

North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

Application Reference	KET/2020/0449
Case Officer	Mark Coleman
Location	Blackbridge Farm, Cranford Road, Burton Latimer
Development	s.73A Retrospective Application: Concrete batching plant and silos, office, welfare facilities and separate access
Applicant	Mr J Gough, Mick George Ltd
Agent	Mr J Gough Mick George Ltd
Ward	Burton Latimer
Overall Expiry Date	30/10/2020
Agreed Extension of Time	05/08/2021

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 s.73A Retrospective Application: Concrete batching plant and silos, office, welfare facilities and separate access

- 2.2 Retrospective planning permission is sought for a ready-mix concrete batching plant. The installation consists of a batch control cabin, aggregate reception hopper bays, 2 x cementitious silos, batch conveyors, mixing unit and loading chute, aggregate storage bays, unit for mess room and office and access track.

3. Site Description

- 3.1 The site is located to the north of Burton Latimer and forms part of the wider site known as Blackbridge Farm and occupied by an operational Mick George Concrete Batching Plant. The batching plant site area is largely surfaced with concrete, enclosed by palisade fencing and occupied with plant described within the application (concrete loading bays, loading conveyor, mixing hoppers and silo's, site office and mess room, etc). A drainage chamber (wedge pit) has also been installed within the site to capture surface run-off and driver wash-out water. The site is level. Abutting the site to the south and west is the Roxhill logistics site which benefits from planning permission and is being implemented.
- 3.2 Access to the site is through Blackbridge Farm via a track, some of which is pre-existing and had been implemented at the time of the site visit with further works outstanding.
- 3.3 This access track connects the proposed concrete batching plant to Cranford Road to the east, which is a two lane highway (no footpath) which terminates adjacent Blackbridge Farm where it abuts the A14 trunk Road to the north which is separated by a landscape buffer. A bridleway continues over the A14 via a bridge which re-joins Cranford Road. Within Blackbridge Farm to the east are two domestic properties understood to be associated with Blackbridge Farm; the rest of the Blackbridge Farm comprises a mix of commercial uses including, Anglia Crane and Plant Hire, Heath and Hawkes, etc, which are all located within a range of former agricultural / commercial buildings. On the opposite side of Cranford Road close to the proposed access is a turning head and a telecommunications mast.
- 3.4 The site is affected by the following constraints:
- Committed Waste Development: Biodrying and Pyrolysis
 - Trunk Road (A14 to North)
 - Employment (land adjacent)

4. Relevant Planning History

4.1 Relevant Planning History

NK/2021/0284 - Removal of a section of hedge and formation of a new access (Approved, 07.09.2021)

KET/2020/0341 - Removal of a section of hedge and formation of a new access (Withdrawn, 14.04.2021)

KET/2020/0178 - Removal of a section of hedge and formation of a new access (Withdrawn, 11.05.2020)

KET/2018/0150 - Temporary 10 year permission for change of use from agricultural land to hard surface for plant and machinery and ancillary facilities (Withdrawn, 27.07.18)

KET/2016/0539 - Erection of steel portal frame building (Withdrawn, 20.09.16)

KET/2015/0711 - Change of use from waste management facility to B1a (offices), B1c (light industrial) and B8 (storage) with associated parking (Approved, 25.01.2016)

KET/2015/0710 - Relocation of agricultural feed store (Approved, 04.12.2015)

KET/2010/0339 - Variation of conditions 2 and 18 of planning permission 09/00014/WAS for revisions to the bio-drying process. (Withdrawn, 13.10.10)

NCC – 10/00035/WAS - Variation of condition 2 of planning permission 09/00014/WAS for the installation of additional plant to improve the efficiency of the waste operations and material processing (Withdrawn, 21.09.10)

NCC – 09/00014/WAS (KET/2009/0128) – Bio-drying and pyrolysis waste management facility (Approved, 20.05.09)

KET/2009/0126 - Use of site for B1 (light industrial & offices) and B8 (storage and distribution) (Withdrawn, 02.06.2009)

KET/2003/0442 - Erection of steel portal frame building extension for storage of animal feed stuffs (24.10.2003)

KET/2003/0743 - 15m slim line lattice, equipment cabin, 6 antennas and 2 microwave dishes (07.10.2003)

KET/1999/0548 - Erection of steel portal frame building for storage of animal feedstuffs (04.10.1999)

KET/1985/0383 - Erection of pig fattening house (23.08.85)

Adjacent Land

NK/2021/0399 – All matters in respect of KET/2018/0774 for the erection of B2/B8 employment unit with ancillary offices, access, car parking and landscaping (Approved 22.07.21)

KET/2020/0147 – Erection of B8 distribution facility with ancillary offices, gatehouse, car parking and landscaping (Approved 26.08.20)

KET/2019/0481 -Erection of B8 distribution facility with ancillary office, gatehouse, car parking and landscaping (Approved, 13.09.19)

KET/2018/0774 - Development of site for industrial/ distribution uses (use class B1 (c), B2 and B8) including ancillary offices together with roadside uses (petrol filling station and A3/A5 restaurant/cafe) and associated car parking, highway infrastructure and landscaping. All matters reserved for the development plots. Approval sought for matters related to access, the built highway infrastructure works and associated landscaping (Approved, 05.12.18)

KET/2013/0661 - Employment development of up to 109,000sqm within uses classes B1, B2, and B8, roadside and ancillary uses, associated landscaping and infrastructure (Approved. 01.10.14)

5. Consultation Responses

5.1 Burton Latimer Town Council

Comment of support received on 18th November 2020. The following comments were also made:

- No HGV's before 7am and after 6pm (8-12 on Saturday's) & no movements on Sundays
- The Town Council would like to see the access road improved bringing it up to standard and addressing the potholes and poor passing places, and removal of debris on a regular basis in order for users of the bridleway to be able to use safely.

