

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/04/2014	Item No: 5.4
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 describe the above proposals*
- *To identify and report on the issues arising from it*
- *To state a recommendation on the application*

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER 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:

- 1. 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. 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 for Committee decision because the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

3.0 Information

Relevant Planning History

KET/2010/0469 Outline Application (appearance, landscaping and layout to be reserved matters): Secure 24 hour truck stop facility, diesel filling station and amenity/ services building. Refused 23.02.2012 on the grounds that the application failed to demonstrate the long term protection of the site in the event that the truck stop use ceases. Allowed on Appeal subject to S106 obligation securing a bond for the anticipated costs of a restoration scheme in the event that the land ceased to operate as a truck stop facility for a continuous period of 12 months before the end of the designated restoration period of 3 years six months.

The inspector found that the need for the facility outweighed the conflict with development plan policy in terms of development in the open countryside. Whilst the impact of the development on the landscape was recognised, it was considered that the change could be integrated without having an undue impact on the wider landscape. The Inspector concluded the submitted 106 obligation provided restoration for the initial years and this provided for a reasonable balance to ensure protection of the countryside and the success of the scheme.

KET/2010/0211 Environmental Impact Screening Opinion. Outline application (all matters reserved) for secure 24 hour HGV parking site facility, diesel filling station and amenity/ services building. On the applicant's request, the Secretary of State issued a screening direction advising the scheme was not EIA development.

KET/2009/0142 Secure 24 hour truck stop facility, diesel filling station and amenity/ services building. Refused 21.07.2009 on grounds of lack of insufficient information and justification in respect of the environment, development in the open countryside, need, alternative sites, flood risk, ecological, highway, archaeology, noise, air quality, scale, energy efficiency and remediation.

KET/2006/1140 Outline: Development of an employment park including Class B1, B2 and B8, hotel, leisure and conference centre. Refused 29.01.08 on the grounds of; contrary to the sequential approach to sustainable development; prejudicial to an allocation in Rothwell and contrary to PPS25 sequential test and visual impact.

KE/01/0659 Outline. Development of land for business, industrial, storage and distribution uses, police accommodation, roadside service

area including filling station, restaurant and lorry park with associated infrastructure, access and parking. Recommendation of approval subject to a S106 obligation, however the S106 obligation was never signed and as a result, consent for the proposal was never granted.

Site Description

Officer's site inspection was carried out on 20/12/2013.

Whilst smaller in area, the application site falls within the same area of land that has outline consent for a truck stop. The application site is a triangular piece of land and covers the southern half of the larger site that has consent for the truck stop. The application site has an approximate area of 2.5 ha, in comparison to the larger truck stop site which has an approximate area of 6.25 hectares.

There is existing vegetation on the three boundaries of the site. The Slade Brook forms the southern boundary of the site and a tributary to the Slade Brook which runs west to east through the site forms the northern boundary. The western boundary of the site adjoins Orton Road. The site slopes gently from north to south.

The site is used for the grazing of horses and is located in the open countryside and whilst located adjacent to the A14 is rural in character. The closest residential property is Slade Valley House which is directly opposite the site on the eastern side of Orton Road. Other nearby uses include horse grazing and fishing lakes to the west of the site and there is a small scale industrial use operating on land to the south on Orton Road.

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 Consultation and Customer Impact

Natural England *(received 23.12.2013 - comments on original submission)* No objections. The proposal is unlikely to affect any statutorily protected sites or landscapes. The site forms part of an area that could benefit from enhanced green infrastructure provision and would encourage the incorporation of green infrastructure. The application may provide opportunities for biodiversity and landscape enhancement.

Environmental Health

(Received 06.01.2014 - comments on original submission) No objections subject to conditions covering hours of deliveries and restrictive noise conditions.

(Received 04.03.2014 – Comments on revised submission) Satisfied that the stockpiles are unlikely to cause contamination through either its presence or through rain water run off.

