

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/09/2018	Item No: 5.4
Report Originator	Gavin Ferries Senior Development Officer	Application No: KET/2018/0419
Wards Affected	Slade	
Location	The Rickyard Suite, The Elms, Isham Road, Pytchley	
Proposal	Full Application: 4 no. interconnecting tipis, and associated development to create a temporary (5 year period ending 31 October 2023) event venue with activities between 1 March and 31 October	
Applicant	Mr K Shapland	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The permission shall take effect from the date of this planning permission.
REASON: In the interests of clarity and to define the permission as applied for.

2. This permission shall be limited to a period expiring on 31 October 2023. At or before the expiration of this period the use of the land hereby permitted shall be permanently discontinued and any structures hereby permitted shall be permanently removed and the land restored to its former condition.
REASON: In order to define the application as applied for.

3. This use of the site for events and the provision of the associated structures shall be limited to events between the 1 March and the 31 October. None of the structures hereby permitted shall be sited, stored or kept on the land outside of this period and shall be removed from the site and not returned to the site outside of these dates.
REASON: In order to define the permission as applied for.

4. Prior to the first event being held, details of the surfacing material for the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The car parking area surfacing shall be laid to accommodate parking in adverse weather conditions but shall not be a permanent hardsurfacing material.
REASON: In the interests of highway safety and due to the temporary nature of the development.

5. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with policy 16 of the National Planning Policy Framework.

6. Prior to the first use hereby permitted, the first 15m of the access track from Isham Road shall be laid with a hard bound surface at a width of 6m.

REASON: In the interests of highway safety.

7. Prior to first use hereby permitted, vehicle visibility splays measuring 2.4m (from the carriageway edge along the centre of the vehicular access) by 45m (Eastbound) and 172m (Westbound) shall be provided to either side of the vehicular access. The splays shall be thereafter be retained for the life time of the development and kept clear of all obstacles to visibility over 0.9m in height above carriageway level.

REASON: In the interests of highway safety.

8. Any gates provided shall be set back a distance of 7.5 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.

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

9. The site shall not be open to the public/guests before 11:00 hours or remain open after 23:00 hours on Mondays to Thursdays, nor before 11:00 hours or after 00:30 hours on Fridays or Saturdays, nor before 11:00 hours or after 22:00 hours on Sundays or any recognised public holidays.

REASON: in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No activities shall be undertaken on the site before the hours of 10:00 hours nor after 01:30 hours on Mondays to Sundays.

REASON: in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development shall take place on site until a scheme has been submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The development shall not be carried out other than in accordance with the approved scheme.

REASON: Noise control measures are required prior to commencement to ensure that the development does not adversely impact on the amenities of the occupants of nearby premises or intrude into the rural area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. The development shall take place in accordance with the recommendations and details within the submitted badger survey report Ref: 17-2931 Version V1 dated

16 March 2018 and the recommendations shall be implemented and retained for the lifetime of the development.

REASON: In the interests of biodiversity in accordance with Policy 15 of the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

13. The existing hedgerows within and adjacent to the site and access shall be retained in perpetuity and shall not be cut down, grubbed out or otherwise removed, or topped or lopped so that the height of the hedge falls below 2 metres at any point, without the written consent of the Local Planning Authority. Any hedges removed without such consent or which die or become severely damaged shall be replaced in the next planting season with hedging plants of such size and species as approved in writing by the Local Planning Authority.

REASON: To ensure the continued well-being of hedgerows in the interests of the visual appearance of the locality and the preservation of biodiversity in accordance with Policy 15 of the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

14. Notwithstanding the submitted landscaping plans, prior to the first use of the site for the use hereby permitted, planting details for all of the boundaries of the event area (field area surrounding the tipis as shown on plan 006-A) shall be submitted to and approved in writing by the Local Planning. The approved planting scheme shall be carried out in the next planting and seeding season from the date of this permission and any trees or plants which within the lifetime of this permission, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species.

REASON: In the interests of visual amenity and enhancement to biodiversity in accordance with Policy 15 of the National Planning Policy Framework and Policy 4 of the North Northamptonshire Joint Core Strategy.

15. The development shall be operated in accordance with the approved Security Information document unless otherwise required by conditions on this permission or unless alternative details are agreed in writing in advance by the Local Planning Authority.