A similar comment was also dated 28th October 2020 which makes reference to the site but with a different reference number (KET/2020/0341) believed to be in error. The comments largely states the same matters, but is worded differently.

Comment received on 19th April 2021 stating they would like the condition proposed by the Environmental Protection Team with respect of hours of operation applied. They would also like comments on potholes and debris addressed.

Officer Comment: Case Officer liaised with Town Council on the comment advising that the planning recommendation could not seek to address existing deficiencies in the highway network unless it is directly related to the development (e.g. the highway network needs upgrading); the highway authority has not requested this. As a result, the case officer would not be able to support a request for pot holes to be fixed as this does not meet the tests [reasonable or necessary] for applying planning conditions.

In response a further comment was received on 19th April 2021 raising no objection subject to a condition relating to debris which was raised by the North Northamptonshire Council's Local Highway Authority which states '**The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed**'.

Officer comment: The access road referred to in Burton Latimer Town Council's comments relates to Cranford Road which is a public highway. A requirement to upgrade the highway to address existing deficiencies does not meet the condition tests in terms of being either 'reasonable' or 'related to planning'. They can only be required where they are due to direct impacts of the proposed development, which is

not the case in this instance. Other matters relating to road debris are raised in comments from the Local Highway Authority.

5.2 Neighbours / Responses to Publicity

A total of two objection letters have been received, one of which is a joint objection representing the views of 4 confirmed occupiers of a group of dwellings (1-4 Windmill Cottages) and the other from a separate third party.

The issues raised are summarised below:

Comment received from the occupier of 2C Cranford Road, Kettering on 14th January 2021. Comment states that they support the Mick George operation but when the plants are in operation they create a low level vibration sound through the house. A request is made to find out if there is any sensible way of dampening this sound by either adding to the mound bank to the north boundary or any simple sound damping? If not, we at least have asked and if it can be done without too much cost I know Mick George would do it.

Officer Comment: The comment received was discussed by the case officer with the Environmental Protection Officer. It is considered that the harm caused to the occupiers of the property which is located on the opposite side of the A14 would not be sufficient to justify additional controls. Powers available through the Environmental Protection Act could mitigate the impact where they cause a statutory nuisance and should therefore not be duplicated by planning controls.

Comment of objection received from the occupiers of (no.s 1-4) Windmill Cottages, Cranford Road, Burton Latimer received on 21st October 2020. Objection not necessarily objecting to concrete production subject to noise/pollution mitigation, but are objecting to the impact resulting from the transport of the raw materials and finished product to and from the site. The comments dispute the reported vehicle movements associated with the proposal as being misleading and likely to be significantly greater (440 – 490 vehicles a week instead of 159) which causes disturbance to residents at Windmill Cottages in terms of noise, dust and air pollution. This will equate to approximately 1 HGV movement every 7 minutes for 11.5 hours over a 5 day week. Submitted information relating to vehicle movements is ambiguous showing figures for only single trips and not return journeys out and omits journeys associated with the 5 Barrel Mixer Lorries. This gives the impression of fewer vehicle movements than in reality.

From experience, the existing vehicle movements cause significant noise disturbance and cause disruption early morning and to evening. The impact of vehicle movements is compounded by those associated with other nearby users (e.g. Bennie Group, etc) and raises concerns about physical and mental wellbeing and will loose the amenity of the rural surroundings. Concerned about damage to structural stability of dwellings which, due to being Victorian, have shallow foundations. As the houses are their biggest financial and emotional investment, their amenity contributes significantly to their financial, physical and mental wellbeing which warrants equal consideration. Cranford Road is in a poor state of repair and not fit for purpose (potholes, crumbling tarmac, uneven surfaces)

Cranford Road has insufficient width for two cement mixers to pass simultaneously, which has damaged grassed verges and made them unusable for walking on. The same road adjacent Windmill Cottages is 5 metres wide and crumbling. Mud /dust is spread across the road by commercial vehicles. Kerbstones, designated passing places, regular cleaning is required to make the route safer for all users. The 60 mph speed limit is unsafe and the proposed use will make access to Windmill Cottages on a blind corner more unsafe. The local highway network on the A6 is unsafe and does not facilitate safe use of the site. Blackbridge Farm is contaminated from waste previously buried and the council should satisfy itself that it has been removed. External materials are not stated within the application. Object to the operational hours on the grounds of noise disturbance from associated vehicles close to their residential properties (15m – 35m away) which will significantly affect residential amenity. The use is industrial, contrary to the application form. Cement is a hazardous substance. It is likely to become dispersed and settle in the surrounding area, posing a serious health concern to us. Residual cement powder on vehicles entering/leaving the site will exacerbate this. Airborne carcinogens should not be considered insignificant. Dust of dry concrete as dangerous as cement dust (image of dry concrete spilt on Cranford Road provided). The bio-drying and pyrolysis waste management facility has not operated for 9 years. The batching plant is visible from the A6 and several places along Cranford Road. Seek for tighter controls over vehicle movements, operating hours, and health and safety, and clarification on ambiguity of contents of the application.

