

North Northamptonshire Area Planning Committee (Wellingborough) 24 May 2023

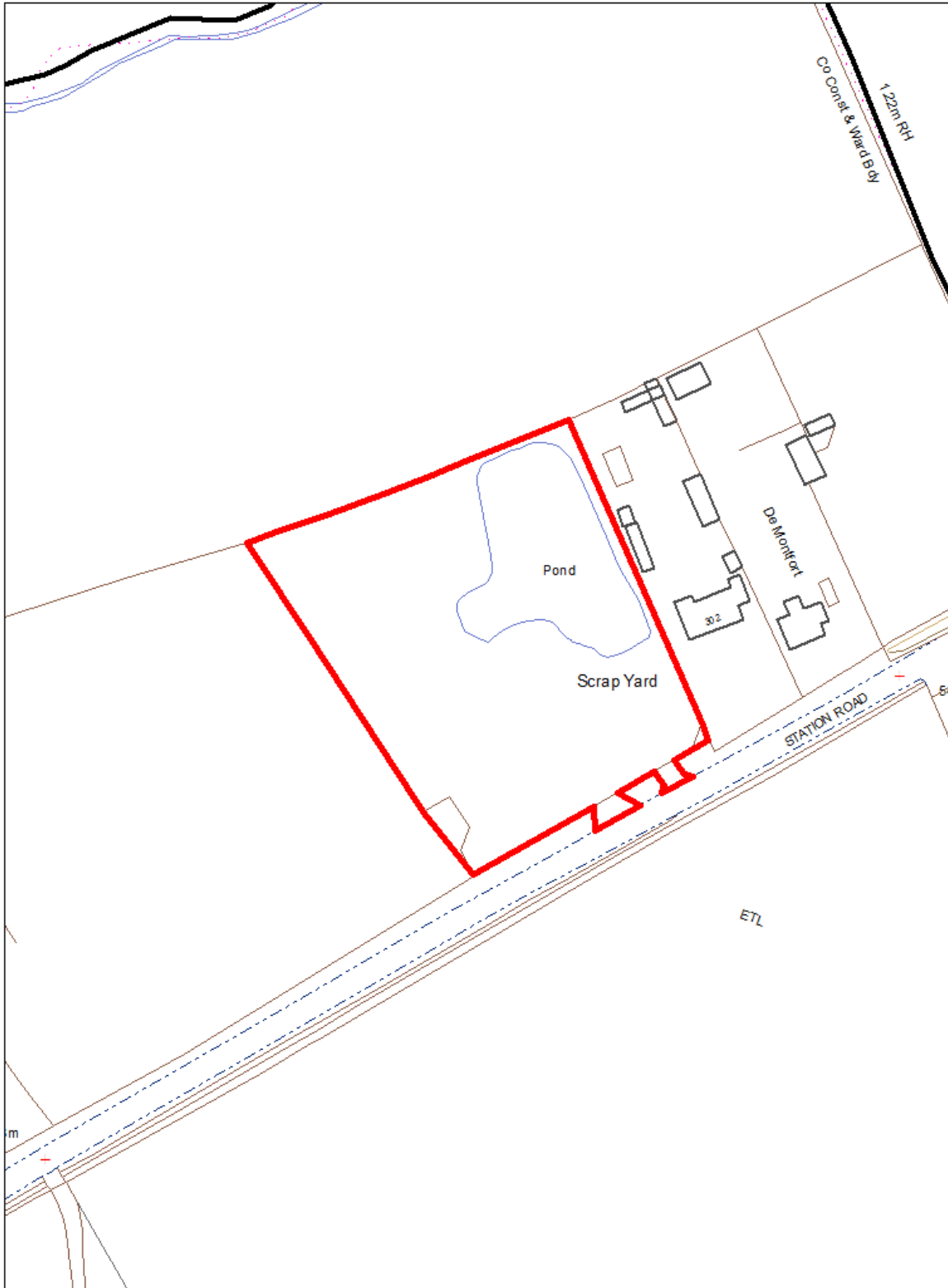
Application Reference	NW/22/00888/FUL	
Case Officer	Mr Graham Northern	
Location	Scrap Yard 304 Station Road Isham	
Development	Retrospective planning permission for a change of use of land for the storage and distribution of materials and machinery (and associated works).	
Applicant	Easimix Concrete & Screed Ltd	
Agent	Mr Oliver Clawson	
Ward	Earls Barton Ward	
Overall Expiry Date	14 February 2023	
Agreed Extension of Time	14 March 2023	
Checked	Senior Development Management Officer	Debbie Kirk

Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation as the proposals are the subject of enforcement complaints and deemed of a contentious nature and are therefore referred to the Wellingborough planning committee for determination.

The Ward Councillor (Councillor Lora Lawman) requested a site visit to enable members of the planning committee to view the site in the current condition and the proximity to the only 2 residential properties.

Having reviewed the issues concerning the site and the area around the site, the decision has been taken by agreement of the Chair, interim principal planning and enforcement manager and senior planning officer not to undertake a site viewing for this application.



 <p>North Northamptonshire Council</p>	 <p>Scale: 1:1,250</p>	<p>ICT Services</p> <p>This map is accurate to the scale specified when approved in sit.</p>	<p>© Crown Copyright and database right 2020. Ordnance Survey 100069667.</p> <p>Data Provided: Aerial Photography copyright: GeoInformation PLC 1999</p>	<p>Legend</p> <p> NW/22/00888/FUL Scrap Yard, Station Road, Isham</p>
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1. Recommendation

1.1 That planning permission be **REFUSED** for the following reasons:

1. The proposals due to their proximity and close relationship with the adjacent residential properties are considered an incompatible and conflicting land use which would result in significant detrimental impact on the residential amenity, quality of life and privacy of the adjacent residential property. The proposed development would be contrary to policy 8 (e) (i) and (ii) of the North Northamptonshire Joint Core Strategy and policy 130 (f) of the National Planning Policy Framework.
2. The site is within close proximity to the existing residential dwellings and it is considered that existing and future residents would suffer from adverse amenity and disturbance as a result of the noise from vehicles and the activity associated with the use. The noise survey and boundary treatment proposed fails to mitigate the noise impacts to the detriment of neighbouring amenity. The proposed development fails to comply with policy 8 (e) (i) and (ii) of the North Northamptonshire Joint Core Strategy and paragraphs 130 (f) and 185 of the National Planning Policy Framework.
3. The use on site is considered to result in activities that result in substantial dust and air quality degradation for adjacent residents resulting in them being unable to enjoy their private amenity space and open windows. Additionally, the activities proposed are also considered to result in disturbance through light pollution which have not been adequately addressed. The activities result in significant dust and light pollution generation which results in a severe air quality impact on the neighbouring residential properties. The proposed development would be contrary to policy 8 (e) (i) & (ii) of the North Northamptonshire Joint Core Strategy.
4. Given the previous historic uses on the site and dangerous materials stored or used on the site the applicant has failed to satisfy the Council that the site is safe and that contamination risks have been safely remediated. The proposed development would be contrary with policies 6 and 8 (e) (i) & (ii) of the of the North Northamptonshire Joint Core Strategy.
5. The development has eroded the rural character of the open countryside in the vicinity and the addition of a three-metre-high concrete fence along the boundary of the site would result in a visually oppressive feature to the detriment of the landscape visual character. The proposed boundary treatment to mitigate the effects from noise on neighbouring amenity fails to have due regard for the sites rural location and presents a hard commercial and prominent edge to the countryside. Vegetation has been removed and no landscape strategy or mitigation have been provided to mitigate the harm to the countryside resulting from the development. The proposed development would be contrary to the requirements of policies 3 (a), (b) and (e) and 8 (d) (i) and (ii) of the North Northamptonshire Joint Core Strategy and paragraph 130 (b) and (c) of the National Planning Policy Framework.

