Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant  
JM Clarke and Sons  
Pebble Hall  
Bosworth Road  
Theddington
LE17 6NJ

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

Part I - Particulars of application

Date of Application
28th March 2007

Application No.:  
DA/07/0319

Particulars and location of development

In Vessel composting facility and excavation for the erection of new building at Pebble Hall, Bosworth Road, Theddington, 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.
Scope of Permission

2. This planning permission shall only relate to the area edged in red on the submitted plan, GPP/JMC/PH/07/02, 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, drawings and supporting information.

Finish of Structure

3. Prior to the construction of the new building on site, full details of the design, external appearance, colours and materials to be used in the construction of the new building permitted by this planning permission shall be submitted to the Waste Planning Authority for approval in writing. Upon approval, the development shall be constructed and maintained in accordance with the approved details.

Waste Imports

4. The maximum amount of wastes to be imported per annum in connection with both the in-vessel composting process and the existing permitted green waste composting process (Permission Reference DA/05/773C) shall not exceed 25,000 tonnes.

Removal of Existing Building

5. The existing building on site with B8 use, which was agreed to be removed under the terms of the legal agreement with Leicestershire County Council, shall be demolished, or dismantled and removed prior to the commencement of importation of waste for the in-vessel composting operations.

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 application has been made to Leicestershire County Council.

7. 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.

HGV Waste Import Movements

8. The maximum daily HGV waste import movements associated with both the in-vessel composting and existing permitted green waste composting operation shall not exceed 9 vehicles per day Monday to Friday and 3 on Saturday.

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Consignment Note Records

9. Consignment note records and waste transfer note records relating to materials imported to, stored on or taken away from the site shall be made available to the Waste Planning Authority within 5 working days upon request in writing.

Hours of Working/Import of Materials/Engineering Operations

10. Except as may otherwise be agreed in writing by the Waste Planning Authority the operations involving the importation of waste and engineering operations involved in the site preparation works hereby permitted, shall be restricted to between the hours of 07.00 and 18.00 on Monday to Fridays and 08.00 to 13.00 on Saturdays, with no operations on Sundays, Public, Statutory or Bank Holidays.

Hours of Working/Human Health

11. No turning or removal of compost, in outside windrows, on or from the land shall take place other than between the hours of 05.00 until 07.00 and 18.30 until 20.00 Mondays to Fridays and on Saturdays and Sundays, all of which shall be controlled in relation to the operations at the adjacent B6 units, in accordance with the Unilateral Obligation signed and dated the 6th October 2003.

Method of Working

12. The turning and removal of compost, in outside windrows, shall only take place during suitable weather conditions in terms of wind direction, this shall be monitored, and the additional safeguards provided, as set out in the revised Risk Assessment submitted in connection with the original application DA/03/725C and dated the 28th August 2003.

Pollution Prevention

13. Water and composting liquor from the maturation and compost storage area shall not be drained to controlled waters.

Proximity Principle

14. All waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site.

Windrow Height

15. All external windrows shall be confined to mounds not exceeding three metres in height.

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Landscaping

16. Within 3 months of the date of this permission a comprehensive landscaping scheme shall be submitted to the Waste Planning Authority for its approval in writing. Details shall be provided of the location, numbers, types and species of trees and shrubs proposed to be planted. Planting shall take place in the first planting season following the approval of the scheme. All plants shall be appropriately maintained for a period of 5 years following planting and any plants which die or become diseased within this period shall be replaced in the following planting season.

Lighting

17. Exterior lighting shall be confined to downward facing 500w lights mounted on the building as proposed in the submitted application and no additional permanent or mobile exterior lighting, (other than on working mobile plant) shall be installed unless otherwise agreed in writing by the Waste Planning Authority.

18. The exterior lighting on the building shall be switched off no later than 30 minutes after the hours of working stipulated in condition 10 of this permission, and not switched on earlier than 30 minutes before the stipulated working hours.