Revised comment of objection received from the occupiers of Windmill Cottages, Cranford Road, Burton Latimer received on 6th January 2021 largely raising the similar issues.

Officer comment: A requirement to upgrade the highway to address existing deficiencies does not meet the condition tests in terms of being either 'reasonable' or 'related to planning' where there is not a demonstrable need. They can only be required where they are due to direct impacts of the proposed development, which is not the case in this instance. Other matters relating to road debris are raised in comments from the Local Highway Authority.

5.3 Local Highway Authority

Comment received on 18th September 2020 stating the application cannot be accepted and further information required to support the application in the form of:

- Details of parking provisions (including parking bays/turning areas for cars and LGV/HGV loading bays);
- Vehicle tracking drawings for the largest vehicle entering the site;
- Access over 45m requires access and turning for emergency vehicles and in the same instance, Northamptonshire Fire and Rescue Service requires an access width of 3.7m together with loading and turning space for a fire appliance with a 15 tonne axle;
- Access over 45m can also have refuse collection implications which includes gradient implications.

No objection received on 18th December 2020 subject to a condition seeking to secure a construction management plan. The Local Planning Authority is also advised to satisfy itself with regards to parking and servicing on site and the submitted vehicle tracking drawings submitted are sufficient to demonstrate sufficiency of the access road and on-site.

Comment received on 3rd March 2021 confirmed that given the application is retrospective a Construction Management Plan may not be required if the majority of the construction has already been undertaken. What would be required however is a condition which secures the following *'The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.'*

Officer Comment: A review of the application shows that the main operational element of the proposal has been constructed, however the additional access route through the site is likely to be subject of further construction works. As a result, it is recommended that a hybrid condition is applied securing a construction management plan which addresses the additional issues raised.

5.4 North Northamptonshire Council - Environmental Protection

Comment of no objection received on 30th September 2020 subject to conditions seeking to control air quality, noise and operational hours limited to 07:00 – 19:00 (mon - fri) and 08:00 – 16:00 (sat) and at no time on Sundays or Bank Holidays. An informative with respect of a site permit is also proposed.

A further comment of no objection received on 18th December 2020. The site is far enough removed from residential properties that loss of amenity due to noise / dust should not occur provided that the site is run in accordance with industry best practice. I have no comments or recommendations to make on the planning application.

5.5 Environment Agency

Comment received on 6th November 2020 acknowledging the application is retrospective. Insufficient evidence provided with the application to demonstrate that potential risks to controlled waters are understood and have been managed. Illegal waste was previously deposited on site and believed to remain and presents a potential risk to controlled waters (due to secondary aquifer below the site). It is not known whether the previously disposed waste extends on to the current batching plant site, or whether any other potential sources of contamination are present at the site as a result of its former uses. Further detailed information is therefore required to demonstrate that the risks of pollution to controlled waters from the built development are acceptable or have been appropriately managed. Subject to planning conditions dealing with remediation of the site and control of surface water run-off, no objections is raised.

An earlier consultation response was submitted on 29th September 2020 and withdrawn on 6th November 2020.

Officer comment: Due to the retrospective nature, the proposed conditions were amended further, in agreement with legal advisors of Environment Agency, to ensure relevant triggers are present within the wording to ensure that conditions were 'enforceable' and meet the 6 tests for planning conditions, to secure an acceptable form of development.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

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

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 : Presumption in Favour Of Sustainable Development

Policy 6 : Development of Brownfield Land and Land Affected by Contamination

Policy 8 : North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 22: Delivering Economic Prosperity

6.4 Site Specific Part 2 Local Plan

Policy LOC1

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Impact on Parking and Highway Safety
- Environmental Matters

7.1 Principle of Development

7.1.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development as set out in Section 2, paragraph 10 (NPPF), based around three overarching objectives (economic, social and environmental).

Section 12, paragraph 124 (NPPF) states that 'good design is a key aspect of sustainable development'. In addition, Section 6 of the NPPF also gives support to planning decisions which help create conditions in which businesses can invest, expand and adapt which needs to be balanced against other policy requirements set out within the NPPF.

- 7.1.2 Policy LOC1 of the Site Specific Part 2 Local Plan incorporates the site within the settlement boundary for Burton Latimer where development is supported subject to compliance Policy 11 of the North Northamptonshire Joint Core Strategy and other policies not relevant to this application.
- 7.1.3 Policy 11 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Burton Latimer as a smaller town is a secondary focal point for smaller scale development.
- 7.1.4 Policy 6 of the North Northamptonshire Joint Core Strategy also states that local planning authorities will seek to maximise the delivery of development through the reuse of suitable previously developed land and buildings within the urban areas such as this. Policy 22 also supports development which delivers a strong economy, including that which prioritises the existing employment sites and the regeneration of previously developed land.
- 7.1.5 The submitted planning statement sets out that the grant of planning permission will directly retain 7 full-time jobs which were created through the existing unauthorised use which has operated for 3+ years at the site and which this planning application seeks to regularise. Whilst the site was previously identified as being in a rural area and was formally a rural farm complex, inclusion of the site within the settlement boundary of Burton Latimer means that rural policies no longer apply.
- 7.1.6 Despite this, the aforementioned policy support and the fact that the retrospective proposal is situated on a site within the designated settlement boundary for Burton Latimer, which is not located in a sensitive area, and is surrounded by permitted uses characterised by industrial / commercial development some of which are emerging, weighs in favour of the proposal. As discussed within this report, the proposal is considered satisfactory with respect of other material considerations subject to planning conditions which will enable tighter control over the existing operations, and on this basis the proposal is considered acceptable in principle and in accordance with the aforementioned National and Development Plan policies.