6. **The applicant has failed to provide a flood risk assessment and surface water drainage strategy as such the proposals have not been demonstrated that they would not lead to an increased risk of flooding. The proposed development would be contrary to policy 5 of the North Northamptonshire Joint Core Strategy.**
7. The applicant has failed to demonstrate a net biodiversity gain. A net gain should be evidenced using the new Department for agriculture 'Small Sites Metric' for biodiversity. The proposed development would be contrary policy 4 (a) (i), (iv) and (v) of the North Northamptonshire Joint Core Strategy and advice contained within paragraph 180 (a) and (d) of the National Planning Policy Framework.

2. The Application Proposal and Background

2.1 Retrospective planning permission is sought for a change of use of land to the present commercial concrete and screed supply business. The applicant is Easimix Concrete & Screed Ltd.

2.2 The applicant has applied for a B8 use which would be for the storage and distribution of materials/machinery. The supporting statement also implies the use may fall within a 'Sui Generis' category. The applicant has stated the following in support of applying for a B8 use class:

"The Site was purchased by the Applicant in November 2021. From that point onwards, the Applicant has operated their concrete and screed business from the Site. It is important to stress that no mixing or production of concrete, screed, or any other material occurs on Site. Instead, the Site solely serves to store the material necessary to mix the concrete once delivered to the respective customer's delivery location. In brief:

- Dry powder cement is stored in two silos on Site;
- Ballast and sharp-sand is stored in individual bays;
- One water tank is present on Site;
- Four volumetric vehicles are based on Site. These are loaded with the appropriate material(s) before departing and depositing the material at the respective customer's site;
- Shipping containers are utilised for ancillary purposes."

2.3 Site Deliveries: Raw material (ballast and sharp sand) is delivered to the site by tipper lorries. The lorries offload the product into the one of two appropriate open bays. There are also two cement silos which are loaded with cement up to two times per week.

2.4 Customer deliveries: There are four on-site volumetric tipper lorries which are used to load product from the site for deliveries. Lorries are loaded with cement in one compartment and either ballast or sand in another compartment depending on the customer's needs. Loading of product onto lorries takes place by a Wheel

Loader. The third lorry compartment is filled with water from the water tank on site. The three components are mixed to make concrete or screed at the customer's site.

2.5 Given that materials are stored on site, but the materials are mixed on route or at customers address to produce concrete and screed and not delivered to a customer in their original state the Council considers the use to fall outside the scope of B8 which would simply be storage and distribution. In the Councils view given a different product and process occurs irrespective of on or off site the use does not fall into B8. This is also made clear the fact that the company is a concrete business and not a raw materials business.

2.6 Typical business hours on the site are between 07:00 to 17:30 on weekdays, with occasional Saturdays operating between 08:00 and 13:00, depending on customer requirements.

Background

2.7 In January 2022 NNC received complaints that work was taking place on the site without planning permission.

2.8 In March 2022 complaints were received that a concrete screed business was operating from the site.

2.9 NNC planning enforcement team investigated these matters and this application then followed.

3. Site Description and Surroundings

3.1 The site is located away from the built-up area of a Burton Latimer, which is located to the east over the railway line. The edge of the village of Isham is located approximately 100 metres to the south-west. The site is part of a small area of built development in otherwise open countryside, comprising two dwellings and the former scrap yard. The site is rectangular in shape and approximately 0.82 hectares in size. It fronts the verge of Station Road to the south, the dwelling 'Ranley' to the east, and open countryside to the north and west. The site has two access points onto Station Road, one has a dropped kerb and the other does not.

3.2 The site has operated as an unauthorised concrete mixing business, and substantial amounts of soil have been imported into the site which have changed the original ground levels.

4. Relevant Planning History

WP/16/00562/CND	Part discharged Details submitted pursuant to conditions 2 (external materials), 3 (screen fencing/walling), 4 (landscaping), 6 (contamination), 9 (surface water management strategy) and 15 (foul water) of planning permission ref: WP/2013/0420/F	11.11.2016
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WP/20/00606/LDE	Refused Development permitted pursuant to WP/2013/0420/F - Erection of workshop (B2) with ancillary offices (Unit A) together with separate office (Class B1) building (unit B), new access road and parking. This application is seeking a CLU in relation to material commencement of the above permission	19.11.2020
WP/2012/0419	Application withdrawn Erection of workshop with offices (Unit A) together with separate office building (Unit B), new access road and parking.	08.11.2012
WP/2013/0420	Approved with conditions Erection of workshop (Class B2) with ancillary offices (Unit A) together with separate office (Class B1) building (Unit B), new access road and parking	13.11.2013
WR/1972/0295	Refused Farmhouse	12.10.1972
WP/1998/0462	Approved with conditions Renewal of outline planning permission WP/95/0427/O for single storey office	17.02.1999
WP/1995/0427	Approved with conditions Renewal of outline planning permission WP/1991/0491/O for single storey office	29.11.1995
WP/1991/0491	Approved with conditions Site for single storey office building (Appeal allowed 6/10/1992)	15.01.1992
BW/1989/1177	Refused Two storey office building (appeal dismissed).	04.01.1990
WR/1962/0120	Approved Provision of WC & Wash house	26.07.1962
WR/1961/0051	Approved Site for 2 caravans	15.03.1961
WP/2008/0571	Application withdrawn by authority Erection of workshop with offices (Unit A) together with separate office building (Unit B), new access road and parking. (Proposed floor area = 1056.43sqm)	12.01.2011

WP/2005/0089	Approved with conditions Erection of boundary fence.	23.03.2005
WP/2001/0722	Approved with conditions Construction of single storey offices, carparking & highway access.	20.09.2002
WP/2002/0038	Application withdrawn Unrestricted B1 development comprised two single storey buildings with onsite servicing and parking for 30 cars and 6 lorries.	08.07.2002
WP/2004/0042	Approved with conditions Erection of workshop with offices together with separate office building, new access road and parking (proposed floor area = 1050 square metres).	31.03.2004

Appeal

21/00001/REF Development permitted pursuant to WP/2013/0420/F - Erection of workshop (B2) with ancillary offices (Unit A) together with separate office (Class B1) building (unit B), new access road and parking. This application is seeking a certificate of lawful use existing in relation to material commencement of the above permission. The appeal was allowed 29 April 2021 by the Planning Inspectorate.

