

PARISH Pinxton

APPLICATION Change of use to showman's site
LOCATION Land Adjoining 7 Brookhill Road, Pinxton
APPLICANT Mr & Mrs Cox
APPLICATION NO. 18/00026/FUL
CASE OFFICER Rory Hillman
DATE RECEIVED 10.01.2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: CLLR DOOLEY

REASONS FOR REFERRAL: The potential cumulative adverse impacts of the proposals on the character, appearance and amenities of the local area.

SITE

The application relates to a rectangular parcel of land of approximately 0.25 hectares situated on a corner plot at the junction of Brookhill Road and Erewash Road. The site is located within an established employment area known as Brookhill Industrial Estate. The site's most recent use was as an overspill car park. At the time of the site visit the site had been cleared and underground services were being installed.

PROPOSAL

The application seeks planning consent for the change of use of the site from an overspill car park to use as a travelling showpeople's site to provide space for six residential caravans, and including space for the storage and maintenance of fairground equipment and car parking.

AMENDMENTS

Further details have been submitted which provide details of the likely equipment to be stored on the site (a mobile home, caravan, mobile catering unit and fairground equipment including heavy goods vehicles and fairground rides), and the likely times of the year that the equipment would occupy the site. Details have also been provided to indicate that the definition of "travelling showpeople", as described in Annexe 1 of the Planning Policy for Travellers Sites 2015 document, would be met by the occupants; and details of the individual circumstances which have motivated the application.

RELEVANT HISTORY

None

CONSULTATIONS

Bolsover District Council (Engineers): No objections

Bolsover District Council (Local Plans) No objections for the following reasons:

It is considered that the proposal is compliant with policy GEN 8 – Settlement Frameworks, but not with EMP 5 – Protection of Sites and Buildings in Employment Uses, however, the specific circumstances that apply regarding the type and nature of this proposed use make it an acceptable use in this location.

Whilst the site was not allocated for a Travelling Show-people's Plot, it is considered that this proposal would meet Policy LC6: Gypsies, Travellers and Travelling Show-people of the Emerging Local Plan.

Therefore, a decision to approve the application would be acceptable from a policy perspective.

Derbyshire County Council (Highways): No objections subject to conditions

Parish Council: No response to date.

PUBLICITY

The application has been publicised by a site notice and neighbour notification. Two third party representations in objection have been received raising the following points:

- Locally identified need for travelling showpeople's sites is met and exceeded by existing planning permissions on other sites;
- The site is not capable of providing satisfactory living environment for future occupants due to the passing of heavy goods vehicles close to the site;
- The site's location would mean any future occupants would have to travel through the surrounding industrial estate to reach local facilities, which could be dangerous;
- The availability of land for employment uses would be reduced.

POLICY

Bolsover District Local Plan ('the adopted Local Plan')

GEN 1 Minimum Requirements for Development

GEN 2 Impact of Development on the Environment

GEN 3 Development Affected by Adverse Environmental Impacts from Existing or Permitted Uses

GEN 5 Land Drainage

GEN 6 Sewerage and Sewage Disposal

GEN 7 Land Stability

GEN 8 Settlement Frameworks

HOU 2 Location of Housing Sites

HOU 14 Residential caravans and mobile homes.
HOU 15 Sites for Gypsies and Travellers
EMP 5 Protection of Sites and Buildings in Employment Uses
TRA 1 Location of New Development
TRA 10 Traffic Management

Bolsover District Publication Draft Local Plan ('the emerging Local Plan')

LC6: Applications for Gypsies, Travellers and Travelling Showpeople
WC2: General Principles for Economic Development

National Planning Policy Framework ('the Framework')

Paragraphs 14 and 17 with regard to the presumption in favour of sustainable development and core planning principles.

Planning Practice Guidance also offers further guidance on the application of national policies set out in the above paragraphs.

Planning Policy for Travellers Sites 2015

Paragraphs 24 and 26 are relevant in guiding the decision making process with regard to applications for planning permission for Travelling Showpeople sites. A definition of "travelling showpeople" is contained in Annexe 1.

