Item no: 4.2



# North Northamptonshire Area Planning (Kettering) Committee 08/03/2023

Application Reference	NK/2022/0274		
Case Officer	Alison Riches		
Location	Broughton Road (land off), Mawsley		
Development	Full Planning Permission: Change of use from agricultural to 17 no. allotments with access, parking, fencing and sheds		
Applicant	Mawsley Parish Council		
Agent	Mr A Jelley Alpine Planning Ltd		
Ward	Slade		
Overall Expiry Date	01/07/2022		
Agreed Extension of Time	08/09/2022		

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

#### **Scheme of Delegation**

This application is brought to committee because the application has been the subject of more than five written material planning objections.

#### 1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

#### 2. The Proposal

2.1 The proposal seeks full planning permission for a change of use from agricultural to a use providing 17 no. 8 metre by 22 metre allotments each containing a 2.52 metre by 2.04 metre wooden shed and accessed from Main Street by a 3 metre wide gravelled track. A wildlife maintenance strip and

landscaped area is provided to the front (northeast) of the allotments and 3 no. parking spaces and a turning area is also provided. A 1.2 metre high post and wire fence is to be provided along the rear (southwest) boundary and 2 no. field gates to allow continued use of Bridleway HK/001 which diagonally bisects the site.

- 2.2 At the request of the Local Highway Authority, during the application process an additional plan was provided to show an increase in the width of the access for the first 10 metres into the site to allow a passing place for 2 no. opposing vehicles. The Local Highway Authority were reconsulted on this for 14 days.
- 2.3 Following further Local Highway Authority comments, an amended plan has been received to show a vehicular visibility splay to allow for siting from the allotment entrance of vehicles travelling from Loddington Road. The Local Highway Authority were reconsulted for 7 days.

#### 3. Site Description

3.1 The application site is a strip of agricultural land in the open countryside to the southeast of Mawsley village. Public Bridleway HK/001 cuts through the application site on the diagonal from southwest to northeast between Broughton Road and the village of Great Cransley.

## 4. Relevant Planning History

4.1 None relevant.

#### 5. Consultation Responses

A full copy of all comments received can be found on the Council's website at: https://www.kettering.gov.uk/planningApplication/search

## 5.1 <u>Mawsley Parish Council</u>

Applicants - not consulted.

### 5.2 <u>Neighbours / Responses to Publicity</u>

6 no. letters of **objection** have been received. The issues raised are summarised below:

#### 51 Loddington Way

- I object on the grounds of the proposed entrance of an already dangerous roundabout.
- This will add further complication and will cause accidents.
- There is no place for a further tight entrance here at all.

#### 2 Main Street

- The proposed change of use from agricultural land to 17 allotments can only be accessed from a track / gateway off the roundabout.
- This roundabout is already extremely busy.

- The gate off Broughton Road would have poor visibility and just add to the already 'dangerous' roundabout.
- This is also an area where school children congregate for the buses leaving for various schools in the morning.
- Turning left into the proposed track would create a blind spot for drivers coming from the north of the village.

#### 1 Main Street

- It is madness and a folly and surely a serious accident waiting to happen. It will.
- There is a ribbon of houses adjacent to Broughton Road which do not have garages or garage spaces at all which means that vehicles have no alternative but to park in Broughton Road causing hold-ups and sometimes tailbacks.
- Allotments are placed well away from housing. It can be seen in Kettering along Northfield Avenue and in Broughton and Burton Latimer and all the surrounding villages. The siting there offends no-one and affects no-one, but not Mawsley.
- There is traffic congestion in Mawsley during peak times School dropoff and pick up, visitors to the Surgery, the shops and to various activities at The Centre.
- The number of cars has increased in the village due to families growing up and there being no infrastructure in the village to support employment within its confines, but there is still only one parking space per family.
- Mawsley is badly congested with entry into the village flowing relentlessly through Main Street.
- The proposal will add to the congestion with more traffic being held up with allotmentiers turning into and out of their allotments. An already serious situation will become even worse.

#### 2 Cransley Court

- I object due to the site entrance being on a busy junction, which already has limited space.
- To place the entrance to the allotments here is an accident waiting to happen.

#### 4 Cransley Court

- This is so dangerous to apply for access to this land, near a junction. It will be an accident waiting to happen.
- Children also go to the pond opposite.