5. Consultation Responses

A full copy of all comments received can be found on the Council's Website
<https://www.wellingborough.gov.uk/viewplanningapplications>

Isham Parish Council - strongly object to the proposed retrospective planning application for the following reasons:

Firstly, under health and safety grounds, especially taking into account the operating existence of the site and the effect that it is having on the residents who live close to the site. The neighbouring properties are directly, and adversely affected by the operation of the site, air pollution, noise. Having looked at the site from the boundary, there appears to be no prevention measure in place.

Complaints have been received from Isham residents, particularly about the development of the site for a different business purpose, additional heavy lorry movements, further potential damage to the river bridge, copious mud on the road causing a real hazard and a lack of landscape screening, the washing down of the vehicles in the road causing blockages to the drains, again causing issues for road users and for the residents such as flooding to the extent NNU has supplied them with sand bags.

The previous planning application 2013 permitted the erection of a workshop and office space on this land which was previously a scrap yard. The current owner has been using the area to store materials for loading vehicles for cement works. This is clearly a breach of planning conditions.

There are considerable amounts of soil, possibly contaminated, on the site, which is not conclusive to the production of concrete. The soil mounds are piled high around the pond which was originally there prior to occupation and this is now considerably smaller than before, with the possibility of rubble and soil being used to reduce its size.

The applicant is now applying for retrospective use of the land. It is unclear whether he has complied with the previous planning restrictions, for example workshop not to be used for any other purpose without express permission of the local planning authority, or a scheme for surface water management strategy. It is regrettable that reports for previous applications such as reference WP/16/005621/CND from the Environment Agency are not available, and their current response refers to their earlier one and even now that response is unavailable. We are therefore unable to check compliance and we have to rely upon NNU to check compliance.

There are now a number of developments beyond the original permissions; a hopper, hard standing for vehicles, a wash down facility for vehicles, stockpiles of soil/rubble that are not abiding by the previous applications and these, in our opinion, are breaches of planning conditions previously agreed.

In the section headed reasons, it is stated that in the National Planning Policy Framework that planning should contribute to, and enhance, the local environment and that there should be no unacceptable risk of water pollution.

The site offers no contribution to the natural environment and there is an unacceptable amount of mud being spread over a wide area of road, causing hazards to motorists, cyclists and pedestrians.

There remain legitimate concerns over contamination of the site due to historic uses. (3 sources of contamination).

The pond now seems to be banked by rubble piles.

In our opinion, it is clear that management of the site has breached a number of conditions. Due to the amount of soil now on the site, the site has increased in height which again has not been agreed by previous conditions.

The documents supplied by the application are quite large and it is difficult to identify exactly what measures they have or will be putting into place. From looking at the site there are no visible measures and concern for water pollution does not appear to be addressed. Having considered the Air Quality Constraints and Opportunities Appraisal statement, this reads like a desk produced document with little, or no evidence, of site evaluation. The report refers to slight adverse to negligible impact associated with the operation of the business and refers to weather conditions of potentially dusty winds as moderately infrequent. What is not taken into account is that we predominantly have west/north westerly winds, therefore increasing the potential of pollution without any measures specified as prevention.

The Dust Emissions Management Plan does list, under 3.5.4, a number of measures that would be needed and considering the fact that the owner already has two other sites and has been operating on this site for nearly a year, we would have expected

some, if not all, of these measures to be in place. We would expect that the site, if given permission, would have all these measures in place before operation restarts. Again, the report is relying on information on winds away from this site which does not in any way portray the actual wind direction or speed.

The measures also recommend the use of considerable amounts of water and there is no indication as to where that water is retained on site and where this water drains to.

The supporting 'Planning Statement' provided by Knights proposes the building of a 3 metre high concrete wall on the east side of the boundary which we find unacceptable to the IPC and we understand to the residents. The photos in the report bear no resemblance to the site at the present time.

Neighbours/Responses to publicity

Objection

12 letters of objection have been received which raise the following points:

Noise and Disturbance

Loss of Privacy

Loss of quality of life

Flood risk

Water running off site which blocks drains

Hazardous materials

Land contamination

Use not compatible next to residential dwellings

Site visually detrimental

Dust from the site means windows must always be closed and garden furniture covered

Site is an eyesore

Mud debris on road.

Harmful to health – breathing in dust

This road is not suitable for heavy lorries or any increase in vehicular traffic.

Weetabix lorries are not allowed so why should mix concrete vehicles travel along here.

Washing down concrete mixers on the road outside of his premises

Noise, odour, air quality impact

Ward Councillor (Councillor Lora Lawman) – Objects to the proposals raising the proximity of use to two residential properties. The planning application is contrary to good design and is not in keeping with the environment in the countryside. The silos are out of keeping and can be viewed from Isham. There is great concern over the power cables that are within close proximity to the overhead machinery.

The site and pond have PCB, arsenic and asbestos contamination, it was a previous requirement of decontamination prior to use. The pond that also fell under contamination has been filled into its original size.

The site has had approximately 1,200 tons of waste material deposited during the last 2 months. Concerns have been expressed over drainage and leakage of water from the pond and contaminants into the river Ise.

The Ward Councillor also confirmed she has witnessed concrete mixing taking place on site and has expressed deep concern for the well-being of neighbouring residents suffering from air pollution, dust and noise as a result of the activities on the site.

Ward Councillor Clive Hallam has also expressed concern with regard to previous uses and land contamination of the site.

Support

6 letters of support have been received which raise:

Job creation/ new business
Use of land stops fly tipping
Better use than previous scrap yard
Site has been tidied up

Local highway Authority (LHA) - The justification for the use of a second access to the land as an emergency access is questioned. The use of further points of access create additional points of conflict between emerging vehicles and other highway users.

Northamptonshire Police – No formal objection to the application in its current form.

