



MAP SCALE 1: 1250
CREATED DATE: 03/02/2021

COMMITTEE DATE 17/02/2021 **WARD** Kirkby Cross and Portland

APP REF V/2020/0677

APPLICANT E Whiting

PROPOSAL Change of Use of Land to Traveling Showpeople Yards Together with Drainage and Highway Infrastructure

LOCATION Land to the West of Springmeadows, Park Lane, Kirkby in Ashfield, Nottingham

WEB-LINK <https://www.google.co.uk/maps/@53.090841,-1.2773029,17z>

BACKGROUND PAPERS A, C, D, K

App Registered: 07/10/2020

Expiry Date: 28/02/2021

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Madden on the grounds of highway safety and to discuss the implications on the neighbourhood.

The Application

This is an application that seeks planning consent for the change of use of land to the west of Springmeadow to seven travelling showpeople yards with associated works required in association with the change of use. The proposed development would form an extension to the existing travelling showpeople site off Park Lane, Kirkby in Ashfield.

Consultations

A press notice and site notice have been posted together with individual notification to surrounding residents and businesses.

The following responses have been received:

Resident Comments:

16x Letters of support have been received from 14 local residents, including two letters received from the Showmen's Guild of Great Britain and a local Gypsy Liaison Group. The comments received are summarised below:

- Yards on the existing site are at capacity
- Additional storage space required – allow for businesses and associated storage to be consolidated in one location resulting in economic benefit

- Multiple generations currently residing on one yard to ensure families can stay within the local community
 - o Additional space required for growing families/changing family circumstances
 - o Wish to stay close to family and friends
 - o Existing members of the local community – children attend local schools and colleges, members of local groups/sports teams, registered at local health care provisions
- Additional plots will offer stability and long-term security for family business
- Existing site is well integrated with the local community – cause no concern within the community
- Existing site is well maintained and kept clean and tidy
- The site is well located offering good connectivity to major road networks

ADC Landscaping:

The development site is within the NC05 Kirkby Coalfield Farmlands/Kirkby Vales DPZ as set out in the Greater Nottinghamshire Landscape Character Assessment 2009. The development site boundary should be reinforced with native hedgerow species of significant size with extra heavy standard tree species planted at intervals. New tree, shrub and hedge planting should be included on the drawing and referenced to the plan in the form of a planting schedule. This is important to refer back to should planting fail and require replanting. The Laurel should be replaced with a native hedgerow so that it provides improved foraging habitat for local wildlife. The proposed materials for the roadway and plots should be detailed on the plan.

NCC Highway Authority:

The proposal is for the provision of 7 travelling showpeople yards served by the existing access from Park Lane. The original consent for the overall Springmeadows site was for a total of 25 units, of which 10 were constructed as ‘with yard’ units. The additional number of units proposed is not expected to have a significant impact on the highway network. The new access shown on drawing no. 1709/BP is to be constructed within the site curtilage and does not affect the public adopted highway. The Highway Authority therefore do not raise any objections.

NCC Rights of Way:

No objections to the proposal as the footpath is unaffected by the proposal.

Local Lead Flood Authority:

No objections and recommend the approval of planning from a drainage perspective.

Nottinghamshire Wildlife Trust:

Request the submission of an Ecological Appraisal to assess the direct and indirect impacts on local ecology, and to provide details of proposed mitigation/recommendations.

NB: Preliminary Ecological Appraisal submitted. No further comments received.

Natural England:

No comments to make on the proposed development.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2019

- Part 2 – Achieving Sustainable Development
- Part 5 – Delivering a Sufficient Supply of Homes
- Part 6 – Building a Strong, Competitive Economy
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places
- Part 15 – Conserving and Enhancing the Natural Environment

Planning Policy for Traveller Sites (PPTS) 2015

- Policy H – Determining Planning Applications for Traveller Sites
- Policy I – Implementation

Ashfield Local Plan Review (ALPR) 2002

- ST1 – Development
- ST4 – Remainder of the District
- EV2 – Countryside
- EV4 – Mature Landscape Area
- HG9 – Gypsy Caravan Sites and Sites for Travelling Show People

Draft Greater Nottingham and Ashfield District Council Gypsy and Traveller Accommodation Assessment (December 2020)