7.2 **Visual Impact**

- 7.2.1 Section 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development. Section 12, paragraph 126 sets out that good design is a key aspect of sustainable development.
- 7.2.2 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

- 7.2.3 The site is located on a former farm site which has subsequently been used for a number of commercial uses including pyrolysis (waste processing). To the north is the A14 with residential properties beyond and to the east is Segro Park Kettering Gateway which is industrial and warehousing space benefiting from outline permission with further consents issued. Within Blackbridge Farm itself there are a number of commercial uses. Whilst agricultural land is located to the east and some remain to the south, land to the west/south is being developed for industrial and warehousing, the prevailing surroundings are not visually sensitive.
- 7.2.4 The proposal will introduce a portacabin, loading and parking bays and plant associated with the production of cement to facilitate the industrial use which is characteristic of surrounding development. The main visual impact of the use is the associated plant (loading conveyor, mixing hoppers and silo's) which is currently visible from a limited number of vantage points including distance views from the A6 to the southwest and Cranford Road (passing Windmill Cottages). The proposed office and mess room are less conspicuous owing to their single storey scale and position within the site. As already discussed, surrounding land to the west and south benefits from planning permission for significant industrial / distribution development (SEGRO Park). The approved Masterplan indicates a large 14.4ha unit which will obstruct future views from the west when built out and will significantly alter the historic agricultural character of the area.
- 7.2.5 Views of plant from other directions are obscured to varying degrees by the A14 to the north and existing built or landscape features in other directions, although intermittent views of plant equipment are exposed along Cranford Road where these features are absent and parts of the public right of way UA/005 (to the south east). Whilst their visibility is possible, given their visual distance from the nearest residential properties which do not form part of Blackbridge Farm (i.e. Windmill Cottages) by approximately 400 metres and the commercialised character and history of permitted commercial uses within Blackbridge Farm and surrounding area, the impact of the proposed plant and buildings themselves is not significantly harmful despite being conspicuous at certain vantage points. The impact will be lessened further in places from footpath UA/005 due to the additional separation distance.
- 7.2.6 The proposal includes site illumination to facilitate operations when daylight hours are limited in the form of seven no. floodlights. Paragraph 185, Section 15 of the National Planning Policy Framework requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and the sensitivity of the site or the wider area to impacts that could arise from the development. Criterion (c) states that in doing so, the impact of light pollution from artificial light on the local amenity, intrinsically dark landscapes and natural conservation should be limited.
- 7.2.7 In this instance, whilst illumination will make the plant more conspicuous, this will be limited by control over operational hours as discussed in section 7.3.11 of this report and as already discussed, views will generally be limited by intervening features and adequate separation distance from the most sensitive receptors which do not directly orientate towards the site. Taking this into account, the pre-existing commercial character of the site and surrounding area, and lack of landscape

designation which would seek for greater protection of the area, and the limited biodiversity value of the immediate site due to the above, the proposed illumination is not considered to have a significantly harmful impact and for the reasons already discussed subject to condition securing that they are not illuminated outside of operational hours. Subject to this, the proposal is considered acceptable in terms of its impact on the visual amenity and accords with the relevant parts of sections 2, 12 and 15 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Section 12, paragraph 127 (f) of the National Planning Policy Framework seeks for developments to create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users.
- 7.3.2 Section 15 of the NPPF places emphasis on seeking for development which contributes to and enhances the local environment. The policy covers matters relating to both soil, water and air quality and seeks for development to prevent such impacts and wherever possible, help to improve local environmental conditions such as air and water quality.
- 7.3.3 Paragraph 185 also states that *'Planning... decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment....[and seek to] (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'*
- 7.3.4 *Planning decisions should also seek to contribute towards compliance with relevant limit values or national objectives for pollutants with respect of air quality, and take opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, etc.*
- 7.3.5 In addition, Paragraph 187, seeks for planning decisions to *'ensure that new development can be integrated effectively with existing businesses and community facilities....[which should not have] unreasonable restrictions placed on them as a result of development permitted after they were established'*.
- 7.3.6 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy also seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area; it also requires that new development should prevent contributing towards unacceptable levels of soil, air, light, water, noise pollution.
- 7.3.7 With this in mind, Paragraph 2.10 and 2.11 of the submitted planning statement supporting the planning application sets out mitigation measures for controlling dust suppression to minimise impacts on air pollution including the use of sprinkler

systems, wind protection to receptor hoppers and conveyors, delivery vehicles fitted with board relief valves and filtration system, and silo's with automatic cut off system.