#### 3 Cransley Court

- The proposal to construct a further junction on this busy road next to the pond is a major safety concern.
- The risk to pedestrians and road users alike is magnified given the proximity of this proposed access point to an already very busy junction with limited sight lines.

#### 5.3 Local Highway Authority (LHA)

- Observations.
- Acknowledged access would not see significant volumes of vehicle traffic but concerns with the proximity of the proposed access to the existing junction of Broughton Road/Loddington Way/Main Street.
- In the interests of highway safety, LHA requests RSA1 carried out to identify any safety concerns.
- Due to the commercial nature of the site, the access is required to be a 6m kerbed radii junction and would need to be hard-bound for its entire length. There is a prospect for the access width to reduce to no less than 3.7m wide, in line with Northants Fire and Rescue Services (NFRS) requirements, however, this should not take place for at least the first 10m from the highway boundary with Broughton Road. If a reduction in width is proposed then it is suggested a layby is incorporated to provide a safe passing place in the event two vehicles oppose each other.
- Thought to be a street light in close vicinity to the access. The access should be shown in relation to it, if it requires relocating, the costs rest with the applicant and the decision to move the infrastructure rests with the utility provider. The LHA would require its relocation to be secured by a Grampian condition.
- LPA to seek local fire chief views as to access requirements given structures would be over 45m from the highway boundary. As such, vehicular access must be no less than 3.7m in length and constructed to withstand 15T axle loading and incorporate appropriate turning facilities to enable a fire tender to safely turn and exit onto the public highway in a forward gear.
- Access gates to be set back at least the length of the largest vehicle likely to use the access.
- The 3 no. proposed parking spaces are adequate. LPA to take a view regarding parking numbers and the need for disabled and/or cycle parking.
- Applicant to be made fully aware of responsibilities in respect of Public Bridleway (HK1) which crosses the site.
  - With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:-
  - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is a criminal offence to obstruct the highway under Section 137 HA 1980.
  - There must be no interference or permanent damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980.
  - If as a result of the development, the safety of the public cannot be guaranteed, the Right of Way needs to be closed and a Temporary Traffic Regulation Order would become necessary.

An Application form for such an order is available from the West Northamptonshire Council website, a fee is payable for this service and a period of six weeks' notice is required. Please contact the Definitive Map Team at:-<a href="mailto:defmap.NCC@westnorthants.gov.uk">defmap.NCC@westnorthants.gov.uk</a>

- https://www.westnorthants.gov.uk/northamptonshirehighways/rights-of-way/Pages/temporary-traffic-regulationorders.aspx
- Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs

#### Reconsultation 18/07/2022 – Local Highway Authority only

- Observations.
- The proposed site access as detailed in plan MA/02 is reasonable in principle.
- An accurate and scaled plan detailing the forward visibility measured from a 2m setback from the highway boundary at the access to a 1m offset from the gyratory channel to see what level of vehicle to an approaching object intervisibility there is between the access and bend around Loddington Way / Broughton Road. This is to better understand the intervisibility of a vehicle waiting to exit the site and an object approaching from Loddington Way.
- The LPA must take a view as regard parking numbers owing to the bespoke nature of the site along with the need for disabled and/or cycle parking.
- Public Right of Way comments remain as previously stated.
- New path comments remain as previously stated.

#### Reconsultation 23/02/2023 – Local Highway Authority only

• Comments received from the Local Highway Authority will be included in the update to the Committee.

#### 5.4 Ramblers Association

- Public Bridleway HK1 is affected and in close proximity to the proposed development.
- The bridleway must be kept clear and free from materials and obstruction at all times during the period of building. It is an offence to obstruct the bridleway/rights of way under Section 137 of the Highways Act 1980.
- In addition the bridleways must be kept free from damage at all times.
- If a temporary diversion of the bridleway is required to facilitate construction then the Applicant must seek a Temporary Traffic Regulation Order. He/She would need to contact the Definitive Map Team at West Northamptonshire Council.