REASON: In the interests of reducing fear of crime and crime in accordance with Policy 8 of North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0419

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2017/0741 Hardcore agricultural track **withdrawn** 11/10/2017

KET/2017/0818 Provision of track extension from existing access and ramp to other fields **prior approval required** 07/11/2017

KET/2018/0076 Siting of track extension from existing access and ramp to other fields **prior approval granted** 20/02/2018

KET/2017/0901 4 no. interconnecting tipis and associated development to create event venue **withdrawn** 27/02/2018

KET/2018/0323 4 no. interconnecting tipis, and associated development to create event venue **withdrawn** 04/06/2018

Site Visit

Officer's site inspection was carried out on 07/06/2018.

The application site consists of agricultural fields which have vehicular access from the Isham Road which is a classified road. The upper field (closer to the road) is proposed to contain the parking area with the tipis and toilet block on the lower field.

Surrounding the fields are hedgerows with a variety of vegetation and the access into the site

The fields are accessed from the Isham Road which has approval for a section of track but the track does not connect to the road and therefore this application includes the access to the Isham Road and the use of the access track.

Proposed Development

The application seeks consent for the use of the land for events and parking and the provision of associated structures consisting of 4 interconnecting tipis, toilet block and storage facility for a 5 year period between the 1 March and 31 October.

The application also includes a permanent aspect consisting of an improved access to the Isham Road and an upgraded agricultural track.

Any Constraints Affecting the Site

Classified Road
Public Footpaths

4.0 Consultation and Customer Impact

Pytchley Parish Council:

Object on the basis of

- Out of character with rural scene
- Visually intrusive
- Noisy nuisance within rural setting to annoyance of residents of Pytchley
- Access is from 60mph speed road which is dangerous
- Light pollution
- No demonstrable need
- It is contrary to the Pytchley Parish Plan and North Northamptonshire JCS

Highway Authority

No objection subject to conditions on;

- Travel plan
- Hours of access restriction
- Access widths, gradients and surfacing
- Visibility splays
- Parking layout and retention
- Access gate distance to highway

Informatives regarding works affecting highway

North Northants Badger Group

No objection subject to condition requiring compliance with mitigation as set out in submitted report (note report is publically restricted)

Neighbours:

Approximately 27 objections were received to the application raising objections regarding;

- Noise
- Impact on wildlife
- Traffic
- Speed of vehicles through Pytchley
- Inappropriate location
- Unsustainable development
- Lack of information regarding delivery/service vehicles
- Intrusion of lighting into open countryside
- Removal of hedgerow
- Visual impact
- Inappropriate scale of development for the village
- Anti-social behaviour by visitors/guests
- Lateness of proposed events
- Unrelated to the farm business
- Stress caused by the threat to rural life

The objections also including additional points, which are not material planning considerations and therefore cannot be given weight

- Concern about drink drivers
- Concern that it will lead to other development of permanent nature
- That the track applications weren't for agricultural purpose and were for this scheme
- Financially motivated
- Complaints about the ongoing events

Environmental Protection:

No objection subject a noise management plan condition being imposed

Northamptonshire Archaeology:

A programme of archaeological monitoring would be appropriate and therefore condition archaeological programme of works condition requested.

5.0 Planning Policy

National Planning Policy Framework:

- 6. Building a strong, competitive economy
- 15. Conserving and enhancing the natural environment

North Northamptonshire Joint Core Strategy

- Policy 1 Presumption in favour of Sustainable Development
- Policy 3 Landscape Character
- Policy 8 North Northamptonshire Place Shaping Principles
- Policy 11 The Network of Urban and Rural Areas
- Policy 25 Rural Economic Development and Diversification

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Landscape Impact & visual Impact
3. Crime and Fire Safety
4. Highways Access, Safety and Parking
5. Noise
6. Lighting
7. Biodiversity

1. Principle of development

The North Northamptonshire Joint Core Strategy seeks to focus development towards the more sustainable urban areas of the largest towns. The proposed site is located in the open countryside outside of the small settlement of Pytchley.

It is noted that the events have been running already utilising permitted development rights for temporary events and these events could continue without the issuing by Kettering Borough Council of a planning permission. These temporary events are currently only restricted by the limitations related to the numbers of days (28 in any calendar year) and therefore the fallback position related to permitted development rights is a material consideration when considering this application.

Saved Policy 7 of the Local Plan (1995) stipulates that permission for development within open countryside will not be granted except where otherwise provided for in the Plan. The Local Plan was adopted in 1995; over time some policies (relating to allocations or infrastructure) have been delivered and are no longer applicable. Other policies have been replaced by the Development Plan for the Borough which is a product of Government reforms to the planning system in recent years. Therefore, when interpreting saved Policy 7 of the Local Plan, this shall be done in accordance with the relevant planning policies provided by Kettering's Development Plan and not in isolation of the Local Plan (1995) as Policy 7 initially implies.