- 7.3.8 A collective objection has been received from the occupiers of 1-4 Windmill Cottages, Cranford Road, Burton Latimer. Objection relating to residential amenity focuses on a number of impacts including noise/vibration associated with vehicle movements which the comment states has been significantly underestimated (420 movements per week as opposed to approximately 318 reported by the applicant); air pollution associated with the vehicle movements in terms of debris/dust from the passing vehicles; concerns regarding the health impacts of cement dust, all of which will affect their overall amenity, health and wellbeing. Third party comments also raise the issue of cumulative impacts resulting from vehicle noise associated with the proposed use and pre-existing permitted uses such as those connected with the Bennie Group, etc.
- 7.3.9 Comments received from the Environmental Protection Team are mindful of potential noise impacts arising from the site and recommend submission of an air quality and noise assessment, so that these impacts originating from the site can be assessed and mitigated accordingly to an acceptable level. This would normally be applied as pre-commencement conditions. However, given that the application is retrospective and has been operational for more than 3 years with no complaints registered within the Environmental Protection Team in connection with the existing operator, a pragmatic approach is adopted to require this information and any relevant mitigation measures to be implemented within 6 months of the decision being issued. The North Northamptonshire Council's Environmental Protection Team object to the proposed hours of operation and seek for these to be reduced by planning condition to ensure impact on neighbouring amenity is limited to an acceptable level. As a result, operational hours would be reduced slightly during the week starting 30 mins later in the morning at 07:00 and more significantly on Saturdays (starting 08:00 – 16:00 instead of 06:30 – 19:00) and at no time at all on Sundays or Bank Holidays.
- 7.3.10 Whilst the control on operational hours will not fully address the impacts arising from vehicles movements travelling to and from the site which the occupiers of 1-4 Windmill Cottages report to cause disturbance which affects their health and wellbeing, it will act to reduce these to what may be considered an acceptable level as a direct result of limiting operational hours of the site; the air quality assessment and any mitigation measures identified as being necessary should also secure air quality in the area to meet minimum recommended standards as a result of the proposed use.
- 7.3.11 Comments received from North Northamptonshire Council Local Highway Authority raises no objection subject to a number of conditions, one of which includes the submission of a construction management plan relating to outstanding development associated with the access track; a planning condition will also require the operator to put in place measures to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris; this will help to mitigate against some of the impacts raised by these third parties with respect of odour/dust.

- 7.3.12 Although two residential properties are located immediately to the east of the site, they abut Blackbridge Farm and have close associations with the operation of the wider farm which this application site forms part of; no consultation comments have been received from the occupiers of these properties. Whilst the impact on neighbouring amenity of the occupiers of these properties are a material consideration, this is given less weight for the aforementioned reasons. Notwithstanding this, controls on the operational hours of the use will benefit these occupiers also.
- 7.3.13 As discussed within sections 7.2.7 of this report, specified illumination will be present within the site and is fixed on to the plant and at key locations within the site and will not significantly harm the neighbouring amenity particularly given the restricted hours condition proposed. However, to safeguard amenity further a planning condition is recommended to prevent the proposed lights being illuminated outside of the permitted operational hours to safeguard neighbouring amenity.
- 7.3.14 As a result of the above measures, it is considered that impact on neighbouring amenity with respect of dust/odour, light and noise arising from the site can be mitigated to an acceptable level. Whilst the level of vehicle movements to and from the site will increase significantly and generate additional noise/vibration within the highway, which together with existing vehicles movements associated with existing commercial uses located off Cranford Road will have a cumulative impact on neighbouring amenity, no objections have been raised from statutory consultees (North Northamptonshire Council's Local Highway Authority or Environmental Protection Team) with respect of this aspect of the proposal subject to the conditions referred to. Given that the scale of the operation does not meet the threshold for submission of a transport statement, this also indicates that the impacts are at the lower end of the scale. The reduction in operational hours, particularly at weekend periods will act to reduce these potential impacts beyond what the applicant is seeking, which should reduce noise impacts to an acceptable level.
- 7.3.15 Subject to these conditional matters being secured by planning condition, , the controls put in place are considered sufficient to ensure that the proposal will not have a significantly unacceptable in terms of neighbouring amenity despite amenity being adversely affected. Subject to this, the proposal accords with the relevant parts Sections 12 and 15 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.4 Impact on Parking and Highway Safety

- 7.4.1 Section 9, paragraph 110(b) (NPPF) states that when considering applications for development, it should be ensured that *'safe and suitable access to the site can be achieved for all users'*. Paragraph 111 (NPPF) states that *'development should be refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

- 7.4.2 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.
- 7.4.3 The proposal seeks permission for an alternative vehicular access to the site further north which would create a separate access and internal access road to the Concrete Batching Plant, which would serve to reduce the impact on the adjacent business. It is considered that this will enhance highway safety through Blackbridge farm by reducing the need to share the existing access with neighbouring users and should be secured by planning condition.
- 7.4.4 Most recent comment from the Highways Authority raises no objection based on observation of proposed parking layouts and submitted plans which demonstrate vehicle tracking throughout the site. This is subject to a planning condition securing a construction management plan for the outstanding development and a condition seeking for vehicles entering and leaving the site to be sufficiently covered to prevent material spillage, wind blow and odour nuisance and be cleansed of debris, and for any debris deposited on the adopted highway (maintainable at public expense) during construction to be removed and the highway cleansed. The Local Highway Authority also express that the Local Planning Authority should take a view with respect of whether the proposed parking and servicing provisions are satisfactory.
- 7.4.5 The submission proposes a total of 10 no. vehicle parking bays; one of which is constructed to disability standard, together with 5 parking spaces for LGVs which will be occupied by the cement mixer lorries which will be permanently based at the site. Together, these provisions are considered acceptable subject to a planning condition which secures the proposed parking layout and movement routes through the site in line within the submitted site plan and access, and a further condition to specify the dimensions of the disability parking bay.
- 7.4.6 It is noted that objection from the occupiers of Windmill Cottages has been raised about significant levels of vehicle movements to and from the site which cause a highway safety issues together with concerns about vehicle noise associated with these movements and cement dust and spillage from them (discussed in detail in section 7.3 of this report). In addition, consultation comments state that the Cranford Road is in need of repair, kerbing, and passing spaces due to the narrow width and poor condition of the road which is incapable of allowing cement /HGVs to pass one another without damaging the verge.
- 7.4.7 As already discussed, the third party comments calculate approximately 440-490 vehicle movements a week based on a 5 day operation, which is considered high; the submitted information is clear however that the applicant anticipates it to be closer to 318 (159 each way); the actual figure may be somewhere in between, but the scale of the proposal does not meet the threshold for the North Northamptonshire Council's Local Highways Authority to require submission of a transport statement to assess this further. As already mentioned, the use has been in operation for approximately 3+ years with no complaints/incidences raised by North Northamptonshire Council's Local Highway Authority with respect of this