#### 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)

Policy 8. Promoting healthy and safe communities

Policy 9. Promoting sustainable transport

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

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

Policy 3. Landscape Character

Policy 4. Biodiversity and Geodiversity

Policy 5. Water Resources, Environment and Flood Risk Management

Policy 6. Development on Brownfield Land and Land Affected by Contamination

Policy 11. The Network of Urban and Rural Areas

Policy 13. Rural Exceptions

Policy 16. Connecting the Network of Settlements

## 6.4 <u>Kettering Site Specific Part 2 Local Plan (2021)</u>

Policy LOC1. Settlement Boundaries

Policy HWC2. Protection of Community Facilities and Proposals for New Facilities

Policy HWC3. Sport, Recreation and Physical Activity

Policy RS4. Development in the Open Countryside

Policy RS5. General Development Principles in the Rural Area

#### 7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Flooding and Drainage
- Biodiversity Net Gain
- Fire and Rescue
- Bridleway HK/001

#### 7.1 Principle of Development

- 7.1.1 The application site is located on agricultural land in the open countryside to the southeast of Mawsley village.
- 7.1.2 The proposal is for 17 no. allotments with associated access, limited on-site parking and the provision of a shed for each allotment.

- 7.1.3 The definition of agriculture in Section 336 of the Town and Country Planning Act 1990 is as follows:
  - "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;
- 7.1.3 As such, provided the allotment use is for agricultural purposes for the personal use of the users of the allotments, as covered by the definition above, then planning permission is not required to convert agricultural land to an allotment use.
- 7.1.4 Planning permission is however required for the creation of an access and parking area, and the installation of the sheds.

- 7.1.5 Policy RS4 of the Kettering Site Specific Part 2 Local Plan restricts new development in the open countryside unless it meets the requirements of Policies 13, 25 or 26 of the North Northamptonshire Joint Core Strategy. With respect to the North Northamptonshire Joint Core Strategy policies, Policy 13(2) of the North Northamptonshire Joint Core Strategy restricts new development in the open countryside away from established settlements.
- 7.1.6 Policy HWC2 of the Kettering Site Specific Part 2 Local Plan is supportive of the provision of new community facilities.
- 7.1.7 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network.
- 7.1.8 As the proposal is for the provision of allotments for a personal agricultural use, with the provision of an access, parking and sheds being minor pieces of development which enable the primary allotment use, it is therefore considered that the principle of development for this proposal is established subject to the satisfaction of the development plan criteria.

#### 7.2 **Visual Impact**

- 7.2.1 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.
- 7.2.2 The proposal is for 17 no. allotments with associated access, limited on-site parking and the provision of a shed for each allotment.
- 7.2.3 An objection has been received regarding the siting of the allotments, stating that allotments are placed well away from housing, for example along Northfield Avenue in Kettering, in Broughton, Burton Latimer and all surrounding villages, where they offend and affect no-one.
- 7.2.4 With respect to the proposed allotments, these are sited approximately 100 metres from Main Street, 150 metres from Broughton Road and 110 metres from Cransley Court and provide an agricultural use which would be expected to be seen in this rural location, although it will be a more condensed version than seen in the surrounding fields. The allotments themselves do not require planning permission but the associated development of an access track with a post and rail rear fence and the provision of sheds for each allotment, do, and are considered to be minor ancillary pieces of development necessary to facilitate the primary agricultural use.
- 7.2.5 Subject to conditions for the proposal to be built out in accordance with the submitted plans, it is considered that there will be no adverse impact on the character and appearance of the surrounding wider rural area. This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 7.3 Impact on Neighbouring Amenity