The North Northamptonshire Joint Core Strategy (NNJCS) (2016) provides through Policy 11 (network of urban and rural areas) that rural diversification will be supported in accordance with Policy 25 (rural economic development and diversification). Policy 23 on the distribution of new jobs supports new employment in rural areas (of an appropriate scale and type) where it is consistent with Policy 25. Policy 25 determines that sustainable opportunities to develop and diversify the rural economy will be supported providing it is of an appropriate scale for the location and with respect to the environmental quality and character of the area. Policy 25 concludes that encouragement will be given towards the development and diversification of agricultural and other land based businesses. Sustainable rural diversification activities should seek to complement and support the ongoing viability of the existing business.

The newly published NPPF maintains a strong emphasis towards supporting a prosperous rural economy (para 83-84). In particular, it advocates that decisions should enable the diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside.

The Design and Access Statement (DAS) highlights that the proposal has taken account of local consultation regarding the location of the development. The location and siting have been selected to meet the functional requirements of the proposal as an event space while retaining the ability for the agricultural business to function normally while minimising impact on the surrounding visual and residential amenity. The development has been designed so as to blend with the existing landscape and rural character of the local area. The materials chosen for both the tipis and the ancillary facilities have been selected so as to blend into the natural environment and landscape

The Supporting Statement on Business Information (SSBI) states that the new

development will allow the immediate recruitment of two FTE staff members. When fully operational it will directly support the equivalent of 7 FTE jobs. Lastly, the SSBI anticipates that the development will support an undisclosed number of indirect jobs through local supply chains. There are already local agreements in place with local providers.

The SSBI is accompanied by a letter from a Partner at Geddington Farms which owns the application site. The letter welcomes the proposal highlighting that the additional income from this diversification will enable Geddington Farms to continue maintaining the farmed environment through times of uncertainty within the industry.

Policy 11 and 23 of the NNJCS both require that the proposal will be supported in terms of the development location and job creation providing the proposal is consistent and in accordance with Policy 25. The proposal does demonstrate through the DAS and the SSBI that it provides a sustainable opportunity to develop and diversify the rural economy through a development that is an appropriate scale for the location and has respect for the environmental quality and character of the area. The proposal will create employment opportunities and provides a rural diversification that complements and supports the ongoing viability of the existing business.

It is considered that the proposal is consistent and in accordance with Policy 25 of the NNJCS and therefore there is no conflict identified with the above policies that would justify a refusal in planning policy terms.

The proposal being for a rural wedding venue comprised primarily of tents, it is not practical to consider the use in a town location which are better served by more sustainable transport methods.

There is also control of various activities under licensing which cover aspects of alcohol, some music and hot food (during certain times), however these are lesser controls than available under planning. It should be noted that there are greater opportunities for licensing controls with a premises licence than a temporary events notice and a premises licence can only be applied for/granted for this site if planning permission is in place.

2. Landscape Impact & Visual Impact

The application site is located within the open countryside, reasonably close to the village of Pytchley. The fields fall away from the Isham Road with fairly limited visibility from the main road due to the hedgerows along the field boundaries along the road edge. There will be an increased visibility of the site due to the widening of the access and increased visibility splays from the site.

The proposed car parking area is located at the bottom of the northern field with the car parking area starting approximately 280m from the road. The area is currently grassed field and it is not proposed to permanently hardsurface the parking area and it is to remain as grass. However, it is recommended that grasscrete matting is likely to be more appropriate given the nature of the event parking. The recommended surfacing is permeable and allows grass to

grow through it and it is at surface level but provides a slightly better surface in wet/muddy conditions than just the field. The visual impact of the parking area is therefore limited to when there are events on. The visual impact is therefore considered to be comparably transient for the car parking element.

The main section of the site where the proposed tipis are to be sited has wooded copses to the east (Pond Coppice) and west (Elbow Spinney) and an established hedgerow along the northern side which provide screening for the main area.

There is an operational agricultural field to the South which was field with rape during the site visit of the 7 June which restricted the view of the site from the south, however, unlike the hedgerow and woods this is a more seasonal screening provision and is dependent on the crop. Further to the south are two public footpaths GW2 and GW3 which mean there is public visibility of the site.

There is a local intrusive impact into the area of the development but it is comparatively restricted in terms of area. The tipis are a green material structure with a maximum of 7.1m in height and the 4 tipis cover an area of approximately 525m².

