

BOROUGH OF KETTERING

Committee	Full Planning Committee - 03/06/2014	Item No: 5.1
Report Originator	Anne Dew Senior Development Officer	Application No: KET/2013/0800
Wards Affected	Rothwell	
Location	Junction 3, A14 (land south of), Rothwell	
Proposal	Full Application: Storage of stone for 2 years in conjunction with KET/2010/0469	
Applicant	Rothwell Land Ltd	

1. PURPOSE OF REPORT

- To reconsider the report and application in light of further information.
- To update the report with any further comments that may be received.
- To state a recommendation on the application.

2. RECOMMENDATION

THE Head of Development Services RECOMMENDS that this Application be APPROVED subject to the following Condition(s):-

1. This permission shall be limited to a period expiring on 30.04.2016. At or before the expiration of this period the use of the land for the storage of stone aggregate hereby permitted shall be permanently discontinued and the stone aggregate removed, the access blocked up and the land restored to its former condition.

REASON: To reflect the terms of the application and the sites location within the open countryside where there is a presumption against development in accordance with policies 1 and 9 of the North Northamptonshire Core Spatial Strategy and saved policy 58 of the Local Plan for Kettering Borough.

2. No vehicles making deliveries to or from the site shall enter or leave the site, and no plant or machinery shall be operated, except between the hours of 0700 to 1700 Monday to Friday, 0700 to 1300 on Saturdays and at no time whatsoever on Sundays and Bank Holidays.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

3. Works audible at the site boundary shall not exceed the following times: Monday to Friday 0700 to 1700, Saturday 0700 to 1300 and at no time whatsoever on Sundays and Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: To minimise noise disturbance to neighbouring residents in the interests of amenity in accordance with policy 13 (l) of the North Northamptonshire Core Spatial Strategy.

4. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management plan shall include and specify the provision to be made for the following:

- i. An overall strategy for managing the environmental impacts which arise during construction;
- ii. Measures to control the emission of dirt and dust;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of operation for the development;
- v. A daily log of all vehicles attracted to the site shall be kept and made available for inspection at the request of the Local Planning Authority;
- vi. Contractors' compounds, material storage and other storage arrangements, plant and equipment and related temporary infrastructure within the site;
- vii. Designation, layout and design of construction access and egress points;
- viii. Directional signage on and off site;
- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and delivery vehicles for parking and turning within the site during the construction period;
- xi. Storage of plant associated with the transportation of stone aggregate material;
- xii. The proposed dust monitoring from the site and proposals for dust suppression measures.

The approved Construction Management Plan shall be adhered to throughout the period of this consent.

REASON: In the interests of eminently and highway safety in accordance with the requirements of policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Prior to the commencement of development a machine survey of Orton Road between and including Junction 3 of the A14 and the site access shall be submitted to and approved in writing by the Local Planning Authority. This survey will define the baseline condition of the highway. Within 1 month of the completion of the last delivery of stone material with this permission, a machine survey of Orton Road between and including Junction 3 of the A14 and the site access shall be submitted to and approved in writing by the Local Planning Authority. This survey will define the post development condition of the highway. If any damage to the highway, over and above that expected of the normal traffic using the road, is shown to exist then this shall be repaired to a standard, specification and timeframe to be approved in writing by the Local Planning Authority within 1 month of the completion of the last delivery.

REASON: In the interests of highway safety in accordance with the requirements of policy 13 (n) of the North Northamptonshire Core Spatial Strategy.

6. Prior to the commencement of development on the site, including any site preparation works, an Extended Phase 1 Habitat Survey Exercise, in respect of the area of land directly affected by these proposals, as illustrated on drawing numbers 4165-100E received 27.03.2014 and 4165-20 received on 17.02.2014, shall be carried out by an experienced and qualified ecological consultant, and a report of the findings, including any required mitigation works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out

other than in accordance with the recommendations and any required mitigation works set out in the approved document.

REASON: In the interests of the protection of wildlife on the site in accordance with policy 5 of the North Northamptonshire Core Spatial Strategy.