Environment Agency – have previously been consulted on the discharge of condition 6 (contamination) under approval of details reserved by condition reference WP/16/00562/CND (our reference: AN/2016/124550/01) in which supported the discharge of condition 6. It is understood that further contamination reports have been submitted in support of this application (reference NW/22/00888/FUL). Have reviewed the following reports:

- Preliminary (Geo-Environmental) Risk Assessment (PRA), ref EGE-22-09-06-01 by Evolve Geo-Environmental, dated 14 October 2022; and
- Contaminated Land Assessment, ref: EGE-22-09-06-01 by Evolve Geo-Environmental, dated 23 November 2022

As these reports do not change the Environment Agency's understanding of the risks posed to controlled waters, therefore have no further comments to make in respect of the proposed development.

NNC Lead Local Flood Authority (LLFA) – (15.05.2023)

Having reviewed the applicant's submitted details located within:

1. Revised Flood Risk Assessment report reference RLC/1087/FRA+OSDS01 prepared by Roy Lobley Consulting Ltd dated 23 January 2023;
2. Supporting Planning Statement document reference: EAS4040/2 revision 1, prepared by Knights in December 2022,
3. Flood Risk Assessment report reference RLC/1087/FRA+OSDS01 prepared by Roy Lobley Consulting Ltd dated 31st October 2022
4. Plans as Existing with Heights of Existing Machinery. drawing reference: E157-01-A prepared by D B L ARCHITECTURAL DESIGN dated December 2022.
5. Plans as Proposed, drawing reference: E157-02-A prepared by D B L ARCHITECTURAL DESIGN dated December 2022.

NNC LLFA advise that there is still insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

The Supporting Planning Statement document reference: EAS4040/2 revision 1, prepared by Knights in December 2022 states:

“More recently, the Applicant has stored a mound of soil and hard core along the Site’s eastern elevation. The Council has issued the Applicant with a license for that material and it is currently serving as a barrier between the Applicant’s vehicles which are stored on Site and the neighbouring residential property. As is set out in further detail within the SPS, this Application seeks the erection of a boundary wall along the Site’s eastern boundary in order to provide necessary security for the ongoing use whilst simultaneously heightening neighbouring residential amenity. The mound would be removed from the Site to facilitate the erection of that boundary wall, with some of the soil being utilised to partially infill the lake located within the Site’s north-eastern corner in order to allow for the creation of the necessary boundary wall foundations.”

Whilst it is noted that the proposed development site plan figure 1.2 is pixelated and is almost illegible, it appears that the site has land levels at approximately 56.14 metres Above Ordnance Datum which is significantly lower than the value stated within the FRA (56.53 metres Above Ordnance Datum).

It is also noted that the methodology used to quantify the estimated increased water level is questionable and requires further clarification. Based on the information provided, it is unclear what volume of displacement will occur as a result of the proposed partial infill of the pond and what impact this will have in relation to water levels and associated flood risks to the site and surrounding catchment.

With reference to the above documents, we note that the submitted surface water drainage information fails on the following grounds:

1. Require an explanation of the potential impact of flood risk to the site and the surrounding catchment as a result of all aspects of the proposed development including the partial infilling of the existing pond.
2. Require assurance that the proposed development will not adversely affect overland flood flow routes across the site and demonstrate that the proposed development will not increase flood risk elsewhere.

NNC LLFA cannot support the application until adequate surface water drainage information has been submitted.

NNC Environmental Protection Officer (Air Quality, Noise, Lighting and Contamination) – have made the following comments:

Dust/Air Quality

Not satisfied that the report has fully assessed the local conditions and full impact on the nearest sensitive receptor. Due to the very close proximity of a sensitive receptor, the assessment should measure and utilise local data for example site specific wind speed, wind direction and frequency to accurately determine the impact on receptors. Quantitative dust monitoring should also be undertaken to determine the dust impact from the operation of the site.

In addition, the report states that although the nearest receptor is close: 'it is screened by a small series of hedgerows/trees, which provides a buffer for dispersion during conditions where wind is blowing towards the nearest sensitive receptor locations from the site. It is also understood that a concrete wall is to be built along the eastern site boundary to further minimise dust dispersion at these locations.'

The hedgerow is sparse and cannot be relied on as an effective means of screening. Also, a high concrete wall immediately adjacent to the neighbouring property is likely to be oppressive and the wall does not have planning consent so should not be relied upon to provide any dust mitigation.

Noise

The limitation of this assessment method is that it does not take into account the disturbance caused by individual short bursts of noise which can have a detrimental impact on occupiers of nearby dwellings. As an example, in this case there are four tipper lorries which will be parked immediately adjacent to the eastern site boundary and immediately adjacent to a residential dwelling. The four tipper lorries will start up in the morning, presumably on opening at 07:00, and be left to warm up for about 5 minutes ready for use on the site during the day. Although this noise is of a short duration, it has the potential to have a detrimental impact on occupiers of the neighbouring dwelling as it has the potential to cause sleep disturbance in the early morning. The sound pressure level (taken from noise data relating to specific noise sources in Appendix B). One of these lorries is approximately 68dB(A) at 2 metres (calculated from the lorry's sound power level of approximately 81dB(A)). Four lorries idling concurrently emit 74dB(A) at 2 metres. With the attenuation from the soil mound on the boundary between the site and the residential dwelling, the noise level is calculated to be 69dB(A) which is more than 20dB above the prevailing background noise level.

This is likely to have a detrimental impact on the neighbouring dwelling on a daily basis, despite the short period of time the noise will take place.

The report also assumes a distance of 50 metres from noise source to receptor which results in a significant level of noise attenuation. Although the storage bays, silos and water tank are approximately 50 metres to the neighbouring boundary, there are noise sources that will be closer to the residential dwelling. Lorries will arrive and leave the site from the access along the boundary of residential dwelling resulting in noise levels of approximately 82dB(A) at 2 metres. Despite the noise from passing lorries being of short duration, it is a high level of noise that will be frequent and result in continued disturbance to the neighbouring dwelling throughout the day.

Also have concerns that the report assumes that the assessed activities will take place twice an hour. Should the business grow, and activities intensify, the noise

impact will also be greater. It is recommended that noise levels for activities based on the maximum site capacity are calculated to ensure that the impact of any intensification of use is considered at this stage.

Lighting

A Light Impact Assessment has been undertaken by Delta Simons (Reference 22-1135.01, Date: 16/12/22) to determine the impact of site lighting on the locality. The report states that Environmental Zone examples from the Institution of Lighting Professionals Guidance Notes GN01/21 The Reduction of Obtrusive Light would indicate the area to be classified as an E3 environmental zone, being classed as Suburban, Medium district brightness, well inhabited rural and urban settlements, small town centres of suburban locations. The site would however be classified as E2 (Sparsely inhabited rural areas, village or relatively dark outer suburban locations) as the report itself states that 'the area is largely surrounded by farmland, with the town of Burton Latimer to the east, village of Isham to the south/southwest...'

It is recommended that the 'Light Impact Assessment' is reviewed in line with the location being classified as Zone E2 to accurately determine the impact in the locality.