There is also a toilet block and storage container, with both being 3m in width and 3m in height. The storage container is 13m in length and the toilet is 4.8m in length. The two structures are both wooden clad.

The plan shows wildflower planting as part of a landscaping proposal however, it is considered that the planting should be similar to the field boundary hedgerows in order to provide a greater modicum of screening especially when/if the southern field doesn't or has lower height crops within it. It is appropriate to require this by condition.

It is also noted that the tipis, toilet block and storage facility are only requested for temporary 5 year period between the 1 March and 31 October. Outside of these times, these structures would need to be removed and therefore the visual impact in the more wintery months is more limited.

3. Crime and fire safety

Due to the site's rural location and the degree of separation from properties (see section 5 noise), there is limited natural surveillance of the site and the activities and therefore there is potential for crime including arson in relation to the site activities.

The Police Crime Design Advisor has commented on the proposal and has made recommendations to the applicant regarding measures that should be imposed. A Safety & Security statement (note not public due to content) has been submitted which includes measures to reduce the risk of crime and incorporates various measures for monitoring and control. The report has been subject to consultation with the Police who have advised that the identified measures should be implemented.

4. Highway Access, Safety and Parking

The site access is located within the national speed limit area of Isham Road and therefore in the interests of highway safety it is necessary for a greater degree of visibility covering the access than would be the case in a lower speed limit area. The relevant visibility splays are recommended to be provided by condition.

The access is required to be improved to accommodate the numbers of vehicles and potentially to accommodate emergency vehicles and therefore the track is to be widened and improved to allow for this.

The Highways Authority have commented on the traffic generation and likely impacts of the proposed operation and it is considered that the impact is unlikely to be demonstrably harmful other than at peak traffic hours, this can reasonably be overcome by condition restricting access to and from the site during the relevant periods.

The proposal incorporates a parking area for the events the proposed number of spaces of 80 is approximately 1 space per 3 (numbers of guests/staff). The nature and location of the proposed events particularly for weddings, means it is considered that there is likely to be a reasonable number of shared trips and/or taxis. In the event that there is an overspill beyond the identified car parking area, this can reasonably be accommodated within the field and therefore would not cause an obstruction or danger to the highway.

It is considered that given the nature of field parking and in order to prevent issues arising in the event of adverse weather that it is appropriate that grasscrete or grassblocks will need to be provided and therefore this is recommended as a condition.

5. Noise

There have been various temporary events held by the applicant under temporary uses of land and temporary events notices. These events have mostly been located closer to the houses at Lower End and Stringers Hill in a different location to the application site. These events were subject to numerous complaints and concerns by residents particularly in respect of the noise that could be heard from these events.

A significant proportion of the objections relate to the noise generation from the proposal including music and guests to the site particularly from drunken individuals.

There were two temporary events on the 21st & 28th July which were undertaken in the location of this application. There were no specific complaints received in respect of these two events and the Environmental Protection Officer visited during them and advised that the noise from the event was

Inaudible from roadside, property façade and hardstanding on way down. The music/event wasn't audible until he got past the carpark and was stood outside the tents.

It is considered that in light of the visit during these events which were held at the application site, that any noise disturbance generated by the events is not harmful level and it would be a matter of nuisance falling to be investigated by Environmental Health if it occurs above these levels.

It advised that conditions restricting hours and the number/frequency of events can also help mitigate noise.

6. Lighting

A lighting strategy has been submitted with the application which states that the external lighting will consist of string LED lighting, "soft glow" led uplighters along perimeter, low level marker lights, gateway lighting with lower power lighting within the tipis themselves.

The strategy is considered to acceptable, however, it does not provide a level of detail that would enable it to be reasonably conditioned and therefore a condition related to a detailed lighting strategy including types and locations for the lights needs to be submitted. It will also need to include details covering the operational times for the lighting.

7. Biodiversity

The application has been accompanied by an ecology survey which includes recommendations related to protected species. The recommendations included within the report have been assessed and are considered to be appropriate. The report recommendations are conditioned and therefore it is considered that the impacts are mitigated

Conclusion

In light of the ability for the activities to be undertaken utilising permitted development and the level of information which has been provided with this latest application, it is considered that it is more appropriate for the Council to grant permission which enables additional conditions/controls to be imposed which mitigate the activities.

Subject to the recommended conditions, it is considered that the proposal is reasonably mitigated in terms of ecology, noise, traffic and visual impact.

Background Papers

Title of Document:

Date:

Contact Officer:

Gavin Ferries, Senior Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

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