- 7.3.1 The National Planning Policy Framework in Policy 12, paragraph 130(f) seeks to ensure that development creates places with high standards of amenity for existing and future users. (overbearing/sense of enclosure).
- 7.3.2 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy 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.
- 7.3.3 The proposal is for 17 no. allotments with associated access, limited on-site parking and the provision of a shed for each allotment.
- 7.3.4 The siting of the allotments is on agricultural land to the southeast of Mawsley village with the nearest residential properties being at No.2 Main Street to the northwest, adjacent to where the access is located, and in Broughton Road to the west and Cransley Court to the southwest.
- 7.3.5 The side (southwest) boundary of No.2 Main Street abuts the access drive into the allotments. The first 10 metres of the proposed access back from the highway is 4.5 metres wide to provide a safe passing place in the event two vehicles oppose each other, and this leads to 3 no. parking spaces within the allotment site. This 10 metre area is adjacent to the dwellinghouse at No.2 Main Street which has a separation distance of a minimum of 4 metres from the flank elevation of No.2 to its side boundary with the application site. Within the proposed access, there is a 2 metre wide wildlife/maintenance strip to the northeast of the vehicular access which is immediately adjacent to the boundary with No.2.
- 7.3.6 As such, it is considered that the separation distance of the access passing place and the low level of parking provision within the site, means that the vehicular activity in this location is not of a level significant enough to lead to an adverse impact on the amenities of the occupiers of No.2 in terms of air quality, noise and disturbance.
- 7.3.7 Given that the allotments themselves do not require planning permission, with respect to the general amenities of all surrounding neighbouring occupiers, it is considered that the separation distance of the allotments from these residents, and the type and level of activity likely to be carried out to support the allotment use, is not significantly different than the use of private residential gardens for the personal growing of fruit and vegetables, or for a small scale agricultural use. As such, it is considered that the proposed allotment use, and its associated access and parking, will not lead to a significant loss of amenity to surrounding residential occupiers over and above that which would ordinarily be expected in this rural location.
- 7.3.8 As such, subject to a condition for the provision and of the access, allotments and sheds in accordance with the submitted details, the proposal is

considered to accord with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 7.4 **Highway Matters**

- 7.4.1 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.
- 7.4.2 The proposal is for 17 no. allotments with associated access, limited on-site parking and the provision of a shed for each allotment.
- 7.4.3 There have been 6 no. objections to the proposal from village residents in relation to highway matters, and their comments are summarised as follows:
  - The proposed entrance is already on a dangerous roundabout.
  - The gate off Broughton Road would have poor visibility and turning left into the proposed track would create a blind spot for drivers coming from the north of the village.
  - There is a ribbon of houses adjacent to Broughton Road which do not have garages or garage spaces at all which means that vehicles have no alternative but to park in Broughton Road causing hold-ups and sometimes tailbacks.
  - The number of cars has increased in the village due to growing families and the village is badly congested with entry into the village flowing relentlessly through Main Street to go to the surgery, the school, the shops and to the Centre, with this area being where school children congregate for the buses leaving for various schools at pick-up and drop-off times.
- 7.4.4 With respect to the congestion, this is caused by activities outside of the proposed allotment use and given that the proposed allotments are for use by occupiers of the village with only 3 no. parking spaces provided, it is considered that the proposal will not increase the level of vehicular activity within the village.
- 7.4.5 This view is borne out by the Local Highway Authority who has no objection to the scheme on the basis that the proposed access would not see significant volumes of vehicle traffic.
- 7.4.6 The initial concerns of the Local Highway Authority related to proximity of the proposed access to the existing junction of Broughton Road,/Loddington Way/Main Street, the nearby street light and the impact on the Bridle Way and access for emergency vehicles.
- 7.4.7 During the application process, the applicant's agent has worked with the Local Highway Authority to provide an access with set back vehicular and pedestrian access gates, an access width of 4.5 metres for the first 10 metres back from the highway to provide a safe passing place in the event two vehicles oppose each other, and visibility splays which show an area of the central roundabout with the vegetation removed to ensure adequate visibility of vehicles coming from the northwest direction. The issue in relation to emergency vehicles is discussed in section 7.7 (Fire and Rescue).

- 7.4.8 Outside of the site, the Local Highway Authority discussed with the applicant's agent the need for a visibility splay to allow traffic coming from Loddington Way to be seen by allotment users exiting the site. 2 no. alternatives were discussed a 40m splay and a 26m splay. The 40m splay involved the reduction or removal of an area of vegetation on the open space to the south of Loddington Way, land outside of the ownership of the applicants, while the 26m splay did not require this. The Local Highway Authority were comfortable with either option and an amended plan has been sought to address this so that the Local Highway Authority could be formally consulted.
- 7.4.9 The applicant's agent submitted an amended plan with a 26m visibility splay. At the time of writing this report the Local Highway Authority were within a 7 day consultation period and had not provided comments, but given that they have no objection in principle, a condition is to be added to ensure the proposal is carried out in accordance with the submitted plans.
- 7.4.10 Additional details in relation to this are to be provided by way of the update to committee and it is considered that subject to conditions securing the development to be carried out in accordance with the proposed plans and for future visibility to be secured, the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 7.5 Flooding and Drainage