which would inform their consultation response. It is also observed that Cranford Road is not weight restricted highway which would warrant additional controls.

- 7.4.8 Notwithstanding this, the aforementioned conditions will aid to address the concerns regarding spillages and dust control which could also affect highway safety. It is not *'reasonable'* to require the applicant to enhance the standard of the existing road due to existing deficiencies where enhancement is not required as a direct consequence of the proposed use. In this instance, North Northamptonshire Council Local Highways Authority has not objected to the use of Cranford Road to access the proposed use or made requirements for enhancements to the highway. Significant weight is attached to the Local Highway Authority's comments and whilst the third objections received are material considerations, they are not considered to outweigh the lack of objection from NNC Local Highway Authority subject to planning conditions to control matters already discussed. Subject to this, the proposal is considered acceptable with respect of parking and highway safety impacts and accords with the relevant parts of Section 9 of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy.

7.5 **Environmental Matters**

- 7.5.1 Section 15 of the National Planning Policy Framework seeks for planning decisions to ensure that any risks from ground contamination are mitigated (including land remediation where necessary) and that adequate investigation by a competent person is made in order for sites to be properly assessed, when determining decisions for planning permission.
- 7.5.2 Policy 6 of the North Northamptonshire Joint Core Strategy also states that where development is situated on a site with known or high likelihood of contamination, remediation strategies to manage this contamination will be required and that subject to the Policies in this Plan, planning permission will be granted for development on land affected by contamination where it can be established by the proposed developer that the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters.
- 7.5.3 Policy 8 of the North Northamptonshire Joint Core Strategy also seeks for new development to prevent contributing towards unacceptable levels of soil, air, light, water, noise pollution.
- 7.5.4 Consultation comment from the Environment Agency (EA) states that this is a retrospective planning application for a facility that has been operating since 2017 (approx), with no new built development proposed at this time. However, based on the information available it understands that illegally deposited waste at the site may pose a potential risk to controlled waters which should have been addressed at the time of the site development.
- 7.5.5 This is because the application impacts on land which was subject to illegal waste deposit which was subject to prosecution and an enforcement notice. The enforcement notice (served under Section 59 (1)(a) and (b) Environmental Protection Act 1990) was not fully complied with and remains extant, although the company,

Think Environmental Ltd has been in liquidation since 2014. As a result, Illegally deposited waste remains on the site and there is the potential for land and groundwater contamination from the long term storage of this waste.

- 7.5.6 Controlled waters are particularly sensitive in this location because the site is located upon a Secondary A aquifer. The potential presence of illegal waste deposited at the site presents a potential risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Section 5.6 of the Planning Statement indicates that surface water currently drains to a soakaway. However, detailed information should be provided to demonstrate that the risks to controlled waters from this soakaway are acceptable.
- 7.5.7 The EA therefore seek for further detailed information to be provided to demonstrate that the risks of pollution to controlled waters from the built development are acceptable or have been appropriately managed which can be secured by planning conditions. In light of the above, the EA considers that proposed development will be acceptable if a planning conditions include requiring the submission of a remediation strategy which should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions the EA would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 7.5.8 Third party comment from the occupiers of Windmill Cottages also raise the above issue, which can be resolved through the proposed planning conditions. Normally these planning conditions would be applied pre-commencement, but due to the retrospective nature of the application the EA have supported a decision to approve the application, subject to the permitted use ceasing if the proposed conditions are not fully complied with within 6 months from the date of the decision notice.
- 7.5.9 Subject to this, the proposal will have an acceptable impact on environmental matters as discussed and accords with the relevant parts of Section 15 of the National Planning Policy Framework and Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

8. Other Matters

- 8.1 **Health and Wellbeing** – Third party comment from the occupiers of 1-4 Windmill Cottages raise concern regarding the increased risk to cancer arising from cement/silica dust and make reference to Health and Safety Executive (HSE) information sheets to support this claim. Neither the case officer nor the Environmental Protection Team Leader have relevant health and safety specialist knowledge of this matter to draw conclusion or advise further. The HSE information sheet '*construction information sheet No. 26 (revision 2)*' does refer to people using cement and conditions associated with this, rather than exposure to fugitive emissions such as that described by the third party representation.