Noise

19. Mobile plant and vehicles permanently operating within the site for both the in vessel and existing green waste composting operations (Permission reference DA/03/725C) shall use white noise audible reversing alarms. Existing plant shall be converted prior to the commencement of importation of waste for the in vessel composting process.

20. All temporary plant brought on to site to undertake the engineering earthworks associated with site preparation shall also use white noise audible reversing alarms.

Re-Contouring

21. The land to be re-contoured shall be in accordance with submitted plan reference ASC.07.312D, and the re-contouring works shall be completed prior to the bringing in to operation of the new in-vessel composting facility, and the surface of re-contoured area shall be covered with suitable soil materials and grass seeded.

22. The re-contoured area shall be landscaped in accordance with the landscaping scheme required under condition 16 of this planning permission.

Reasons for conditions and relevant Development Plan Policies

1. To conform with the requirements of Section 91 of the Town and Country

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2. To define the scope of the permission and in the interest of clarity.

3. To ensure that the proposed development is in keeping with the existing buildings and does not prejudice the appearance of the locality and in accordance with policy W3 of the Northamptonshire County Structure Plan (2001) and policies 7 and 15 of the Northamptonshire Waste Local Plan (2006).

4. To ensure the total potential HGV movements at the site in connection with both green waste and in vessel waste composting operations are acceptable in highway safety terms. (NWLP Policy 8).

5. To ensure the total potential HGV movements at the site, including other permitted business uses, are acceptable in highway safety terms. (NWLP Policy 8).

6. In the interests of highway safety and in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

7. In the interests of highway safety and in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

8. To ensure that the HGV vehicular movements are acceptable in highway safety terms. (NWLP Policy 8).

9. In the interests of sustainable waste management, and in order to comply with the proximity principle (Northamptonshire Waste Local Plan Policies 4 and 18).

10. To ensure that waste importation and site preparation engineering operations are carried out within reasonable hours so as to avoid disturbance to nearby residential properties. (Northamptonshire County Structure Plan Policy W3 and Northamptonshire Waste Local Plan Policy 15).

11. To ensure that the specified composting operations only take place when the adjacent B8 units are not occupied. (NWLP Policy 18).

12. In the interests of public safety and in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).


14. In the interests of sustainable waste management, and in order to comply with the proximity principle (Northamptonshire Waste Local Plan Policies 4 and 18).

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15. To safeguard the visual amenities of the area and in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).

16. The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interest of visual amenity and in accordance with policies W3 of the Northamptonshire County Structure Plan (2001) and 15 of the Northamptonshire Waste Local Plan (2006).

17. To protect the amenities of local residents from the intrusion of floodlighting and in accordance with policies W3 of the Northamptonshire County Structure Plan (2001) and 15 of the Northamptonshire Waste Local Plan (2006).

18. To protect the amenities of local residents from the intrusion of floodlighting and in accordance with policies W3 of the Northamptonshire County Structure Plan (2001) and 15 of the Northamptonshire Waste Local Plan (2006).

19. To minimise the noise disturbance to local residents in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

20. To minimise the noise disturbance to local residents in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

21. In the interests of visual amenity of the area. (NWLP Policy 9).

22. In the interests of visual amenity of the area. (NWLP Policy 9).

Summary of Reasons for Approval

It is considered that the proposed development is in accordance with the Regional Waste Strategy and County Structure Plan objectives of promoting sustainable waste management and reducing waste disposal at landfill. The proposal is also in accordance with policies 4 and 18 of the Waste Local Plan which deal with local waste management facilities and composting. The proposal has been assessed against the environmental, amenity, landscape, flood risk and open countryside policies in the Development Plan and it is considered that there are no justifiable reasons to refuse the application.

Informative(s)

1. The applicants’ attention is drawn to the informative comments of the Environment Agency in its letters dated 11 May 2007 and 19 June 2007, which have been attached to this permission.

Date: 27 June 2007

Signed: [Signature]

On behalf of the 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.