- 7.5.1 Policy 5 of the North Northamptonshire Joint Core Strategy requires new development to reduce the risk of flooding and the protection and improvement of the quality of the water environment.
- 7.5.2 The site is not subject any constraints in terms of the risk of flooding. Those parts of the proposal which are development the creation of the access, the parking area and installation of the sheds are small scale, with the proposed access and parking area being gravelled to provide adequate natural drainage.
- 7.5.3 As such, the proposal will not lead to a risk of flooding which is in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

#### 7.6 **Biodiversity Net Gain**

- 7.6.1 The Environment Act 2021 acts as the framework for environmental protection with a provision that in due course all planning permissions will be subject to achieving a net gain for biodiversity prior to the commencement of development.
- 7.6.2 Policy 4 of the North Northamptonshire Joint Core Strategy seeks to protect biodiversity and enhance the local and natural environment by securing a net gain where possible, which is consistent with Paragraph 174 of Policy 15 of the National Planning Policy Framework.

- 7.6.3 The proposal is for the provision of allotments for the growing of fruit and vegetables which, it is considered, will enhance the existing agricultural use at the site.
- 7.6.4 It is considered that the provision of the access and parking area and the installation of sheds at the site is minor ancillary development which accompanies the main use and as such it will not lead to a loss in biodiversity at the side. This is in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

#### 7.7 Fire and Rescue

7.7.1 During the application process the applicant's agent received the following advice from the Community Fire Protection Department of Northants Fire and Rescue in respect of access to the site in the event of a fire:

"It is considered that as the structures are wooden sheds and are not classed as 'premises' under the Fire Safety Order, that to apply the access requirements for a 'normal' building would seem overly onerous in this case. Obviously, the contents of the sheds cannot be regulated and may present a hazard in the event of a fire, it would therefore be an attending crews decision as to how they access the site using current operational guidance. To reduce the chance of fire spread, should a fire occur involving a shed, if they were staggered in their placement so alternate sheds are at different ends of each allotment"

7.7.2 It is considered that the proposal would give rise to no significant issues in relation to Fire and Rescue and the comments in relation to the staggered placement of the sheds for the allotments is to be added as an informative for consideration by the applicant.

#### 7.8 **Bridleway HK/001**

- 7.8.1 With respect to Bridleway HK/001 which diagonally bisects the site, advice has been given by both the Local Highway Authority and the Ramblers Association to ensure there is no obstruction to its use or interference or permanent damage.
- 7.8.2 The applicants propose 2 no. field gates through the allotment site to allow continued unfettered access to the Bridleway.
- 7.8.3 A series of informatives are to be added from the Local Highway Authority and the Ramblers Association to secure the optimum use of the Bridleway.

#### 8. Other Matters

8.1 None.

#### 9. Conclusion / Planning Balance

9.1 Subject to conditions requiring the proposal to be carried out in accordance with the submitted plans, the proposal accords with policies in the Development Plan.

#### 10. Recommendation

10.1 The proposal is recommended for conditional approval.

#### 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 access 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 the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

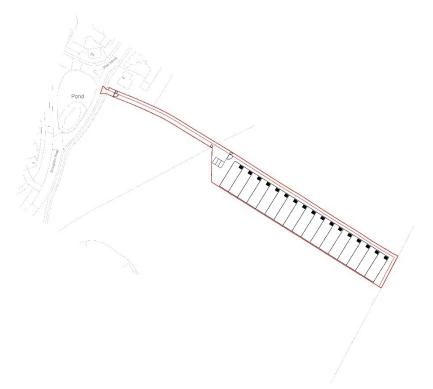
#### 12. Informatives

Positive/Proactive - amendments Bridleway HK/001 Fire and Rescue

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	NK Ref.	Agent's Ref	Received Date
Location plan		24078_E01T2	06/05/2022
Site Layout 1 of 2		24078_E02T2	29/04/2022
Site layout 2 of 2		24078_E03T2	29/04/2022
Shed and Gate Details		MA/01	18/05/2022
Site Entrance Details		MA/02A	22/02/2023
Design & Access	NK/2022/0274/1		26/04/2022
Statement			



General notes
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