9. Conclusion / Planning Balance

- 9.1 The proposal is acceptable in principle in terms of its location and in terms of its visual impact, impact on neighbouring amenity, impact on parking and highway safety and environmental matters subject to planning conditions discussed throughout this report. Third party objections relating to noise/vibration, dust pollution, highway safety are all material considerations which have been weighed against comments received from statutory consultees including the Local Highways Authority, Environment Agency and North Northamptonshire Environmental Protection Team which have been given significant weight in arriving at this recommendation. As a result, it is considered that with sufficient conditional controls, the impacts arising from the development can be mitigated in order to make the development acceptable and outweigh the third party objections raised despite it being acknowledged that the proposal will have an adverse impact on neighbouring amenity due to noise/vibration arising from associated vehicle movements. On this basis, in accordance with the statutory duty of Section 38 (6) of the Planning and Compensation Act 2004 Act, the proposed development is acceptable and recommended for approval.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. The use hereby permitted shall permanently cease on the date that is 6 months from the date of this decision notice UNLESS before that date an air quality assessment to assess the impact of the development on local air quality and the community against the National Air Quality Standards and Objectives shall be submitted to and approved in writing by the Local Planning Authority. The submitted assessment shall identify the impact of the existing and proposed development and any exceedance of the air quality objectives, including any proposed mitigation measures. Once approved, the mitigation measures shall be implemented in full within 12 months of the date of the decision notice and retained where appropriate at all times thereafter.
REASON: Details are required within the specified timeframe in the interests of safeguarding residential amenity and to protect public health in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The use hereby permitted shall permanently cease on the date that is 6 months from the date of this decision notice UNLESS before that date a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times. REASON: Details are required within the specified timeframe because any necessary noise measures will be an integral part of the final design and in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The concrete batching activities associated with the use hereby permitted shall permanently cease on or before the date that is 6 months from the date of this decision notice UNLESS a written remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. Thereafter the development shall take place strictly in accordance with the approved remediation strategy. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy shall be implemented strictly as approved. No changes shall be made to components (1) to (4) above without the written consent of the local planning authority.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and

in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

6. The use hereby permitted shall permanently cease on or before the date that is 6 months from the date of this decision notice UNLESS before that date a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan (see condition 5) to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

7. The use hereby permitted shall permanently cease on or before the date that is 6 months from the date of this decision notice UNLESS before that date a comprehensive scheme for the regulated discharge of surface water run-off (including a detailed assessment of the risks to controlled waters) has been submitted to and approved in writing by the local planning authority. Thereafter, surface water drainage shall be dealt with strictly in accordance with the approved scheme.

REASON: To ensure that the development does not contribute to unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework and in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

8. The use hereby permitted shall not be carried out before 07:00 hours or after 19:00 hours on Mondays to Fridays, nor before 08:00 hours or after 16:00 hours on Saturdays, nor open or operate at any time on Sundays or any recognised public holidays.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. The pedestrian safe route and parking layout shown on approved block plan (Drawing no. B14/1/20/04 Rev B) received by the Local Planning Authority on 30th November 2020 shall be marked out and implemented in accordance with the approved plan within 1 month of the date of this decision notice and retained in that form thereafter.

REASON: In the interests of safety within the site and providing adequate parking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. The concrete batching activities associated with the use hereby permitted shall permanently cease on the date that is 6 months from the date of this decision notice UNLESS the existing access route (outlined in red) shown on the proposed site plan (drawing number B14/1/20//03B) received by the Local Planning Authority on 30th November 2020 has been implemented in full and permanently

retained free from obstruction and all other routes of access have been permanently closed up (unless granted by separate planning approval).

REASON: To ensure that the proposal is operated in strict accordance with the approval and conflict with other uses operating on adjacent land is avoided and adequate vehicle manoeuvring routes are kept free from obstacle in the interests of safety within the site and adjacent highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Prior to the commencement of any part of the operational development (e.g. creation of the northern access route, etc) hereby permitted, a Construction and Traffic Management Plan must be submitted to and approved by the Local Planning Authority. The Construction and Traffic Management Plan must include and specify the provision to be made for the following:

- " Directional signage (on and off site).
- " A map, suitably scaled, to be printed and given to drivers detailing the routes to be used to access the site from the wider highway network.
- " Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles.
- " The location and type of wheel washing facilities.

The Construction and Traffic Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

REASON: In the interests of protecting highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. The use hereby permitted shall permanently cease on the date that is 4 months from the date of this decision notice UNLESS, the developer has submitted to and approved in writing by the local planning authority a written scheme for the control of odour, dust and spillage on the highway of materials arising from operational vehicles entering and leaving the site. The submitted scheme shall include measures for operational vehicles arriving or leaving the site to be appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris prior to leaving the site. The scheme will also need to specify the methodology the removal and cleaning of any debris deposited on the adopted highway (maintainable at public expense) during construction of the development or operation of the use hereby approved. The use shall thereafter operate in full accordance with the approved written scheme for control of odour, dust and spillage.

REASON: To protect highway safety from deposits on the highway, which may also become wind borne and contribute to a lower quality of neighbouring amenity and subsequent health and wellbeing in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. No illumination of the site shall occur other than that shown on approved plan B14/1/20/07 received by the Local Planning Authority on 30th November 2020 which shall not be illuminated outside of the operational hours permitted by condition 8 of this planning permission, unless otherwise expressly agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting visual amenity and neighbouring amenity of the area by making the plant less conspicuous and reducing night time pollution and potential harm to local wildlife/biodiversity through a more ecologically sensitive design in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Notwithstanding the requirements of conditions 2 and 9 of this planning permission, the disabled parking bay to be implemented shall measure no less than 3.6 metres wide by 6.2 metres long and shall be marked out as such and retained in that form thereafter.