Land Contamination

The Environmental Protection Officer for Contaminated Land has reviewed the following reports relating to the above site:

Preliminary (Geo-Environmental) Risk Assessment (PRA) by Evolve Geo-Environmental Ltd. October 2022. Ref EGE-22-09-06-01. Which includes:

Phase I & II Geo-Environmental Assessment EPS. 2016 Ref UK16.2406 Appendices G-M.

Remedial Method Statement by EPS. Ref UK16.2406. 2016.

Contaminated Land Assessment by Evolve Geo-Environmental Ltd. November 2022. Ref EGE-22-09-06-01. Which includes:

West Hill Phase 2, Kettering Ground Investigation Report. Soiltechnics December 2012. Ref STJ2298-G01.

The previous reports by EPS (2 and 3 above) were submitted for condition 6 of planning permission reference WP/2013/0420/F and the findings of the reports were agreed, partially discharging the site investigation phase of the condition. The report identified contaminants of concern as PCB, lead and asbestos. Also agreed was the remedial method statement (RMS) to address the known contaminants on the site. However, the remedial measures were not implemented in accordance with the agreed RMS and therefore the condition was not discharged in full (i.e there were no remedial works undertaken and no further reports for remediation and verification).

Given that no soils have been removed from the site the contaminants of concern identified in the EPS investigation may still be present, particularly in the shallow soils of the southern section of the site where there is no hardstanding or cover material.

The original RMS proposed a fully engineered and designed cover system to remediate the site, which included geotextile membranes and capillary break layers (Report 1. App V).

The recent investigation by Evolve Geo-Environmental Ltd (Report 4) has identified asbestos contamination (at depth) and acknowledges the previous reports findings. The report identifies a low risk from contaminants if the site is encapsulated with hardstanding's and recommends that remediation is undertaken.

New anecdotal information has been provided to NNC via one of the ward councillors as follows:

Isham village hall contains a huge reference of old urban district and parish transcripts of meetings and audio recordings

The lakes on the land were extensive and were formed when the clay was removed to build the bridge over the Ise in the late 1800's. The lakes filled up and became a local fishing attraction for some years (there are photographs of the lakes which at that point were substantial).

In the Second World War the precursor to the Alumasc Engineering Company were building phosphorous based incendiary bombs for the war effort. The substantial and dangerous residue from this process was dumped in the lakes.

After the war the site became a scrap yard often used to get rid of airplane parts. At a later stage there was a significant underground fire in this residue which took all the engineering company's and other local fire equipment to put out.

Considering this new information, it is recommended that further investigation be undertaken and considered that the applicant has failed to provide adequate information to redress this matter.

6. Relevant Planning Policies and Considerations

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

North Northamptonshire Joint Core Strategy – Part 1 of the local plan (JCS)

Policies:

Policy 1 (presumption in favour of sustainable development);
Policy 3 (landscape character);
Policy 4 (biodiversity and geodiversity);
Policy 6 (development on brownfield land and land affected by contamination);
Policy 8 (North Northamptonshire place shaping principles);

Policy 9 (sustainable buildings);
Policy 11 (the network of urban and rural areas);
Policy 13 (rural exceptions);
Policy 22 (delivering economic prosperity);
Policy 23 (distribution of new jobs);
Policy 25 (rural economic development and diversification);

Plan for the Borough of Wellingborough – Part 2 of the local plan (PBW)

Policies

Policy SS1 (Villages);
Policy E3 (Employment Outside Established Employment Estates);

Other Relevant Documents:

Biodiversity
Trees on Development Sites
Planning Out Crime in Northamptonshire
Parking
Air Quality

7. Evaluation

The proposal raises the following main issues:

- principle of development and material considerations;
- landscape character and visual amenity;
- flood risk and surface water drainage;
- noise:
- air quality;
- living conditions of the neighbouring occupiers;
- Biodiversity
- contamination;
- Highways;
- crime and disorder

7.1 Principle of Development and material considerations - Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*

7.2 Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

7.3 Policy 11 (2) (a) of the JCS limits rural development to that which is required to support a prosperous rural economy or to meet a locally arising need, where this need could not be met at a nearby larger settlement. This will normally be met on small scale infill sites within villages. Policy 11 (2) (d) of the JCS also states that other than that permitted through policy 25 of the JCS, development in the open countryside will be resisted unless it is meeting the special circumstances set out in policy 13 of the JCS.

7.4 Policy 13 of the JCS permits development as rural exceptions site adjoining village boundaries and where it is of a form and scale justified in meeting a locally defined need. The proposal site is separated from the Isham village boundary by some distance and so would not meet these criteria and would not comply with this policy. Policy 13 (2) of the JCS sets the criteria for development in the open countryside and only applies to residential development, so would not apply to this application.

7.5 Policy 25 (1) of the JCS supports sustainable proposals to develop and diversify the rural economy that are of an appropriate scale for their location, and that respect the environmental quality and character of the rural area. This policy particularly supports businesses relating to local produce, food, craft and ecotourism.

7.6 Policy 22 (a) and (b) of the JCS seeks to support a stronger more sustainable economy and deliver job growth to meet the targets in policy 23 of the JCS. This requires the provision of sufficient high-quality sites to support these job targets. To achieve this, priority will be given to the regeneration of previously developed land and existing employment sites.

7.7 Policy 6 of the JCS also seeks to prioritise and maximise opportunities for development on previously developed land. Were the proposal determined as a previously developed land site then this should be weighted accordingly in any planning decision.

7.8 Policy E3 of the PBW supports the retention of industrial/businesses uses and sites. The development of this site would regenerate a former scrap yard site which would need to be weighed against other policy considerations.

7.9 A lawful development certificate by the previous owners sought to establish a material commencement and was refused by the council but subsequently allowed on appeal by the planning inspectorate. The appeal by Newton and Frost Fencing Ltd 'the appellant' following the Council's decision to refuse reference WP/20/00606/LDE for a Certificate of Lawful Use existing for 'development permitted pursuant to planning permission reference WP/2013/0420/F - Erection of workshop (B2) with ancillary offices (Unit A) together with separate office (Class B1) building (unit B), new access road and parking. Sought a Certificate of Lawful Use (CLU) in relation to the material commencement of the above permission'

7.10 The appeal was allowed, and the Planning Inspector stated:
"From the available evidence, I conclude that the appellants have demonstrated, on the balance of probability, that the planning permission in question was lawfully implemented before it expired. A material operation comprised in the development i.e. the excavation of part of the approved access road, was begun before the expiry date."

7.11 The site is now being used by Easimix Concrete & Screed Ltd and is considered a previously developed brownfield site.