ASSESSMENT

Evidence of Need

The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2015 (GTAA 2015) evidence document which has informed the approach being taken forward in the Emerging Local Plan establishes that the total accommodation need in Bolsover District is for 13 travelling showpeople pitches up to 2034, of which there is an immediate need for 8 pitches up to 2019.

In common with Housing policies in the NPPF, a 5 year supply requirement exists in relation to travelling showpeople's sites as set out within the Planning Policy for Traveller Sites document 2015. Where the Council cannot demonstrate 5 year supply, this should be a "significant material consideration".

The Council's GTAA evidence establishes that for the time period 2014 – 2019, 8 No. pitches would be required. A recent permission in Pinxton sought to permit 14 units and is therefore a commitment that could meet the identified need in its entirety if implemented. Although it is unclear if this consent has yet commenced, in the view of the policy team this consent is counted toward (and meets) the identified need at present. The weight in favour of the application that would be present if the Council could not demonstrate a five year supply of sites is therefore absent. However, this does not automatically mean the proposal should be refused,

only that it should be considered against the development plan and other material considerations without benefiting from the positive weighting that a lack of provision in this regard would provide.

Location

The site is within Pinxton's settlement framework, approximately half a kilometre south of the village centre and is considered to be a reasonable location for the use of large vehicles and maintenance and storage activity common to travelling showpeople's sites. It is also considered that a location that affords easy access to the motorway network away from residential areas but close to local amenities and services is appropriate for the proposed use given its mixed residential/industrial nature. The site in question meets all these requirements.

Given that the proposal includes industrial and residential elements, an industrial/non-residential location within reach of local services is considered to be required, this site provides both. The conflict inherent in residential dwellings within a commercial/industrial area referred to in third party representations is acknowledged but is considered to be outweighed by these considerations. Further discussion of amenity and highway safety impacts is included below.

Compliance with the adopted Local Plan

The application site is small and within Pinxton's settlement framework. Local Plan Policy HOU 2 Location of Housing Sites states that, within settlement frameworks, planning permission will be granted for "applications for residential development on small sites... providing the proposals comply with the policies and proposals in this local plan". Therefore, the principle of residential development is accepted, subject to the proposals compliance with the Local Plan and other relevant material considerations.

Beyond those that establish the principle of residential development within settlement frameworks, the most pertinent Local Plan policies in this instance are: GEN 1, GEN 2, HOU 14 and EMP 5. Of these, GEN 1 and GEN 2 are addressed under Amenity and Highways matters below. Policy HOU 15 Sites for Gypsies and Travellers in the adopted Local Plan is not relevant to the application given that travelling showpeople do not meet the definition of gypsies and travellers that informs this policy.

Policy HOU 14 Residential Caravans and Mobile Homes is relevant to the application and states that planning permission will be granted for new caravan sites provided the amenity of neighbouring properties or land would not be materially harmed, and that the site would have adequate servicing and drainage arrangements. These considerations are discussed below.

Policy EMP 5 Protection of Sites and Buildings in Employment Uses precludes change of use of employment sites unless certain criteria are fulfilled, which in this case they would not be. Although the proposal would result in a reduction in available employment land, albeit slight, the proposed use includes maintenance and storage of fairground equipment undertaken as part of the occupants' employment. The reduction in available employment land would be limited by the size of the site and qualified by the mix of uses proposed. It is also arguable that the use of the site as storage/maintenance facility aligns more closely with a description of an employment use than the site's last recorded use as an overspill car park. The conclusion of the Local Plans team is that although there is a superficial conflict with this policy, no objection

would be justified in practice. The intentions of EMP 5 are therefore considered to be met and no significant reduction to the available stock of land compatible with employment uses is anticipated.

