Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant  Name and address of agent

JM Clarke and Son  GP Planning Ltd
Pebble Hall  Mill House
Bosworth Road  Long Lane
Theddingworth  East Haddon
Leicestershire  Northamptonshire
LE17 6NJ  NN6 8DU

Part I - Particulars of application

Date of Application:  Application No.:

23rd June 2008  08/00054/WAS / DA/2008/0684

Particulars and location of development

Variation of condition 6 (relating to hours of working) of planning permission DA/03/725C for a Green Waste Composting Facility and DA/05/773C for an extension to the Green Waste Composting Facility to allow the removal of composting at any time at Pebble Hall, 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:-

Note: This consent supersedes, consolidates, and updates the previous planning permissions for the site which were granted, reference DA/03/725C and DA/05/773C.

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. The development hereby permitted is restricted to green waste composting only and no other form of waste storage or processing shall take place on the site.

   **Reason:** To define this permission in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).

Area of Site

3. This permission relates to the areas shown edged red on the deposited plans GPP/PH/3/03 and ASC.05.412 received on 18\textsuperscript{th} June 2008.

   **Reason:** To define the boundaries of the composting and other operations in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).

Access and Highway Safety

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

   **Reason:** In the interests of highway safety in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

5. 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 in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

Hours of Working/Human Health

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

   i) No turning or screening of compost, in outside windrows, on the land shall take place other than between the hours of 05.00 until 07.00 and 18.30

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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 B8 units, in accordance with the Unilateral Obligation signed and dated the 6th October 2003.

ii) The removal of compost from the site shall be restricted to the following periods;

October to March 07.00 to 18.00
April to September 06.00 to 21.00

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).

Surface Water Drainage

7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Waste Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

Reason: To prevent the increased risk of flooding to third parties and to reduce the risk of pollution of controlled waters as specified by the Environment Agency and in accordance with policy 13 of the Northamptonshire Waste Local Plan (2006).

Method of Working

8. 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.

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

Site Works/Landscaping

9. The composting operations shall take place on an impermeable pad and the soils excavated shall be used in connection with the restoration of the land to the rear of the farm buildings complex.

Reason: To ensure that existing stored and newly excavated materials are used for the benefit of the whole development in the interests of visual amenity and in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).

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10. The demolition materials currently stored on the land to the rear of the farm buildings shall be crushed and screened and used for the formation of the impermeable pad at the composting site. This area of land shall then be regraded, covered with soil, seeded and maintained as grassland. Prior to the commencement of these operations, temporary fencing shall be erected alongside the River Welland to prevent any spillage of materials and drainage to the watercourse.

**Reason:** To ensure that existing stored and newly excavated materials are used for the benefit of the whole development in the interests of visual amenity and in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).

**Restoration**

11. Except as may otherwise be agreed in writing by the Waste Planning Authority, in the event of the composting operations ceasing, the impermeable pad shall be removed and the land shall be restored to its former condition.

**Reason:** To retain control over the detailed appearance and treatment of the development in the interests of the amenities of the area as a whole in accordance with policy 18 of the Northamptonshire Waste Local Plan (2006).

**Stockpile Height**

12. Green waste storage and the windrows shall be confined to mounds not exceeding three metres in height.

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

**Consignment Note Records**

13. 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.

**Reason:** In the interests of sustainable waste management, and in order to comply with the proximity principle in accordance with policies 4 and 18 of the Northamptonshire Waste Local Plan (2006).

**Annual Throughput**

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

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

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Monitoring

15. 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.


16. The operating company shall keep records of the quantity of waste received by weight and its source and the number of traffic movements to and from the site 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.


Informative(s)

1. We would like to draw to the applicant’s attention, although the variation of condition would enable compost to be removed from the site at any time, standard procedures would still apply requiring due care and attention when handling waste. Additionally, compost should not be removed during inappropriate weather conditions.

2. The variation of condition for this site may require a variation to the existing Environmental Permit. Please contact the Environment Agency for further details.

3. Additionally, the site management plan, submitted in support of the Environmental Permit, will require updating in order to ensure appropriate management measures. Please contact Susie Harbott on (01536) 385176.

4. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows: -

Application Letter dated 18 June 2008, Drawing Nos. GPP/JMC/PH/08/01, GPP/PH/3/03 and ASC.05.412.

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Summary of Reasons for Approval

Planning permission for the green waste composting facility and its extension in area already exists (consent references DA/03/725C and DA/05/773C). This application to vary the hours for the removal of the composted material at any time of the day or night caused concerns from Theddingworth Parish Council regarding a potential increase in noise and traffic during unsociable hours. Daventry District Council is agreeable to the hours for removal of compost being expanded to allow the removal of compost outside of the hours previously prescribed but still restricted to protect against the risk of any unacceptable noise or traffic disturbance, and the applicant is also agreeable to this. The application is therefore considered to be acceptable having regard to the Northamptonshire Waste Local Plan policy 8 (Traffic and Access) and policy 15 (Local Amenity). There are no other justifiable reasons to refuse the application.

Date: 22 September 2008

Signed: [Signature]

On behalf of the 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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