7.12 The Council consider that the use on site does not fall within the category of B8 (storage and distribution) and is more akin to a sui generis use. Given that materials are stored on site, but the materials are mixed to produce concrete and screed and

not delivered to a customer in their original state the Council considers the use to fall outside the scope of B8 (storage and distribution) use. In the Council's view given a different product and process occurs irrespective of on or off site the use does not fall into a B8 (storage and distribution) use. This is also made clear the fact that the company is a concrete business and not a raw materials business. Furthermore, Article 3(6) of the Town and Country Planning (Use Classes) (Amendment) Regulations 2002 states "no class specified in Schedule 1 or 2 includes use . . . (g) as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles". Schedules 1 and 2 list all the A, B, C, etc uses. Section 336 of the 1990 Act defines 'minerals' as "includes all substances of a kind ordinarily worked for removal by underground or surface working, except that it does not include peat cut for purposes other than sale" The current use of the site currently is akin to the storage and distribution of minerals (sand, cement and ballast) and is therefore a sui generis use.

7.13 The principle of the use of the site in this location which causes significant activity and disturbance as well as air pollution and noise adjacent to residential properties is considered unacceptable.

7.14 Landscape character and visual amenity

Landscape Character

7.15 Policy 3 (a) of the JCS attempts to 'conserve and, where possible enhance the character and qualities of the local landscape.' The eastern boundary of the site is situated adjacent to two existing detached bungalows arranged in a linear form and is surrounded on three sides by open countryside.

7.16 Driving down this part of the Station Road gives a sense of being on a rural road with little development on either side apart from a couple of residential bungalows. The proposals have not provided a landscape visual impact assessment or any form of robust landscaping scheme to mitigate the visual impact of the development.

7.17 NNC landscape officer has made the following comments:

"virtually all the pre-existing vegetation has evidently been removed from the site. The proposed concrete fence on the highway boundary could perhaps be moved back to allow a robust native hedge to be planted to make it less visually obtrusive. It is difficult to envisage much in the way of compensation for vegetation loss, let alone net biodiversity gain".

7.18 The works already undertaken have removed the pre-existing vegetation from the site with no attempt to retain any of this. The proposed concrete fencing would be unsympathetic and represents a very industrial boundary treatment in what is a rural location. The substantial amounts of imported soil into the site have changed the land levels significantly and resulted in a considerable landscape change. The soil is mounded up against the residential neighbour's fence.

7.19 The proposals include the creation of a new 3 metres high concrete panel fence to the boundary with the residential bungalow, again this is considered excessive in scale and of a design and material that would represent an industrial feature and lacks consideration of the rural location or the residential properties adjacent.

7.20 The proposals have failed to provide a robust landscaping planting strategy and sympathetic boundary treatment plan.

7.21 It is therefore considered that the present use, activities and changes made to the site have a negative visual impact on the landscape and would be contrary to 3 (a), (b) and (e) of the JCS

7.22 Flood risk and drainage

7.23 The JCS at policy 5 sets out a raft of sub policies aimed at preventing or reducing flood risk.

7.24 The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

7.25 NNC lead local flood authority (LLFA) recommended that the amended surface water drainage information received in January 2023 failed on the following grounds: Firstly, an explanation was required of the potential impact of flood risk to the site and the surrounding catchment as a result of all aspects of the proposed development including the partial infilling of the existing pond. Secondly an assurance was required that the proposed development will not adversely affect overland flood flow routes across the site and demonstrate that the proposed development will not increase flood risk elsewhere.

As currently proposed the surface water drainage information is unacceptable and the development would be contrary to policy 5 of the JCS.

7.26 Noise

7.27 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

7.28 Chapter 15 of the revised NPPF gives advice on how local planning authorities should prevent new development from being adversely affected by unacceptable levels of noise pollution. The NPPF further advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The PPG offers detailed advice on Noise which was updated on 24 December 2014.

7.29 The proximity of the site to two residential properties makes noise a key factor of assessment and has resulted in objections. NNC environmental protection officer (noise) have assessed the information provided and consider it does not give an accurate or complete picture, they state:

“The limitation of this assessment method is that It does not take into account the disturbance caused by individual short bursts of noise which can have a detrimental impact on occupiers of nearby dwellings. As an example, in this case there are four tipper lorries which will be parked immediately adjacent to the eastern site boundary and immediately adjacent to a residential dwelling. The four tipper lorries will start up in the morning, presumably on opening at 7am, and be left to warm up for about 5 minutes ready for use on the site during the day. Although this noise is of a short

duration, it has the potential to have a detrimental impact on occupiers of the neighbouring dwelling as it has the potential to cause sleep disturbance in the early morning.”

7.30 The noise level is calculated to be 69dB(A) which is more than 20dB above the prevailing background noise level and as such would result in a significant detrimental impact to residential amenity.

7.31 The report also assumes a distance of 50 metres from noise source to receptor which results in a significant level of noise attenuation. Although the storage bays, silos and water tank are approximately 50 metres to the neighbouring boundary, there are noise sources that will be closer to the residential dwelling.

7.32 In addition the report assumes the activity would only take place twice an hour and we would consider this a best-case scenario rather than worst case and additional activity through busy periods would likely result in greater noise and disturbance.

7.33 Whilst average noise levels over a longer time periods present a more amenable scenario the shorter-term activities result in high peak noise levels which undoubtedly result in considerable disruption and impact on amenity.

7.34 As such the proposals are considered in conflict with policy 8 (e) (i) or (ii) of the JCS.

7.35 Air quality

7.36 The JCS at policy 8 amongst other things, requires development not to result in an unacceptable impact on neighbours by reason of pollution.

7.37 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (i) requires development not to have an unacceptable impact on amenities by reason of pollution, whilst 8 (e) (ii) goes further by stating that both new and existing development should be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

7.38 Chapter 15 of the revised NPPF offers broad advice on how local planning authorities should prevent both existing and new development from being adversely affected by unacceptable levels of air pollution.

7.39 The PPG at paragraph 001 of the air quality section dated 6 March 2014 states that ‘It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit’. The guidance goes on to explain the implications for local authorities if national objectives are not met which this will include measures in pursuit of the objectives which could have implications for planning. The PPG at paragraph 009 demonstrates how considerations about air quality fit into the development management process.

7.40 The East Midlands region is looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance.

7.41 As the proposed development includes the provision for vehicle parking. A key theme of the revised NPPF is that developments should enable future occupiers to make "green" vehicle choices and paragraph 112 (e) "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Policy 15 (c) of the JCS seeks for the design of development to give priority to sustainable means of transport including measures to contribute towards meeting the modal shift targets in the Northamptonshire Transportation Plan.