Relevant Planning History

V/2000/0515

Details: Showman's Permanent Quarters
Decision: Conditional Consent

V/2006/0579

Details: Extension to Showman's Permanent Quarters Site
Decision: Conditional Consent

V/2012/0119

Details: Vary condition 4 of V/2000/0515 to allow the storage, repair and maintenance of fairground and ancillary equipment
Decision: Conditional Consent

Comment:

The application site comprises of an agricultural field approximately 1.6ha in area which lies directly adjacent to the west of an established travelling showpeople site at Springmeadows, located off Park Lane in Kirkby in Ashfield. The site is surrounded by open countryside to the north, south and west, whilst the Countryman Public House and existing residential yard space lie to the east of the site. Commercial development on Park Lane Business Park lies approximately 80m to the east. A public footpath runs adjacent to the north of the site.

The application seeks permission for an extension to the existing travelling showpeople provision at Springmeadows to create seven new yards. The yard spaces would combine residential, storage and maintenance uses, and would be occupied by members of the travelling showpeople community. The proposal includes the creation of a new access driveway within the extension which would connect into the existing provision for travelling showpeople. Access to the site would therefore be taken via an existing access of Park Lane.

The site is located outside of Districts main urban areas and named settlements in an area designated as Countryside. The site is also located within a Mature Landscape Area. Land to the north of the site, but not the site itself, is a designated Local Wildlife Site supporting a diverse range of wildlife including flora and fauna species.

In the determination of the application, the main planning considerations include the principle of the development; visual amenity; impact on ecology; impact on residential amenity; and highway safety. These are considered below.

Principle of Development:

In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF 2019. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled communities.

The PPTS document provides a definition of both 'gypsies and travellers' and 'travelling showpeople' for the purposes of planning policy. The definitions of these groups as derived from the PPTS are as follows:

- Gypsies and Travellers: *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such';* and
- Travelling Showpeople: *'Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or*

old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.'

Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Many of these families have been taking part in this lifestyle for generations. Although their work is of a mobile nature, showpeople nevertheless require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Increasingly however, showpeople's quarters are occupied by some members of the family permanently. A more settled existence can prove beneficial to some travelling showpeople in terms of access to health and education services, and employment, and can contribute to greater integration within local communities. Nevertheless the ability to travel remains an inherent part of the way of life of travelling showpeople and the way in which they earn their living.

The Council is required to set plot targets for travelling showpeople (as well as pitch targets for gypsies and travellers) as defined in Annex 1 of the PPTS which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.

In December 2020, a draft Gypsy Traveller Accommodation Needs Assessment (GTAA) report was produced for Greater Nottingham, which includes the district of Ashfield. The assessment covers a period between 2020–2038. The initial findings of the draft GTAA identify a need for an additional 15 plots/yards for travelling showpeople, of which 10 are required to be found between 2020–2025. There is therefore an identified need for the proposed development.

Policy H of the PPTS guidance relates to the determination of planning applications for traveller sites. At paragraph 23, it states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. Also, paragraph 24 requires Local Planning Authorities to consider the existing level of local provision and need for sites, along with the availability (or lack) of alternative sites for the applicants, and other personal circumstances of the applicant. The policy also advises that councils should determine applications for sites from any travellers and not just those with local connections.

As previously mentioned, the site lies within the designated countryside, as set out in policy ST4 of the ALPR 2002, where only development appropriate within the countryside will be permitted. Policy HG9 of the ALPR stipulates that sites for travelling showpeople outside of the Green Belt will be permitted, therefore permitting development for travelling showpeople within the countryside, provided a number of criteria can be met, which includes amongst others, that the need for the site is established and where the site is reasonably accessible to community services and facilities.

As established in the draft GTAA, there is an identified need for additional plots/yards for travelling showpeople within the District. There are no existing

allocations for such uses within the District and the proposed development would form a logical extension to an existing provision. In regards to sustainability, although the site does not form part of a named settlement, the site is situated 200m to the south from the main urban area of Kirkby in Ashfield, adjacent to existing development. The site is well located to the local bus service which runs along Kirkby Lane to the north, and therefore any individuals occupying the proposed yards would be able to access all the necessary services and facilities within the main urban area without requiring use of a private motor vehicle. The proposal would therefore also be seen to be in accordance with Part 5 – Delivering a Sufficient Supply of Homes of the NPPF which seeks to avoid isolated homes within the countryside.