REASON: To ensure sufficient parking space for less abled users within the site in order to enhance safety in accordance with the Northamptonshire Parking Standards (September 2016) and Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

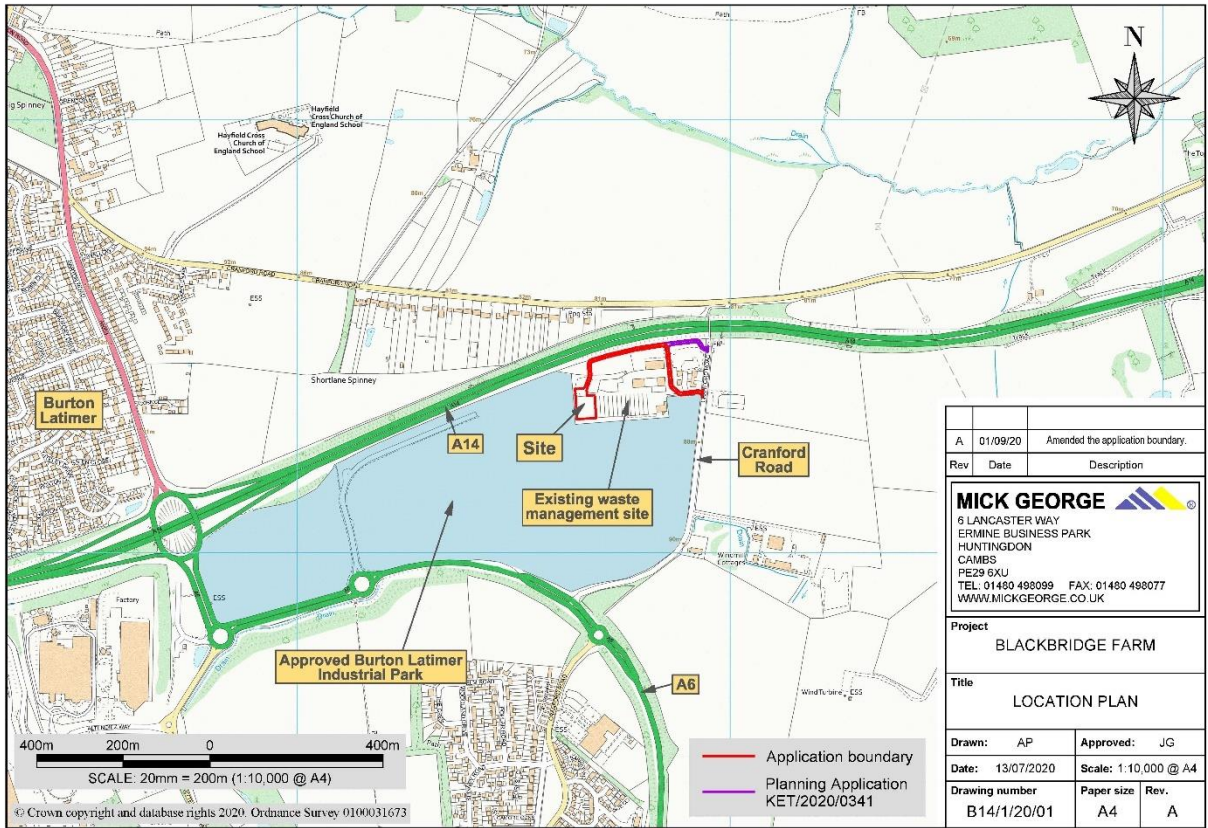
Positive/Proactive - amendments
 EA Environment Agency - Condition 5
 Environment Agency - Condition 7

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	KET Ref.	Agent's Ref	Received Date
Location plan		B14-1-20-01A	04/09/20
Existing block plan		B14-1-20-02A	04/09/20
Mess and office floor plans and elevations		B14-1-20-05	04/09/20
Topographical plan		WM-030420-1	13/07/20
Cover letter	KET/2020/0449/2		13/07/20
Planning statement	KET/2020/0449/1		13/07/20
Sewage treatment details	KET/2020/0449/3		04/09/20
Elevation photo 1		EP1A	13/07/20
Elevation photo 2		EP2B	13/07/20
Elevation photo 3		EP3B	13/07/20

Site photos		P1	13/07/20
Covering Letter	KET/2020/0449/2A		30/11/20
Proposed Layout Block Plan		B14/1/20/04 Rev B	30/11/20
Vehicle Tracking Plan		B14/1/20/06	30/11/20
Proposed Site Layout Plan		B14/1/20/03 Rev B	30/11/20
Office and Mess Room Floor Plans and Elevations		B14/1/20/05	30/11/20
Proposed Lighting Locations		B14/1/20/07	30/11/20



Rev	Date	Description
A	01/09/20	Amended the application boundary.

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Project
 BLACKBRIDGE FARM

Title
 LOCATION PLAN

Drawn: AP	Approved: JG
Date: 13/07/2020	Scale: 1:10,000 @ A4
Drawing number	Paper size
B14/1/20/01	A4
	Rev.
	A

— Application boundary
 — Planning Application KET/2020/0341

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