7.42 The processes described from the applicant which involve loading trucks with cement powder, ballast, sand and water undoubtedly result in considerable dust generation, which when the wind blows towards the neighbours will result in considerable impact. The United Kingdom's most common prevailing winds come from a west or south west direction and as such these would blow directly towards the residential neighbour. NNC environmental protection officer (air quality) have assessed the report provided by the applicant and made the following comments:

"not satisfied that the report has fully assessed the local conditions and full impact on the nearest sensitive receptor. Due to the very close proximity of a sensitive receptor, the assessment should measure and utilise local data for example site-specific wind speed, wind direction and frequency to accurately determine the impact on receptors. Quantitative dust monitoring should also be undertaken to determine the dust impact from the operation of the site".

In addition, the report states that although the nearest receptor is close 'it is screened by a small series of hedgerows/trees, which provides a buffer for dispersion during conditions where wind is blowing towards the nearest sensitive receptor locations from the Site. It is also understood that a concrete wall is to be built along the eastern Site boundary to further minimise dust dispersion at these locations.

The hedgerow is sparse and cannot be relied on as an effective means of screening. Also, a high concrete wall immediately adjacent to the neighbouring property is likely to be oppressive and the wall does not have planning consent so should not be relied upon to provide any dust mitigation."

7.43 The nearest residents have strongly objected to the proposals and made representations through a ward councillor that outline that the level of dust results in them not able to hang washing out, sit in their rear garden or open windows to their property.

7.44 It is considered that the activities result in significant dust generation which results in a severe air quality impacts on the neighbouring residential properties and would be contrary to policy 8 (e) (i) & (ii) of the JCS.

7.45 Living conditions of the neighbouring occupiers

The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

7.46 At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.47 The categories above in terms of noise and air quality are already considered to impact on the living conditions of neighbouring occupiers. There are also other

factors resulting and NNC environmental protection officer have made comments in relation to lighting which are:

“A Light Impact Assessment has been undertaken by Delta Simons (reference 22-1135.01, dated 16/12/22) to determine the impact of site lighting on the locality. The report states that Environmental Zone examples from the Institution of Lighting Professionals Guidance Notes GN01/21 The Reduction of Obtrusive Light would indicate the area to be classified as an E3 environmental zone, being classed as Suburban, Medium district brightness, well inhabited rural and urban settlements, small town centres of suburban locations. The site would however be classified as E2 (Sparsely inhabited rural areas, village or relatively dark outer suburban locations) as the report itself states that ‘the area is largely surrounded by farmland, with the town of Burton Latimer to the east, village of Isham to the south/southwest...’.

Would recommend that the Light Impact Assessment is reviewed in line with the location being classified as Zone E2 to accurately determine the impact in the locality.”

7.48 The activities on site and use of flood lighting, along with the lights of vehicles entering and leaving the site given the early hours of activities are likely to have additional detrimental impacts on neighbouring residential amenity.

7.49 In addition the proposed three metre high concrete wall proposed to the boundary with the residential property to the east is considered visually oppressive and of a scale that would result in a detrimental impact and is not characteristic of a residential property boundary.

7.50 The cumulative impacts outlined through noise, air quality, lighting, disturbance and the boundary treatment measures put forward are considered to be contrary to policy 8 (e) (i) of the JCS.

7.51 Biodiversity

7.52 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of ‘duty to conserve biodiversity’ states “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

7.53 The JCS at policy 4 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

7.54 The revised NPPF at chapter 15 ‘protect and enhance biodiversity and geodiversity’ sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

7.55 The use on site has removed significant vegetation and no landscaping proposals are presented to soften the impact of the on-site activity. The application has failed to demonstrate any biodiversity net gain and as such is considered in conflict with policy 4 a) (i), (iv) and (v) of the JCS and paragraph 180 (a) and (d) of the NPPF.

7.56 Highway safety

7.57 JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

7.58 JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.59 Highways raised no objections in principle but questioned the need for a secondary access point and the applicant clarified that this was needed only for emergency purposes as an example should the electric gates proposed to the primary access fail.

7.60 There are not considered to be sufficient grounds to substantiate a reason for refusal on highway safety grounds.

7.61 As such the proposals are considered to be in accordance with policy 8 (b) (i) and (ii) of the JCS.

7.62 Contamination

7.63 The JCS at policy 6 says that local planning authorities will seek to maximise the delivery of development through the re-use of suitable previously developed land within the urban areas. Where development is intended on a site known or suspected of being contaminated a remediation strategy will be required to manage the contamination. The policy goes on to inform that planning permission will be granted where it can be established that the site can safely and viably be developed with no significant impact on either future users of the development or on ground surface and waters.

7.64 The revised NPPF at paragraphs 184 and 185 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

7.65 Concerns have been expressed in representations that the site has been heavily contaminated by previous uses.

7.66 NNC environmental protection officer (contamination) has reviewed the following reports relating to the above site:

1. Preliminary (Geo-Environmental) Risk Assessment (PRA) by Evolve Geo-Environmental Ltd. October 2022. Ref EGE-22-09-06-01. Which includes:
2. Phase I & II Geo-Environmental Assessment EPS. 2016 Ref UK16.2406 Appendices G-M.
3. Remedial Method Statement by EPS. Ref UK16.2406. 2016.
4. Contaminated Land Assessment by Evolve Geo-Environmental Ltd. November 2022. Ref EGE-22-09-06-01. Which includes:

5. West Hill Phase 2, Kettering Ground Investigation Report. Soiltechnics
December 2012. Ref STJ2298-G01.

7.67 The previous reports by EPS (2 and 3 above) were submitted for condition 6 of planning permission reference WP/2013/0420/F and the findings of the reports were agreed, partially discharging the site investigation phase of the condition. The report identified contaminants of concern as PCB, lead and asbestos. Also agreed was the remedial method statement (RMS) to address the known contaminants on the site. However, the remedial measures were not implemented in accordance with the agreed RMS and therefore the condition was not discharged in full (i.e there were no remedial works undertaken and no further reports for remediation and verification). Given that no soils have been removed from the site the contaminants of concern identified in the EPS investigation may still be present, particularly in the shallow soils of the southern section of the site where there is no hardstanding or cover material. The original RMS proposed a fully engineered and designed cover system to remediate the site, which included geotextile membranes and capillary break layers (Report 1. App V).

7.68 The recent investigation by Evolve Geo-Environmental Ltd (Report 4) has identified asbestos contamination (at depth) and acknowledges the previous reports findings. The report identifies a low risk from contaminants if the site is encapsulated with hardstanding's and recommends that remediation is undertaken.

7.69 New anecdotal information has been provided to NNC environmental protection officer (contamination) via a ward councillor as follows:

Isham village hall contains a huge reference of old urban district and parish transcripts of meetings and audio recordings.

7.70 The lakes on the land were extensive and were formed when the clay was removed to build the bridge over the Ise in the late 1800's. The lakes filled up and became a local fishing attraction for some years (there are photographs of the lakes which at that point were substantial).