Having regard to the presumption in favour of development, as outlined in paragraph 11 of the NPPF, the principle of the proposed development is considered acceptable, provided all other material planning considerations can be appropriately satisfied.

Visual Amenity:

The application site presently comprises of agricultural land and is bounded by a mature hedgerow which extends around the perimeter of the site. Open countryside lies to the north, south and west of the site, whilst built development lies to the east.

The proposed development will include the creation of seven new yards, with access to the site to be taken from the existing provision to the east. Any static caravans/mobile homes on site will be single storey in nature and would have maximum dimensions of 16m x 7m. Static caravans would typically be light grey, green or white in colour. Whilst no hard landscaping plan has yet been provided, it is envisaged that much of the land would be hard surfaced to provide adequate provision for the siting of caravans and the storage of equipment associated with each residents business.

The site layout plan submitted indicates that with the exception of the proposed access, the perimeter hedge is proposed to be retained and reinforced with further hedgerow planting where necessary to remove any existing gaps. Significant tree planting is also proposed along the sites northern, southern and western boundaries to further help reduce the prominence of the proposed development within the surrounding landscape, and to offer long term screening of the site. To afford future occupiers with security, a 2m high mesh security fence is proposed to be erected. The fence would be green in colour to reduce its appearance within the locality and to blend in with the retained hedgerows and proposed tree planting. Laurel hedging is proposed to be planted within the site to further help assimilate the development into the surrounding locality and to mirror the appearance of the existing provision.

Whilst the proposed development will have an impact on the visual amenity of the area as it replaces agricultural land, it is considered that the proposed extension to the existing quateres ensures a sympathetic approach to the development of the site through the retention, management and supplementation of hedgerows; hedgerow

planting within the site; and extensive additional tree planting along the boundaries of the development. Notwithstanding, without this provision, an identified need for additional traveling showpeople's plots within the District would not be met contrary to the PPTS. On balance therefore, it is considered that the benefits of the scheme will outweigh the marginal loss of visual amenity in the short term and the proposed tree and hedgerow planting around the perimeter of the site will further mitigate against this impact, whilst providing longer term benefits.

In addition to the above, the recommended landscape actions for the designated Mature Landscape Area include conserving hedgerows and encouraging infill planting within gaps; enhancing hedgerow planting adjacent to road corridors to provide long-term screening; conserving the undeveloped nature of the majority of the area; and seeking to reduce the effects of urbanisation. Given the extensive tree and hedgerow planting proposed around the perimeter of the site in accordance with the above actions, it is considered that the proposed development would not be highly visible within the surrounding landscape and will be viewed in combination with the existing provision rather than as a separate site, resulting in no significant detriment to the Mature Landscape Area or on the surrounding landscape character.

Accordingly, the development is considered to meet the policy requirements of the National Planning Policy Framework, Planning Policy for Traveller Sites and the current local development plan.

Ecology:

The area of land to the north of the site, beyond the adjacent public footpath is a designated Local Wildlife Site, known as Pinxton Road Grasslands, which supports a diverse range of wildlife including flora and fauna.

Following receipt of comments from Nottinghamshire Wildlife Trust, a preliminary ecological assessment has been submitted to support the application. The dominant habitat within the application site is arable farmland. The ecological assessment details that this habitat is of low ecological value. Field boundary features, including hedgerows and trees, are however considered to be of notable ecological value and of potential value to several protected species. The report recommends that these features are retained and native species are included within the landscape design along with additional habitat features such as hedging and tree planting where possible.

Although the development will result in the loss of a section of hedgerow along the eastern boundary of the site to allow access into the existing quarters, to compensate for this loss the report recommends that the proposed hedgerow on the western edge of the site includes a range of native species including hawthorn, blackthorn, hazel, holly and field maple.

A condition requiring the development to be carried out in accordance with the recommendations contained within the report would be attached to any permission.

Whilst it is acknowledged that there may be elements of the proposed development that involve temporary disruption to local ecology, the mitigation, compensation and enhancement measures identified will ensure that the resultant impact is marginal and that the completed works will bring enhancement and preservation of habitats.

Residential Amenity:

The proposal will form an extension to the existing showpeople quarters with the nearest residential address other than those on Springmeadows being sited approximately 150m to the north-west of the site on Pinxton Lane. Pinxton Lane, which is a busy classified road, lies between the residential development to the north and the application site.