Compliance with emerging Local Plan

The emerging Local Plan takes into account the more up to date traveller site guidance published in 2015 (see below). Policy LC6: Applications for Gypsies, Travellers and Travelling Showpeople sets out that proposals will be supported where they are shown to meet various criteria. The current application is considered to meet all of these with the exception of criterion a) which requires applications to “meet a need identified in an independent assessment”. As discussed above, this need has been assessed as having been met by extant planning permissions elsewhere. However, the conclusion of the policy team in their consultation response on this application is that the proposal is consistent with the intentions of policy LC6 and offer no objection to the proposal on policy grounds.

Similar functional matters are raised within policy LC6 to those within Policy HOU 14 with regard to the location relative to services and access to the road network. In addition the policy states at LC6(i) that S106 legal agreements should be used to restrict the use of the site to travelling showpeople meeting the definition contained within the Planning Policy for Traveller Sites document. Such a matter could reasonably be conditioned and therefore, a S106 is not justified in this case. A condition to this effect is included below.

Regarding emerging policy WC2: General Principles for Economic Development, the same discussion applies as for policy EMP 5 of the adopted Local Plan above.

Planning Policy for Traveller Sites (2015)

The Planning Policy for Traveller Sites document is a material consideration in the assessment of the proposal. Of particular relevance is paragraph 26 which sets out the criteria that should be afforded weight in the assessment of proposals for Travelling Showpeople sites. These seek:

- Use of brownfield land
- The enhancement of the environment and openness of the site
- To avoid excessive enclosure of the site
- Facilitation of healthy lifestyles

To take each consideration in turn: the site would utilise a brownfield site; the tree planting already undertaken is considered to enhance the local environment and avoid excessive enclosure through the avoidance of alternative boundary treatments, a condition requiring the agreement of a landscaping scheme is recommended below; the site is within 300 metres of a recreation ground which provides the opportunity for physical exercise, given that this is a small site, it is not considered to be appropriate to require the provision of open space within the site.

Paragraph 24 states that the established level of need for traveller sites should be considered. This is addressed above.

Character and Appearance

Significant character or landscape implications are not anticipated as a consequence of the proposals given the location of the site within an established employment area. The equipment to be stored on the site would be screened behind the existing boundary treatments which have also been supplemented by tree planting which will increase the level of screening over time as the trees establish and grow. Any visual presence that the accommodation and equipment would have would be seen within the context of surrounding industrial and commercial land uses. As such it is considered the character and appearance implications of the proposals would be minimal and would accord with Local Plan policy GEN 2.

Highways Matters

The access into the site is established. The Highway Authority raise no objection to the use of the site for in this manner subject to the provision of one parking space per pitch and restricting the provision of further gates to the site. Subject to these conditions, Officers consider the development would be in accordance with Local Plan policy GEN 1.

The issue of highway safety has been raised in third party representations received. It is true that occupants of the site would have to travel through the northern part of Brookhill Industrial Estate in order to access Pinxton's centre. However, there are footways on both sides of the route out of the industrial estate that would be most likely to be taken by occupants of the site to the centre of the village to the north, the total length of which is less than 250 metres. The movement of heavy goods vehicles around the site is acknowledged but this is also true of several of the main routes through and within Pinxton, many of which also accommodate residential dwellings. In light of these considerations and in the absence of any objection from the County Highway Authority, no significant increase in risk to highway safety as a result of the proposal is anticipated.

Amenity Impacts

In terms of the impact of a residential site on the use of nearby properties, the site proposed is relatively small scale and is unlikely to cause significant noise or disturbance. In the reverse, whilst it is acknowledged that the provision of residential dwellings in an industrial area will have implications for the residential amenity of future occupants of the site, these considerations are to be outweighed by the need for travelling showpeople's sites normally to be located away from predominantly residential areas due to the partially industrial nature of the storage/maintenance element of the use and the requirement for a relatively large site for the same reason. It is also understood that the site has been selected with these requirements in mind and that the commercial nature of the surrounding area is fully understood.

