding dust, lighting or odour are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the occupier, an assessment of the complaint shall be undertaken by the occupier. 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 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 CS14 of the Northamptonshire MWDF Core Strategy 2010.

REASONS FOR APPROVAL

The application is for the extension of operating hours at the Raybell and Sons waste transfer and recycling centre. The additional hours are requested to enable additional recyclates to be sourced from the imported waste. The works within these additional hours will be restricted to the confines of the existing buildings with limited internal site vehicle movements between buildings. While this is likely to minimise the amenity impacts of the proposals there are some concerns, particularly relating to noise prior to 0700. The Environment Agency and Environmental Health Officers did not object to the extended hours. The conditions attached to this permission restrict noise generating operations to within the existing operating hours as well as other operational constraints and it is therefore considered that the proposals are acceptable in terms of local amenity and having regard to Policies CS1, CS2, CS9 and CS14 of the Northamptonshire MWDF Core Strategy (2010) and Policy CMD1 of the Northamptonshire MWDF Control and Management of Development (2011).

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Concerns and issues raised

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during consultation on the submitted application have been considered by the Waste Planning Authority, discussed with consultees and the applicant/agent and are addressed by conditions where appropriate.

The approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

Date 17th September 2013 Signed [Signature]

For Assistant Director of Environment and Planning

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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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