The nature of showpeople's sites is unusual in planning terms. The sites often combine residential, storage and maintenance uses, and a typically site comprises areas set aside for the showpeople's accommodation and areas where vehicles and fairground equipment can be stored, repaired and occasionally tested. In this instance it is the businesses uses on site that could result in noise disturbances. As such, policy HG9 of the ALPR requires sites for travelling showpeople to be located so as to minimise the potential for noise and other disturbances that may result from the use of the site for business activities.

Given the distance between the proposed development and the nearest residential property, it is considered that the any noise likely to be generated from the proposed development, for example through the repair and maintenance of rides and other associated equipment, would have a negligible impact on nearby residents. The proposal in this respect is seen to be in accordance with policy HG9 of the ALPR.

Highway Safety:

Access to the proposed development will be obtained via the creation of a new vehicular access on the sites eastern boundary into the existing quarters. Access to the site will therefore be served via an existing access off Park Lane.

A new internal road is to be created within the curtilage of the application site which will measure approximately 7m in width offering adequate visibility splays on corners to allow larger vehicles to safely manoeuvre around the site without detriment to safety within the site. Access onto Park Lane is to remain unaltered by the proposed development. The Highway Authority have confirmed that the proposed internal works will have no affect on the adopted public highway.

As previously mentioned, the proposal is for the creation of seven new plots/yards. Traffic created by the proposed development would be seen in combination with the permitted 25 units on site, of which 10 have been constructed with yard space, as per the previous permissions in 2000 and 2006. The Highway Authority have assessed the proposal and have confirmed that the additional number of units proposed is not expected to have a significant impact on the highway network in this

location. No objections are therefore raised to the proposed development on the grounds of highway safety or highway capacity.

Conclusion:

In summary, the draft GTAA identifies a need for an additional 15 plots for travelling showpeople within the District between 2020 and 2038. At present there are no available plots within the District to meet this identified need. The proposed development would provide a significant contribution towards meeting the identified need for additional plots, whilst forming a logical extension to an existing provision in a sustainable location just outside the main urban area of Kirkby in Ashfield.

The proposed development will not result in any significant detriment to the character and appearance of the surrounding locality in the long term and raises no significant concerns in regards to ecology. The distance between the proposed development and the nearest residential address will ensure that the proposed development has no undue detriment to the amenity of local residents. Furthermore the proposal raises no concerns in regards to highway safety and the cumulative impact of an additional seven yards on the highway network is deemed to be insignificant.

There proposal is not therefore considered to be contrary to local and national planning policies and would not lead to a significantly harmful development.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**
- 3. No development shall take place until a construction management plan for the retention and protection of the hedgerows along the sites**

boundaries. The plan shall detail how the hedgerow is to be protected during site clearance and construction works. The retained hedgerows shall be maintained for the first five years after the development is completed.

- 4. The hereby permitted development shall be carried out in accordance with the recommendations contained within the submitted Preliminary Ecological Appraisal (dated December 2020).**
- 5. The hereby permitted development shall be carried out in accordance with the submitted Drainage Strategy (dated September 2019).**
- 6. No part of the development hereby permitted shall be brought into use until the access driveway is surfaced in a hard bound material (not loose gravel). The surfaced access driveway shall then be maintained in such hard bound material for the life of the development.**
- 7. No external floodlighting or street lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with those details.**
- 8. The site shall not be occupied by any persons other than travelling showpeople as defined in Annex 1 of the Planning Policy for Traveller Sites (2015).**
- 9. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No. 1709/LP Rev A, Received 06/10/20; Proposed Site Layout Plan, Drawing No. 1709/BP, Received 06/10/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.**
- 3. To ensure existing landscaping features are protected during construction and after the use first commences.**

4. In the interests of ecology.
5. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
6. To ensure a satisfactory standard of development, in the interests of highway safety.
7. To ensure that the development does not appear as an unduly prominent feature in the area, in the interests of amenity and ecology.
8. To ensure the site is retained for use by travelling showpeople.
9. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.
3. The construction of the development should not affect, or obstruct in anyway Kirkby Footpath 16, unless subject to appropriate diversions or closure orders. Any required path closure or diversion application should be made via consultation with Nottingham County Council. In addition to this, the safety of the public using the footpath should be observed at all times.