Highways NCC

(Received 20.01.201 – comments on original submission) Object to the application on highway grounds for the following reasons:-

- Further information needs to be provided in the Transport Statement in respect of trip generation data, access and accident

data

- *Need to demonstrate mud wont result on the highway*
- *Access road and Orton Road are inadequate in width*
- *Visibility splays need to be demonstrated*
- *Details of security measures required*

(Received 05.03.2014 – comments on revised submission) No objections subject to conditions covering a construction management plan, site access details, routing agreement and the condition of Orton Road.

Wildlife Trust

(Received 21.01.2014 & 24.01.2014 – comments on original submission)

- *The application should be supported by an appropriate up-to-date ecological survey work*
- *Concerns over potential for contamination and the impact to Protected Species. A testing programme needs to be undertaken on the bulk of imported materials*

(Received 04.02.2014 – comments on revised submission)

Emphasised that the requirement for additional ecological survey work is not unreasonable as the scheme is materially different to the truck stop application. Have agreed that the updated Ecological Survey Work can be dealt with by condition.

Rothwell Town Council

(Received 15.01.2014 - comments on original submission)

Strongly object to the application for the following reasons:-

- *The material to be stored is not 'clean stone and is instead contaminated asphalt/ tarmac/ concrete from a site used for vehicle storage. This contaminated material will run down to the Slade Brook.*
- *Access along a country lane is inadequate. Orton road is a 'quiet road' with no hard surface at the entrance to the site, leading to mud and debris on Orton Road*
- *Orton Road and junction 3 of the A14 cannot cope with the required vehicle movements and will result in highway obstruction*

(Received 07.03.2014 – comments on revised submission)

Still strongly object for the same reasons as noted in original representation. The stone will not be clean as it is contaminated second hand hardcore waste. The scheme will also entail the removal of top soil from this historic green field site. This scheme would result in the scheme becoming a brown field site. Noise pollution would also result to nearby residents. Contamination of the Slade Brook will also result which is an important environmental area of wet land with butterflies, moths, bees, snipe, great crested newts and crayfish.

Orton Parish Meeting

(Received 17.01.2014 – comments on original submission)

Object to the application for the following reasons:-

- Orton Road is not wide enough or strong enough to facilitate 2 HGV's passing
- Orton Road is designated as a 'quiet lane' and has a weight restriction
- KET/2010/0469 required an insurance bond and details of landscaping, noise abatement, access and internal infrastructure before the commencement of development
- The access roads and drainage need to be constructed before materials are brought onto the site
- Large section of hedge on Orton Road will need to be removed to provide access and visibility. Replacement landscaping cannot mitigate this as it will take years to establish
- The access approved under the outline consent should be the only one allowed
- Concerned that the stone is not clean and it will cause pollution to the meadow and Slade Brook
- Contour plans are incorrect, 36,000 tonnes of material will raise the area by 5 metres
- Circumstances have changed since outline consent was granted for the truck stop. A new port has opened on the Thames Gateway as well as the rail transfer facility in Peterborough and the general economic down turn. This may mean that the site as a whole is not viable economically
- No details have been provided of start dates for the truck stop and there is no operator to lease or purchase the truck stop
- Chaos will result on the A14 with the current A14 widening works

(Received 14.03.2014 – comments on amended submission)

Object to the application on the following grounds:-

- The access to the site should be implemented in accordance with the layout approved under the outline consent for the truck stop
- This application should be treated as a landfill operation and dealt with by the County Council
- The location of the proposed vehicular access opposite the main entrance to Slade Valley livery yard which has a locked gate is unsafe
- Location of the wheel wash and turning area. This area was shown on the outline permission for the truck stop as bunding and planting. It is essential that the bunding and planting are in position before any other work starts on site
- If the site is allowed to be used as a tip then only material from Islip must be allowed in otherwise contaminated hardcore could be stored on the site
- The scheme should be delayed until the road improvement works are completed on the A14 due to the current traffic delays experienced

North Northants Badger Group No objections.