7. The development hereby approved shall not be carried out other than in accordance with the approved Flood Risk Assessment undertaken by BCAL (ref: 4165R002G - FRA - Addendum Report, dated October 2013) and letter from BCAL (ref: 4165LT07\PK\PK, dated 10 February 2014) and the following mitigation measures detailed within the Flood Risk Assessment: a. Surface water run - off restricted to a maximum of 6 l/s for all rainfall events The mitigation measures shall be fully implemented prior to the stone aggregate being stored on site and subsequently in accordance with the timing/ phasing arrangement embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk of flood risk in accordance with the requirements of policy 13 (q) of the North Northamptonshire Core Spatial Strategy.

8. Prior to the commencement of the development, details of the access for construction vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to any stone aggregate being transported to the site. The approved construction traffic access shall be retained for the duration of the transportation of the stone aggregate.

REASON: In the interests of highway safety in accordance with policy 13 (n) of the North Northamptonshire Core Spatial Strategy.

9. Prior to the commencement of development, a scheme for lorry routing, including appropriate signage to deter HGV's from travelling through Orton shall be submitted to and approved in writing by the Local Planning Authority. The approved routing scheme and signage shall be retained for the duration of the stone aggregate being transported to the site.

REASON: In the interests of highway safety in accordance with policy 13 (n) of the North Northamptonshire Core Spatial Strategy.

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The approved scheme shall be carried out in the first planting and seeding seasons following the first transportation of stone aggregate onto the site.

REASON: To improve the appearance of the site in the interests of visual amenity and the character and appearance of the open countryside in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

11. No development shall take place until details of boundary treatment/gates to the construction vehicular access, including a time table for implementation, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented in accordance with the approved scheme and timetable.

REASON: In the interests of security and the character and appearance of the open countryside in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

12. The material stored on the site shall be restricted to the top soil from the site and the tested stone aggregate from the applicant's former vehicle depot site at Islip, Northamptonshire, in accordance with the Technical Note "Stockpiled Aggregate - Suitability for Reuse as Capping for Hard standing Areas" prepared by Peter Brett and received on 17 February 2014. **A monitoring testing programme must be agreed with the Local Planning Authority prior to material being deposited on site to ensure the correct clean material is deposited on site.** No other material shall be stored on the site.

REASON: To prevent contamination of watercourses and green infrastructure in accordance with policy 5 and 13 (q) of the North Northamptonshire Core Spatial Strategy.

13. The development hereby permitted shall not be carried out other than in accordance with the amended plan numbers 4165-100E 'Temporary Stock Pile Proposals' received 27 March 2014 and 4165-20A 'Alternative Access Option' received 17 February 2014. The height of the stock piles and the areas identified for the piles shall not exceed those areas and heights shown on approved drawing number 4165-100E.

REASON: To ensure the development is carried out in accordance with the approved details in the interests of visual amenity and the character and appearance of the open countryside in accordance with policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of the development hereby approved, details of on-site mechanical wheel washing facilities shall be submitted to, and approved in writing by the Local Planning Authority. The approved facilities shall be provided on site prior to the commencement of development and shall be maintained in working order and available for use throughout the duration of works in connection with the activities hereby approved. The mechanical wheel wash shall be used on all vehicles leaving the site.

REASON: In order to minimise mud and soil on the road in the interests of highway safety and visual amenity.

Officers Report for KET/2013/0800

This application is reported back to the Committee to further consider this application because in the opinion of the Head of Development Services that as new material has been received that addresses the reason for refusal that was put forward at the committee on the 8th April 2014 it is appropriate to reconsider the application.

3.0 Information

The previous report that was considered on the 8th April 2014 and the committee update are attached in full at Appendix 1

Site Description

Proposed Development

The scheme is for the storage of 36,000 tonnes of aggregate material for a period of 2 years on the southern part of the site that has outline consent for the use as a truck stop. The material to be stored is crushed concrete aggregate which has come from the demolition works at the applicant's former vehicle depot site at Islip. The crushed concrete aggregate will be used for the re-modelling works which are required for the development of the land for the truck stop. These remodelling works include capping, sub base and filling materials.

The scheme provides for two areas of storage within the site. The larger area for the storage of the crushed concrete aggregate is located to the north of the site which covers an area of 7200 square metres and will accommodate 18,000 cubic metres (36,000 tonnes) of aggregate material. A smaller area of land (2242 square metres) to the south of the site will be used for the storage of top soil from the site.