7.71 In the Second World War the precursor to the Alumasc engineering company were building phosphorous based incendiary bombs for the war effort. The substantial and dangerous residue from this process was dumped in the lakes.

7.72 After the war the site became a scrap yard often used to get rid of airplane parts. At a later stage there was a significant underground fire in this residue which took all the engineering company's and other local fire equipment to put out.

7.73 Considering this new information, it is recommended by NNC environmental protection officer (contamination) that further investigation be undertaken and considered that the applicant has failed to provide adequate information to redress this matter.

7.74 The proposals as such are considered to be contrary to policy 8 (e) (i) & (ii) of the JCS.

7.75 Crime and disorder

7.76 Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

7.77 The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

7.78 The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

7.79 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.80 Northamptonshire police raises no formal objections to the proposals. It is also noted that several instances of neighbour disagreement and anti-social actions have occurred between the occupiers of the site and the neighbouring residential property and that tensions are high however these are considered to be a civil matter between the relevant parties. As such overall the proposals are considered in accordance with policy 8 (e) (vi) of the JCS.

8. CONCLUSION/PLANNING BALANCE

8.1 The proposed development fails to comply with the adopted development plan and puts forward a use that would conflict with the more sensitive residential receptors adjacent in terms of principle land use, noise, air quality, light pollution and disturbance.

8.2 The use of the site has also resulted in the loss of vegetation and the construction of unsympathetic boundary treatment and the presence of large silos to store materials and equipment. The use has resulted in a landscape visual impact that is considered of significant detriment to the area.

8.3 The proposals have failed to put forward any mitigation in the form of landscape planting or soften the boundaries and the proposed three metres high concrete fence proposed to the boundary with the adjacent resident is considered detrimental visually and to the amenity of the neighbouring property.

8.4 In addition, the proposals have failed to demonstrate that the proposals would not result in flood risk or biodiversity loss, as well as demonstrating that the site is safe in terms of land contamination.

9. RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:

10. Reasons for Refusal

1. The proposals due to their proximity and close relationship with the adjacent residential properties are considered an incompatible and conflicting land use which would result in significant detrimental impact on the residential amenity, quality of life and privacy of the adjacent residential property. The proposed development would be contrary to policy 8 (e) (i) and (ii) of the North Northamptonshire Joint Core Strategy and policy 130 (f) of the National Planning Policy Framework.
2. The site is within close proximity to the existing residential dwellings and it is considered that existing and future residents would suffer from adverse amenity and disturbance as a result of the noise from vehicles and the activity associated with the use. The noise survey and boundary treatment proposed fails to mitigate the noise impacts to the detriment of neighbouring amenity. The proposed development fails to comply with policy 8 (e) (i) and (ii) of the North Northamptonshire Joint Core Strategy and paragraphs 130 (f) and 185 of the National Planning Policy Framework.
3. The use on site is considered to result in activities that result in substantial dust and air quality degradation for adjacent residents resulting in them being unable to enjoy their private amenity space and open windows. The activities result in significant dust generation which results in a severe air quality impact on the neighbouring residential properties. The proposed development would be contrary to policy 8 (e) (i) & (ii) of the North Northamptonshire Joint Core Strategy.
4. Given the previous historic uses on the site and dangerous materials stored or used on the site the applicant has failed to satisfy the Council that the site is safe and that contamination risks have been safely remediated. The proposed development would be contrary with policies 6 and 8 (e) (i) & (ii) of the of the North Northamptonshire Joint Core Strategy.
5. The development has eroded the rural character of the open countryside in the vicinity and the addition of a three-metre-high concrete fence along the boundary of the site would result in a visually oppressive feature to the detriment of the landscape visual character. The proposed boundary treatment to mitigate the effects from noise on neighbouring amenity fails to have due regard for the sites rural location and presents a hard commercial and prominent edge to the countryside. Vegetation has been removed and no landscape strategy or mitigation have been provided to mitigate the harm to the countryside resulting from the development. The proposed development would be contrary to the requirements of policies 3 (a), (b) and (e) and 8 (d) (i) and (ii) of the North Northamptonshire Joint Core Strategy and paragraph 130 (b) and (c) of the National Planning Policy Framework.
6. The activities proposed result in disturbance through light pollution which have not been adequately addressed. The activities result in unacceptable light pollution on the neighbouring amenity. The proposed development would be contrary to policy 8 (e) (i) & (ii) of the North Northamptonshire Joint Core Strategy.

7. The applicant has failed to demonstrate a net biodiversity gain. A net gain should be evidenced using the new Department for agriculture 'Small Sites Metric' for biodiversity. The proposed development would be contrary policy 4 (a) (i), (iv) and (v) of the North Northamptonshire Joint Core Strategy and advice contained within paragraph 180 (a) and (d) of the National Planning Policy Framework.
8. The applicant has failed to provide a flood risk assessment and surface water drainage strategy as such the proposals have not been demonstrated that they would not lead to an increased risk of flooding. The proposed development would be contrary to policy 5 of the North Northamptonshire Joint Core Strategy.

11. INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the proposed development is consistent with the relevant provisions in the framework.
2. The development is refused based on the following plans:
E157-03-B Site Location plan received 20 December 2022;
E157-02-A Proposed Plans received 16 December 2022;
Light Impact Assessment by Delta Simons (Reference 22-1135.01 and dated: 16/12/22) received 16 December 2022;
Noise Impact Assessment for a Concrete Storage and Distribution Yard by Spectrum Noise Consultants (reference CJA4731/22211/Rev 0 and dated 25 November 2022) received 16 December 2022;
Dust and Emissions Management Plan by Delta-Simons (Project No: 22-1135.02 / 87952.545851 Issue 2 and dated 5 December 2022) received 16 December 2022;
Revised Flood Risk Assessment report reference RLC/1087/FRA+OSDS01 prepared by Roy Lobley Consulting Ltd dated 23rd January 2023 received 30 January 2023;
Supporting Planning Statement document reference: EAS4040/2 revision 1, prepared by Knights in December 2022 received 16 December 2022;
Flood Risk Assessment report reference RLC/1087/FRA+OSDS01 prepared by Roy Lobley Consulting Ltd on the 31st October 2022 received 16 December 2022;
Preliminary (Geo-Environmental) Risk Assessment (PRA) by Evolve Geo-Environmental Ltd. (Reference EGE-22-09-06-01 and dated October 2022) received 16 December 2022;
Remedial Method Statement by EPS (reference UK16.2406. 2016) received 16 December 2022;
Contaminated Land Assessment by Evolve Geo-Environmental Ltd (reference EGE-22-09-06-01 and 23 November 2022) received 16 December 2022;
3. Link to Policies for Refusals -
<http://www.nnjpu.org.uk/docs/Joint%20Core%20Strategy%202011-2031%20High%20Res%20version%20for%20website.pdf>