Highways Agency The development is not expected to have a material impact on the closest strategic route, the A14.

Environment Agency

(Received 27.01.2014 – comments on original submission)

Object. The Flood Risk Assessment does not comply with the requirements set out in the Technical Guide to the NPPF and does not provide a suitable basis for assessing the flood risks arising from the development.

(Received 14.03.2014 – comments on revised plans)

No objection subject to condition requiring that the development be carried out in accordance with the Flood Risk Assessment and the required mitigation measures in respect of surface water run off.

Neighbours 1 neighbour representation received. Objection on the grounds of:-

- Orton Road is not wide enough or strong enough to facilitate 2 HGV's passing
- Orton Road is designated as a 'quiet lane' and has a weight restriction
- KET/2010/0469 required an insurance bond and details of landscaping, noise abatement, access and internal infrastructure before the commencement of development
- The access roads and drainage need to be constructed before materials are brought onto the site.
- Large section of hedge on Orton Road will need to be removed to provide access and visibility. Replacement landscaping cannot mitigate this as it will take years to establish
- The access approved under the outline consent should be the only one allowed
- Concerned that the stone is not clean and it will cause pollution to the meadow and Slade Brook
- Contour plans are incorrect, 36,000 tonnes of material will raise the area by 5 metres
- Circumstances have changed since outline consent was granted for the truck stop. A new port has opened on the Thames Gateway as well as the rail transfer facility in Peterborough and general economic down turn. This may mean that the site as a whole is viable economically
- No details have been provided of start dates for the truck stop and there is no operator to lease or purchase the truck stop
- Chaos will result on the A14 with the current A14 widening works
- The required steps set out by the Planning Inspectorate which need to be carried out prior to the commencement of development need to be carried out before development

commences

- *The site has planning permission for a lorry park and nothing else*

The following representations have been made by Councillors:-

Cllr Jelley *(Received 08.01.2014 - comments on original submission).*

Requested that the application is considered by committee for the following reasons:-

- *What guarantees are there that this is clean stone and will not contaminate Slade Brook. The material is recycled concrete from a storage yard area that is used to store vehicles.*
- *Logistics of moving the stone (60 lorries a day for 30 days) onto a Greenfield site via a quiet country lane with no substantial concrete entrance.*
- *Will this storage turn the site into a brown field site*

Cllr Hakewill *(Received 05.03.2014 – comments on revised submission)*

- *Question what the outcome would be if no operator was found and the development never commenced*
- *Will the bond secured under the outline consent be in place before the depositing of the material and cover any default on the operation starting at all or the removal of material in the same circumstances*
- *Would the depositing of materials be considered a start to the main truck stop application.*
- *Will the materials be automatically receded at the end of the temporary permission*
- *Is there any mechanism in place to have on-going checks on the material being deposited*
- *What about the option of the applicant leaving the material at Islip until works on the truck stop commence*
- *Confusion on what the material is*
- *Is the site part of the area granted on appeal*

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 this application are:-

- 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*

1. Principle of development

The site is located in the open countryside and is used for grazing. 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. The inspector concluded under the appeal that whilst a truck stop in this location did not accord with Development Plan policy the need for the truck stop facility and the lack of alternative sites were material considerations which outweighed this conflict. The Inspector also referenced in her decision the National Planning Policy Framework, which whilst recognising the intrinsic character and beauty of the countryside, places great weight on the need to support sustainable economic growth as well as meeting the needs of business.

Outline consent was granted at appeal for the truck stop, will all matters except for access and scale reserved on 9 October 2012. Condition 2 of this outline consent requires that the applications for the reserved matters shall be made no later than three years from the date of this permission. Condition 3 of the consent requires that the development shall not begin later than two years from the date of the approval of the last of the reserved matters to be approved. To date, no application

has been made for the reserved matters. The applicant has advised in the current submission that the reserved matters application will be submitted in the next six months and that they are currently in discussion with potential truck stop operators.

Whilst the site is located in the open countryside, where normally an application for the storage of building materials would be refused contrary to the requirements of Development Plan policy, this outline planning permission is an important material consideration. The applicant has until October 2015 to submit a reserved matters application, which is considered to be a sufficient period of time to enable a reserved matters application to be submitted and there is no reason to suggest that this application will not be forthcoming. Northamptonshire County Council Highways have advised that their view is that there is still a need for a strategic truck stop facility on the A14 and this is recognised in NCC's 'Adopted Road Freight Strategy' which was published in December 2013. The sloping nature of the site and the need for levelling was recognised in the officer report that went to committee and as such the use of the crushed concrete aggregate material in the development of a truck stop is recognised.

Whilst the site is located in the open countryside there is a presumption against development, it is considered that the outline planning permission for the truck stop and its need and the need for building material to develop the truck stop are material considerations which would make it unreasonable to refuse planning permission for a temporary 2 year period. It is these considerations that outweigh the development plan policy. In the event that the truck stop is not developed, a condition is recommended that after two years from the date of the decision, the building material is cleared from the site, the access removed and land restored to its former condition.

2. Impact on landscape

Policy 13 (h) of the North Northamptonshire Core Spatial Strategy requires that developments be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings and be in accordance with the Environment Character of the area. The landscape is characterised in the Nene Valley Character Assessment as rolling ironstone valley slopes, the key characteristics of which are broad valley slopes dissected by numerous tributary streams; rolling landform; extensive views and sense of exposure on some prominent locations; steep slopes adjacent to more elevated landscapes; productive arable farmland in medium and large scale fields creating a patchwork of contrasting colours and textures.

Policy 11 of the National Planning Policy Framework, amongst other requirements provides for the protection and enhancement of valued landscapes, geological conservation interest and soils.

In support of the outline application for the truck stop (KET/2010/0469) a

Landscape Assessment and photomontages were submitted. These documents concluded that the localised setting has the capacity to accommodate a degree of change and the proposals will represent a magnitude of change within the localised landscape setting and visual environment. The assessment did recognise that the proposal will have a direct impact upon the site and its immediate setting, however the compartmentalised character of the landscape context presents the opportunity to integrate the change without adversely affecting the wider valley setting, thus the change will be highly localised.

As part of the assessment of the outline application for the truck stop, River Nene Regional Park were commissioned to produce a Landscape Sensitivity Assessment of the scheme. Based upon suggested mitigation proposed as part of the development, River Nene Regional Park assessed the site as medium landscape sensitivity where some developments may be possible with landscape mitigation. With respect to visual impact, River Nene Regional Park concluded that the truck stop will be highly visible from the ridge line to the south of the Slade Brook and would result in a highly negative impact on visual landscape. The suggested planting with fast growing native trees would be partially effective, offering some mitigation, however would only be a partial solution.

Whilst it was recognised by officers and the Planning Inspector that the development would have an urbanising impact on the site and its immediate setting on Orton Road and Slade Valley House, this impact was carefully weighed against the need for the development and it was considered on balance the site could accommodate HGV parking without having such a negative impact on the landscape to warrant refusal, subject to landscape mitigation and a restoration bond. The Inspectors view was that such changes could be integrated without having an undue impact on the wider valley landscape.

In support of the application, cross section plans are indicative and show anticipated ground levels and land contours. The aggregate material will be stored at a height of 2.5 metres and the top soil pile will be stored at a height of 1 metre. It is considered with the limited height of the top soil pile and existing tree and hedge planting, this area will not give rise to any significant adverse visual impact on the landscape. The aggregate pile will be cover a larger area and given its height of 2.5 metres, will be far more visible within the landscape and existing hedgerows will not fully mitigate against this visual impact. An important material consideration in the determination of this application is that the material will be stored for the use of the truck stop for which this current application is intrinsically linked and the truck stop development itself will have a far greater impact than the storage of the material alone will have. The aggregate stock pile will be visible within the landscape given its height above the existing hedgerows around the site.