Revised plans have been submitted which show the aggregate stock pile being stored at a maximum height of 2.5 metres above agreed datum for ground level throughout (condition 13). The aggregate stock pile will be set in from the hedgerow on Orton Road between 42 metres and 37 metres. The aggregate stock pile has an irregular shape with its measurement east to west being 108 metres at its maximum and then tapering down to a point at its southern most point. The approximate north to south measurements of the aggregate pile range from 22 metres to 81 metres.

The top soil will be stored at a height of 1 metre above ground level and will be located approximately 2.5 metres from the hedgerow on Orton Road. This top soil pile is also of an irregular shape with measurements east to west varying between 35 and 48 metres approximately and north to south varying between 21 metres and 65 metres approximately.

The original temporary access shown for the storage area utilised the existing gated farm access which is located opposite the southern most vehicular access which serves Slade Valley House. Due to highway constraints a revised plan has been submitted which now provides for the temporary access

being located closer to the roundabout with Orton Road, being located just to the north of the northern most access which serves Slade Valley House.

Any Constraints Affecting The Site

Trunk Road
Nene Valley NIA Boundary
Open Countryside

4.0 Further Consultation and Comments - received but not set out as part of the 8th April committee report

Re-Consultations - KET/2013/0800

Environment Agency (Received 12.05.2014)

No additional comments to make in respect of the additional information.

Natural England (received 09.05.2014)

No objections. The advice provided in previous response still applies.

Environmental Health – No further comments have been received.

Highways NCC - No further comments have been received.

Wildlife Trust - No further comments have been received.

Rothwell Town Council - No further comments have been received.

Orton Parish Meeting - No further comments have been received.

North Northants Badger Group - No further comments have been received.

Highways Agency - No further comments have been received.

Any other comments received will be reported to the committee on the night if they are received after the report is published.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 Core Planning Principles
Policy 1 Building a strong competitive economy
Policy 10 Meeting the challenge of climate change, flooding and coastal change
Policy 11 Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 Strengthening the Network of Settlements
Policy 5 Green Infrastructure

Policy 9 Distribution and Location of Development
Policy 11 Distribution of jobs
Policy 13 General Sustainable Development Principles

Local Plan

Policy 7 Protection of the Open Countryside
Policy 58 Employment within Towns

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in the application were as follows and are set out in full in Appendix 1 :-

1. Principle of development
2. Impact on landscape
3. Impact on residential amenity
4. Highway safety implications
5. Contamination Ecology
6. Flood risk
7. Comments on other points raised by proposal

- 7.1 The committee resolved on the 8th April 2014 to refuse the applications for the following reason :-

That the application be REFUSED for the following reasons: -

The site is located in open countryside and is used for agriculture. Policy 9 of the North Northamptonshire Core Spatial Strategy states that developments will be distributed to strengthen the network of settlements in the area and that new building in the open countryside, outside the Sustainable Urban Extensions will be strictly controlled. Saved Policy 7 of the Local Plan for Kettering, sets out that planning permission for development in the open countryside will not be granted except where otherwise provided for in the plan.

Paragraph 14 of the National Planning Policy Framework (NPPF) identifies three dimensions to sustainable development: an economic role, a social role and an environmental role. The LPA acknowledges the economic and social roles of the development of a truck stop (granted outline planning permission truck stop reference APP/L2820/A/12/2175451 relating to adjoining land and incorporating the current application site). However, the current proposals for the storage of stone for 2 years in conjunction with the outline consent for a truck stop development, do not provide sufficient evidence of a link to the implementation of the consented development.

The environmental role of the site is therefore an overriding planning issue: The visual impact of the storage would have a detrimental impact on the

landscape environment, contrary to the above policies.

The decision notice has not been issued as communications took place that indicated that the applicant could address the reason for refusal and the concerns that were raised in the committee debate. Therefore, it is considered appropriate to wait for the additional information to see if the content could be sufficient to address the concerns raised.

7.2 The new information submitted covers the following areas :-

- a) Truck Stop Permission
- b) Stock Pile Application – conditions
 - monitoring
 - landscaping

See Appendix 2 for the submitted letter.

Other information that the committee need to bear in mind.

New Information.

a) Truck Stop Permission

The applicant has considered carefully the debate and the reason that was put forward to refuse the application for landscaping impact given the lack of evidence relating to the linkage of the stone material being deposited on site and the approved truck stop actually taking place.

The letter that has been submitted demonstrates that the applicant has advanced discussions to position where principle terms with a company that would implement the truck stop, which is due to be agreed by their board shortly and an agreement put in place. This is anticipated that it will be in place by the time of the committee.

The applicant has also stated they are working on the information required to deal with the conditions that need to be discharged before development starts on site.

This information officers consider that this shows that there is a strong link actively being put in place to demonstrate that the truck stop will be built and thereby supports the need for the stone material to be deposited on site under this current application back before the committee.

b) Stock Pile Application – Conditions

The applicant is indicating that they would implement the conditions as was set out in the original report considered on the 8th April. Within the debate members and a number of representations were made regarding what happens if the truck stop did not start soon and the material was just left on site. If that occurred then Condition 1 that is set out above provides all the necessary control. A breach of condition notice could be served and failure to comply could mean that the council could seek to prosecute in the Magistrates Court and this could attract a significant fine. Thereby the conditions set out have the power to bring about the restoration of the land if it was ever to come

to that situation. To go beyond these conditions would be unreasonable in these circumstances and have no justification in requiring additional conditions.

- Monitoring. It is also confirmed they are willing to comply with the appropriate monitoring condition to ensure the material deposited is not contaminated. The condition 12 as set out has been added to (in bold), to take account of members concerns that were raised in the debate.

Condition 12. The material stored on the site shall be restricted to the top soil from the site and the tested stone aggregate from the applicant's former vehicle depot site at Islip, Northamptonshire, in accordance with the Technical Note "Stockpiled Aggregate - Suitability for Reuse as Capping for Hard standing Areas" prepared by Peter Brett and received on 17 February 2014. **A monitoring testing programme must be agreed with the LPA prior to material being deposited on site to ensure the correct clean material is deposited on site.** No other material shall be stored on the site.

- Landscaping. Condition 10 as set out will introduce some advance planting along the boundaries before the truck stop is delivered. It is suggested that some 50 three metre high trees could be planted on the north and west boundaries providing a good reasonable screen early in the process. Or a scheme of 250 one metre high trees in 5m belts, which would provide a dense screen in time. The applicant recognises the opportunity of combining elements of both schemes. Officer view is that the combined approach is the best approach as it will offer benefits straight away and provide a longer term benefits to the wider landscape and amenities closer to the site.

Other matters

Other information that the committee need to bear in mind is the previous committee report, the debate and representations that were made and any further material representations that may be made, along with the outline approval and appeal decision

The critical matter that officers need to bring to members attention other than the additional information set out above and attached in the Appendix 1. Is that the appeal decision was made on the 9th Jan 2013 and therefore is a material consideration of some weight and the inspector clearly came to the view there is an identified need for the truck stop. Within the decision the inspector (para 22) came to the view that with appropriate landscaping the change to the landscape should be integrated without having an undue impact on the wider valley landscape. Members need to bear in mind, how the reason for refusal came about and the reason being about the landscape impact. And especially, given what the Appeal Inspector has stated on landscaping (para 22) on the outline approval for the truck stop would make it very difficult to be able to substantiate credible evidence on landscape impact to be in a position to defend an appeal and as a consequence make the council vulnerable to costs being set against the council.

Conclusion

Whilst the scheme is located in the open countryside where there would normally be a presumption against such development, the planning history of the site, the link that the scheme has with the development of the truck stop and the temporary nature of the development are material considerations which outweigh this policy presumption against development. Plus the new additional information. The scheme provides for a satisfactory access and subject to conditions restricting hours of operation on site, no adverse noise impact will result to the occupants of nearby properties. The provision of additional advanced landscaping will help to mitigate the impact the temporary storage of material on site will have on the landscape.

The Head of Development Services recommends this application for approval subject to the conditions set out above.

Background Papers

Title of Document:

Date:

Contact Officer:

Anne Dew, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: