Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Peter Bennie
Oxwich Close
Brackmills Industrial Estate
Northampton
NN4 7BH

Name and address of agent
Gill Pawson
GPP Planning
Mill House
East Haddon
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NN6 8DU

Part I - Particulars of application

Date of Application
Received – 3rd March 2008
Valid – 4th March 2008

Application No.: NCC – 08/00014/WAS
DA – 2008/0510/NCC

Particulars and location of development

Variation of condition 8 of planning permission 07/00024/WAS to retain the extended hours for the recycling operations until 30/11/2013, Boughton Quarry, Brampton Road, Northampton.

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 DA/95/441C, DA/96/251C, DA/00/818C, DA/99/110C, DA/03/1466C, and 07/00024/WAS (DA/2007/0709NCC).

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Commencement

1. The development must be begun not later than the expiration of THREE years beginning with the date of this permission.

Scope of Planning Permission

2. The development hereby permitted is restricted to the extension of the recycling building and its continued use for the recycling of non hazardous wastes (excluding food wastes), construction of the yard area, importation and processing of minerals for bagged aggregates and loam, the continued recycling of inert waste materials and infilling with inert waste materials.

3. No materials shall be deposited on the site other than soils and those of a dry inert non hazardous nature comprising soils, clays and other inert materials that are unsuitable for recycling.

4. Production and sales of bagged materials shall be for wholesale purposes only and no retail sales shall take place at the site.

Access and Highway Safety

5. The sole vehicular access for the development hereby permitted shall be by way of the existing access to Brampton Lane. The site entrance and internal haul road shall be maintained in a condition free from potholes while in use and shall be removed when no longer required or during the course of site restoration, whichever is the sooner. A wheel washing facility shall be maintained on site and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris and no such materials shall be deposited on the public highway.

Lorry Routing

6. All heavy goods vehicles visiting and leaving the site shall be directed via Brampton Lane onto the A508 Harborough Road or A5199 Welford Road and no such vehicles shall enter Boughton or Church Brampton villages or travel on other minor roads in the area except for making deliveries or collections to/from nearby villages.

Phasing and Tipping Operations

7. Except as may otherwise be agreed in writing by the Waste Planning Authority the phasing of tipping operations shall be carried out in accordance with the approved Drawing GPP/PBL/BQ 0801 submitted on 4th April 2008.

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Hours of Working

8. The development hereby permitted shall be restricted as follows:

Except as may otherwise be agreed by the Waste Planning Authority, the development hereby permitted and all operations relating thereto, including all deliveries and collections shall be restricted to between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday with no working on Sundays and Bank Holidays, except for the use of the premises by Baylis Recycling for the purposes of waste plastic and metal recycling when the hours shall be restricted to between 0600 to 2200 Monday to Friday and 0700 to 1300 Saturday with no working on Sundays and Bank Holidays.

Noise

9. a) Except as may otherwise be agreed by the Waste Planning Authority all plant, equipment and machinery used on site; including vehicular traffic shall be designed and maintained to reduce noise levels to a minimum. All plant equipment and machinery shall be fitted with appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained.

b) The fork lift type trucks proposed to be used in connection with the use of the premises by Baylis Recycling during the additional working hours in Condition 8 of this permission shall be fitted with non-tonal, 'white noise' reversing alarms and no tonal reversing alarms shall be used.

Dust

10. Provision shall be made for suppression of dust, including the use of water spray facilities, as necessary.

Visual Amenities

11. The walls and roof of the recycling building extension shall be faced in materials to match those of the existing building.

12. Stockpiles of waste materials shall not exceed 4 metres in height.

13. No additional external lighting shall be installed until a scheme for such lighting has been submitted to the Waste Planning Authority and agreed in writing. The external lighting shall be implemented in accordance with the approved details.

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Landscaping

14. Except as may otherwise be agreed in writing by the Waste Planning Authority the revised Landscaping Scheme dated 19th February 1996 prepared by J. A. Lockhart previously approved on the 8th March 1996 (in connection with permission DA/95/441C and DA/96/251C) shall be carried out within the first available planting season following the completion of the development hereby permitted or the date referred to in Condition 18 of this permission, whichever is the sooner.

Buildings, Plant and Machinery

15. All buildings, moveable structures, hard standings, works, plant or machinery shall be removed to provide for the final rehabilitation of the tipping site by 30th November 2013 (two thousand and thirteen), or at such earlier times as the Waste Planning Authority may determine that they are no longer required for the purpose they were installed.

Restoration

16. Restoration of the site shall comprise: the removal of all machinery, plant, buildings hardstanding and other structures; and the haul road and vehicular access; the regrading and placement of soil to approved levels and contours in accordance with Drawings ASC/95/31 and ASC/95/32 submitted in connection with permission DA/95/441C, and the restoration of the site to a state suitable for agriculture. All such work shall be carried out prior to the end date in condition 18 below.

Revised Restoration Scheme

17. In the event that tipping operations in all phases are not substantially completed by 30th November 2014 (two thousand and fourteen), a revised restoration scheme shall be submitted showing revised levels utilizing the materials already on site by that date. The revised scheme as may be agreed in writing by the Waste Planning Authority shall be implemented and completed by the end date in Condition 18.

End Date

18. The development hereby permitted shall cease not later than 30th November 2015 (two thousand and fifteen) and the site shall be reinstated in accordance with conditions of this permission by that date.

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Aftercare

19. Except as may otherwise be agreed in writing by the Waste Planning Authority, not later than the completion of the operations or by the date referred to in Condition 18 of this permission, whichever date is the sooner the revised aftercare scheme dated 19th February 1996 prepared by J. A. Lockhart, previously approved on the 8th March 1996 (in connection with permission DA/95/441C and DA/96/251C) shall be implemented to bring the land to the required standard for agricultural use.

The reasons for the conditions and the relevant Development Plan policies are:

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

2&3. To define this permission.

4. The site is not allocated for retail purposes and such sales would generate additional traffic and activity to the detriment of the amenities of the area (Daventry District Local Plan Saved Policy EM16, Waste Local Plan Policy 4).

5. In the interests of highway safety (Waste Local Plan Policy 8)

6. In the interest of local amenity and to ensure that all heavy goods vehicles visiting and leaving the site are routed via the principal road network and do not enter nearby villages. (Waste Local Plan Policies 8 and 15)

7. To ensure that the site is restored in an orderly manner (Waste Local Plan Policy 16)

8-10. To safeguard the amenities of the area as a whole and Boughton village in particular (Waste Local Plan Policy 15)

11-14. In the interests of visual amenity (Waste Local Plan Policy 15)

15. To ensure that the lower part of the site is cleared to provide for its final restoration (Waste Local Plan Policy 16)

16. To provide for the satisfactory restoration of the site (Waste Local Plan Policy 16)

17. To assist the Waste Planning Authority in monitoring the restoration of the site (Waste Local Plan Policy 16)

18. To specify the date when all operations at the site shall cease and restoration shall be completed (Waste Local Plan Policy 16)

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19. To bring the land back to a standard required for agriculture, and to ensure that proper aftercare provisions are undertaken. (Waste Local Plan Policy 16)

Summary of Reasons for Approval

Planning permission already exists at the site for the recycling of waste materials, including plastic and metals, and for the deposit and recycling of inert wastes. The main relevant consideration is whether there are any detrimental noise impacts to justify refusal of the application. It is considered that there are no noise impacts which would justify such a refusal and that the proposal accords with the provisions of the Development Plan, in particular Policy 15 Local Amenity) of the Northamptonshire Waste Local Plan 2003-2016 (Adopted March 2006) and therefore, subject to the conditions set out above, planning permission should be granted.

Date: 9th June 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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