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Northamptonshire County Council  
Development Control, Growth  
Management  
PO Box 163  
Northampton  
Northamptonshire  
NN1 1AX  

Our ref: AN/2007/101890/01-L01  
Your ref: DA/07  
Date: 11 May 2007  

Dear Sir/Madam

PROPOSED DEVELOPMENT: IN VESSEL COMPOSTING OPERATION AND EXCAVATION FOR ERECTION OF BUILDINGS AT PEBBLE HALL, BOSWORTH ROAD, THEDDINGWORTH  
THE BANK (1) BOSWORTH ROAD, THEDDINGWORTH, LUTTERWORTH, LE17 6QN.

Thank you for referring the above application, which was received on 29 March 2007, and the extension to our deadline.

The Environment Agency has no objection to the proposed development, as submitted, subject to the imposition of the following condition on any permissions granted:

Condition:
Water and composting liquor from maturation area and compost storage shall not be drained to controlled waters.

Reason:
To prevent pollution of the water environment.

The Environment Agency advise the removal of permitted development rights for the application site in order to avoid potential increase risk of pollution and flood. The site boundary falls within Flood Zones 2 and 3 and no development (including bunds and fences) must take place within these Flood Zones. Waste related activities within Flood Zone 2 and 3 would potentially increase risk of pollution and therefore should be avoided. We would wish to be consulted on any application for development at this location.

Environment Agency  
Nene House (Pytchley Lodge Industrial Estate) Pytchley Lodge Road, Kettering, Northamptonshire, NN15 6JQ.  
Customer services line: 08708 506 506  
Email: enquiries@environment-agency.gov.uk  
www.environment-agency.gov.uk  
End
The proposed impermeable area from the additional roof space will be less than 1 hectare and therefore in this case a Flood Risk Assessment is not required by the Environment Agency.

We welcome the inclusion of water harvesting techniques across the site (Design Statement section 4.8 & 4.9). We would encourage these techniques to be adopted as part of the overall surface water drainage plan.

**Informative comments for the applicant's attention:**

It would appear from the application details that the proposed development or activity would require a Waste Management Licence and the applicant is advised to contact the Environment Agency for further information on applying for a Licence. No waste shall enter the site until the authorisation is issued.

Nothing other than uncontaminated excavated natural materials shall be tipped on the site.

Only surface water from roofs and paved areas not accessible to vehicles, should be discharged to any soakaway, watercourse or surface water sewer.

Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.

For information small scale water abstraction on site may be a means of supplementing the water demands on site. Please contact Darren Smith in the Water Resources Team on 01522 785851 for further details. Small abstractions of up to 20 cubic metres of water per day (4,400 gallons) from any source no longer require a licence, provided that you have a right of access.

Any impacts on neighbouring water users and/or features should be considered. You should note however that if an abstraction causes loss or damage to another person, that person will have the legal right to claim damages.

The Agency considers that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports/ Planning Policy Wales and the
WLGA/ EA Land Contamination: A Guide for Developers should be followed.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

[Signature]

Jennifer Dean
Planning Liaison Officer

Direct dial 01536 385 165
Direct fax 01536 411 354
Direct e-mail jennifer.dean@environment-agency.gov.uk
Northamptonshire County Council
Development Control, Growth Management
PO Box 163
Northampton
Northamptonshire
NN1 1AX

Our ref: AN/2007/101890/02-L01
Your ref: DA/07
Date: 19 June 2007

Dear Sir/Madam

PROPOSED DEVELOPMENT: IN VESSEL COMPOSTING OPERATION AND EXCAVATION FOR ERECTION OF BUILDINGS
THE BANK (1) BOSWORTH ROAD, THEDDINGWORTH, LUTTERWORTH, LE17 6QN.

Thank you for consulting us on the revised plan for the above application, which was received on 6 June 2007. This letter is to accompany our initial response dated 11 May 2007.

The Environment Agency has no objection to the revised plan (ASC.07.312D) for the proposed development, as submitted.

In addition to the comments made in our letter dated 11 May we wish to make the following informative comments for the applicant’s attention:

The proposed development should not impact on water features or water users. Every opportunity should be taken to make use of rainwater harvesting techniques.
Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Jennifer Dean
Planning Liaison Officer

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