Tree planting already undertaken at the site's boundary with Brookhill Road will alleviate some of the noise and air quality impacts associated with the movements of heavy goods vehicles and a condition is recommended below to secure the submission of a landscaping scheme detailing the location of these trees and to ensure that they are retained, in line with the requirements of saved Local Plan Policy GEN 3.

Adopted policy HOU14 requires mains utilities to be provided. In discussions with the applicant

it was confirmed that the site is to be provided with mains water and mains electricity, as well as connection to the sewer network. Conditions will require compliance with this approach. Taking the above matters into account, Officers are satisfied the site is designed to provide for a reasonable level of amenity for future occupants. On this basis the proposed development is considered to accord with the requirements of saved Local Plan policies GEN 1, GEN 2 and HOU 14.

Conclusions

Although the Council considers it does have a five year supply of sites for travelling showpeople, the current proposals are considered to be acceptable on their own merits because they accord with local and national policies and specific guidance in relation to travelling showpeople. There are also no overriding issues that would preclude a combined residential/industrial use in this location. Accordingly, it is recommended that planning permission be granted for the current application subject to conditions.

Other Matters

Listed Building: None affected;

Conservation Area: None affected;

Crime and Disorder: No crime and disorder implications are considered to result from the development proposals;

Equalities: The above report adequately covers the Council's responsibilities to respect the rights of travelling showpeople in line with national planning policy;

Access for Disabled: The pitches proposed will have relatively level access;

SSSI Impacts: None affected;

Trees (Preservation and Planting): Condition recommended below to ensure the description and retention of trees already planted on site;

Biodiversity: Slight increase in potential habitat compared with the previous land use;

Human Rights: The relevant provisions of the Human Rights Act, including the qualified right to the peaceful enjoyment of property, are considered in the above report.

RECOMMENDATION: To APPROVE subject to the following conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

Reason: Y101 in compliance with legislation

2. The proposed caravans shall not be occupied until such time as full details of soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers /
 - densities where appropriate

All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interests of visual amenity in accordance with policy GEN 2 of the Bolsover District Local Plan and paragraph 26 of the Planning Policy for Traveller Sites policy document 2015.

3. The proposed caravans shall not be occupied until such time as a suitable scale drawing has been submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a minimum of 6 off-street car parking spaces of minimum dimensions 2.4m x 5.5m clear of the access and manoeuvring space and the spaces have been provided on site. Once provided, they shall be maintained thereafter clear of any impediment to their designated use.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

4. In perpetuity all future occupants of the site hereby permitted shall meet the 'travelling showperson' definition within Annexe 1 of the Planning Policy for Traveller Sites Guidance 2015 (or any future guidance replacing or re-enacting this guidance).

Reason: The development hereby permitted is granted partially on the basis the site is appropriate for travelling showperson accommodation due to the specific site requirements associated with travelling showperson accommodation and equipment storage and maintenance. The condition is imposed to ensure that the site is not open to a purely residential caravan use which could be contrary to the development plan.

5. No more than 6 caravans and/or mobile homes (whether for storage or human habitation), as defined in the Caravan Sites and Control of Development Act (1960) and the Caravan and Sites Act 1968 (and any act or guidance supplementing, revoking or re-enacting those acts), other than those expressly approved by this consent, shall be placed on the land for temporary or permanent purposes. The agreement of the Local Planning Authority shall be issued in writing prior to the siting of any further caravans in addition to those expressly permitted.

Reason: In order to ensure the use of the site remains in line with the proportion of users proposed under the application to avoid additional uncontrolled highways and amenity impacts.

6. Within 1 month of the commencement of the use hereby permitted, mains drainage, mains water and mains electricity utility services shall be provided and made available for use on the site. Thereafter the utilities provided shall be retained for the life of the development.

Reason: In the interests of the amenity and living environment of future occupants and neighbouring properties.

7. There shall be no gates other than those already installed and such gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

Informative Notes:

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. The Highway Authority recommends that the first 5 metres of the proposed access should not be surfaced with a loose material (e.g. unbound chippings or gravel). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.