It is considered that the addition of further landscaping both around the

boundaries and within the site will help to reduce, although not eliminate some of the visual impact of the storage activity. In response to a request to the applicant to provide further landscaping, they have advised that it is not appropriate to require the formal landscaping scheme pursuant to the truck stop to be brought forward. They also state that it is only a temporary period being applied for and the site benefits from existing screening. Whilst it would not normally be reasonable to request a landscaping scheme for a temporary 2 year permission, given this current application is linked to the development of the site for a truck stop, it is not considered unreasonable to request a level of landscaping which will both help reduce the impact of both the current application and the truck stop when it is developed.

Concern has been raised about the loss of hedgerow required to gain access to the site. The revised plans (for which highways raised no objections) provide for a section of approximately 8 metres of hedgerow adjacent to the Orton Road being lost. In the event that the truck stop is built or not, there will be a requirement for the hedgerow to be reinstated.

In conclusion, given the temporary nature of the application and the scheme being intrinsically linked to the truck stop development, it is considered with the provision of additional planting, the scheme will not have such an unduly negative impact on the landscape to warrant refusal.

3. Impact on residential amenity

Policy 13 (1) of the North Northamptonshire Core Spatial Strategy requires that developments do not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Slade Valley house is the closest dwelling to the application site and is located immediately to the west of the application site. The proposed vehicular access for the temporary storage of the aggregate material is located approximately 4.5 metres to the north of the northern most access serving Slade Valley House. Slade Valley House itself is located approximately 45 metres to the south of the temporarily proposed vehicular access. The proposed turning area for delivery vehicles is located to the east of Slade Valley House (approximate separation distance of 19 metres) and the stock pile is located beyond that (approximate separation distance of 50 metres). Slade Valley House has ground and first floor habitable room windows which face towards the area where the aggregate stock pile is proposed.

The proposed stock pile of aggregate material, given its height and juxtaposition with Slade Valley House will be visible from upper floor windows. It is however important to emphasise that the proposal is for the temporary storage of the material which will be limited to a two year

consent. As noted above, a condition is recommended that a landscaping scheme be provided in association with the temporary storage of materials on site. This landscape scheme will not provide the full landscaping works which are required for the development of the truck stop, however it will provide for some level of additional planting on boundaries and within the site. This provision of additional planting will help to assimilate the scheme into the landscape and reduce visibility.

Given there is a separation distance of approximately 47 metres between the eastern boundary serving Slade Valley House and the aggregate stock pile, it is not considered that any adverse amenity issues will result in respect of overbearing impact, overshadowing or loss of privacy.

The main source of noise to the occupiers of Slade Valley House is from lorries delivering the aggregate material within the site. The Transport Statement submitted with the application states that deliveries would take place between 7am to 5pm Monday to Friday, 7am to 1pm Saturdays and no deliveries on Sunday. In terms of hgv movements, a typical hgv can deliver 20 tonnes per load which equates to 1,800 loads. Five hgv's will be used to transport the material, each lorry will carry 12 loads per day, equating to 60 loads per day which will generate 120 two-way movements for a 30 day period.

This issue of dust which may be generated by the storage of the aggregate material on the site has raised with the applicant. The applicant has advised that the crushed stone is classified as 6F2 material. This is a coarse aggregate material with no more than 12% dust content. On this basis the applicant has advised that it is unlikely that there will be any significant air-born dust once the material is laid and static because surface dust will settle and be contained within the matrix of the larger, heavier material. To ensure that dust does not become an issue whilst the material is transported and stored at the site, details of measures to prevent dust from the material have been included within the construction management condition (condition 4).

Environmental Health have been consulted on the scheme and raised no objections subject to conditions restricting delivery and operating hours.

4. Highway safety implications

Policy 13 (d) of the North Northamptonshire Core Spatial Strategy states that developments should have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards. Policy 13 (n) also states that developments should not have an adverse impact on the highway network and should not prejudice highway safety. Policy 4 of the National Planning Policy Framework requires that developments provide for a safe and suitable access to the site can be achieved. Policy 4 also states that

development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 34 also states that developments that generate significant movement are located where the need to travel will be minimised.

The original plans submitted with this application utilised the existing gated farm entrance to the site which is located approximately 130 metres from the roundabout to the north with the A14. Due to numerous highway concerns raised by NCC Highways in respect of access width and visibility, revised plans have been submitted which provide for the access further north along Orton Road, approximately 85 metres from the same roundabout.

In support of the application, an Addendum to the Transport Assessment which was submitted as part of the truck stop application has been submitted. The assessment states that both sites are located directly adjacent to the A14, with only 14 miles between them and no requirement to use minor roads. This Assessment states that the material will be delivered over 30 days, with 5 vehicles on a daily basis carrying 12 loads per day. The Transport Assessment compares this level of activity to that that would be associated with the 204 space truck stop which has outline permission and concludes there will be significantly less. To compare, in the morning peak hour the truck stop would generate 34 arrivals and departures and in the evening peak hour 70 arrivals and departures. The Assessment also includes accident data for Orton Road, the A14 and slip roads on an off the A14 which show there is no record of any accident problems within the area.

Both the Highways Agency and NCC Highways have raised no objections to the capacity of the road network nor will the scheme give rise to any adverse highway safety implications. NCC Highways have requested conditions requiring a construction management plan, construction details as well as a condition to ensure that not damage results to Orton Road from the hgv movements. In addition, Highways have recommended a condition requiring a lorry routing scheme to be submitted, which shall include signage to deter HGV's from travelling through Orton Road.

Concerns have been expressed by third parties in respect of mud on the road, the revised plans submitted provides for a Rhino Multi-Bath System which will be located adjacent to the access to the site to ensure that mud on Orton Road is minimised. Provision of a Rhino Multi – Bath System or equivalent will be secured through the construction management plan.

In conclusion, the scheme raises no adverse highway safety conditions and subject to conditions meets the requirements of policy 13 (d) and (n) of the North Northamptonshire Core Spatial Strategy.

5. Contamination and Ecology

Policy 5 of the North Northamptonshire Core Spatial Strategy seeks a net gain in green infrastructure by amongst other factors, the protection and enhancement of biodiversity. Policy 11 of the National Planning Policy Framework requires that developments contribute to enhance the natural and local environment by amongst other factors minimising impacts on biodiversity and providing net gains in biodiversity.

The application site falls within the Nene Valley Nature Improvement Area, one of the main aims within this area is to reverse the decline in biodiversity and restore the ecological network in the Nene Valley. At the time the appeal for the truck stop was determined, the site had been allocated as part of the Nene Valley Nature Improvement Area and the decision to approve the application by the Inspector was made on this basis.

As part of the outline planning, an extended Phase 1 Habitat Survey was submitted. The survey identified that 7 trees are of value to bats, such features are common place and as such the trees are of low potential for roosting bats. No evidence of water voles or otters were identified. The site has potential to sustain breeding populations of amphibians and could provide potential habitat for grass snakes, however no reptiles were recorded on site. The submitted surveys also observed green woodpecker, blackbird, robin, kestrel and barn owls. Subject to the mitigation measures proposed in the application (new tree and shrub planting, enhancement of water bodies and hedgerows, gapping up of hedgerows and an ecological management plan) no objections were raised by Natural England, The Wildlife Trust, Northants Bat Group and North Northants Badger Group.

In response to the points made by the Wildlife Trust and the need for additional ecological survey work, the applicant has emphasised that the application site benefits from planning permission for a strategic truck stop which may be implemented without the requirement for further ecological survey work. The applicants further emphasises that the current scheme is intrinsically linked with the future planned development of the site. The Wildlife Trust have still requested that the ecological survey work be undertaken, however, given the planning history have concluded that this survey work can be secured prior to the commencement by condition.

Concern has been expressed by a number of consultees and third parties regarding potential contamination from the aggregate material to the Slade Brook. In response to this concern, the applicant has submitted a Technical Note on the Suitability for the Reuse of the material. This note defines the stone aggregate material as a natural crushed rock which originates from the Lafarge – Tarmac Mountsorrel Quarry in Leicestershire from the 1980's. The report confirms that the existing site conditions are not affected by existing contamination.

Analytical testing has been carried out on samples of the material and

submitted a part of the scheme. This testing has found that the material contains no elevated levels of metallic, hydrocarbon or other screened organic compounds. On this basis, the testing work has concluded that the risk of the material to human health and the environment from the storage of the material on site can be considered as very low. KBC's Environmental Health department have been consulted on this testing and have raised no objections. No objections have been raised from the Environment Agency or the Wildlife Trust in respect of this testing. Subject to a condition restricting the material to be stored on site to that which has been tested from the Islip Furnaces site and not for any other material, it is not considered that any contamination will result to the site or the adjacent Slade Brook.

6. Flood Risk

Policy 13 (q) of the North Northamptonshire Core Spatial Strategy requires that development will not increase the risk of flooding on the site or elsewhere. Policy 10 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy 10 also states the when determining planning applications, local authorities should ensure flood risk is not increased elsewhere.

The applications site is located in flood zone 1. Slade Brook is located on the southern boundary with two other tributaries to this, one of these is on the northern boundary of the site and the second is on land to the north (which is not part of the site area to this application but is for the larger site area for the truck stop (KET/2010/0469).

In support of the application an addendum to the original Flood Risk Assessment undertaken as part of the truck stop application has been submitted. This addendum states that the temporary stock piling of material will not create any impermeable areas and therefore the run-off from the site during and after the temporary stock pile operation should remain unchanged and there should be no increased risk of flooding to down stream neighbours. Shall ditches are proposed around the temporary stock pile to catch any run off. Surface water run off will be directed to a series of ponds which will act as settlement ponds before the water is finally discharged into the watercourse. Additional calculations has have been submitted by the applicant in respect off run off from the site to addresses the concerns raised by the Environment Agency in their original consultation response. Based upon this addition information the Environment Agency have raised no objection to the scheme subject to conditions regarding surface water run off and the development to be in accordance with the submitted flood risk assessment.

7. Comments on other points raised by proposal

Concern has been raised by objectors if the land were used for the

storage of the building material and subsequently the truck stop was not developed and the land returned to its former green field condition, that the site will then be considered in planning terms to be 'brown field'. To clarify matters if this were the scenario, the site would revert to its 'green field' status.

The question has also been raised if the storage of the building material on site would constitute a start to the development and the requirements of the bond. This application is separate to the outline planning application for the truck stop application and does not constitute development commencing on site. It is important to note that no reserved matters application has been submitted for the scheme.

Concerns have been raised that the scheme is a landfill operation and should be considered by NCC. This matter was explored with NCC when the application was first submitted and NCC advised that as it was for the storage of a building material and not waste, it did not fall under their jurisdiction.

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. The scheme provides for a satisfactory access and subject to conditions restricting hours of operation on site, no adverse noise will result to the occupants of nearby properties. The provision of additional landscaping will help to mitigate the impact the temporary storage of material on site will have on the landscape.

Background Papers

Title of Document:

Date:

Contact Officer:

*Anne Dew, Senior Development Officer on 01536
534316*

Previous Reports/Minutes

Ref:

Date: