

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 25 November 2014
 Planning Application Report of the Planning and Development Manager**

Application address: Land between Shop Lane and Bursledon Road/Botley Road Junction		
Proposed development: Subdivision of land to form two plots for use by travelling show people including storage for vehicles, up to 12 caravans and associated equipment		
Application number	14/01520/FUL	Application type: FUL
Case officer	Andy Amery	Public speaking time: 5 mins
Last date for determination:	03.11.2014	Ward: Bitterne
Reason for Panel Referral:	Referred by the Planning and Development Manager due to wider public interest	Ward Councillors: Cllr Lloyd Cllr Stevens Cllr Letts

Applicant: C.Cole Amusement Caterer	Agent: Cunnane Town Planning Attn Iftikhar Maniar
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Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	Not applicable
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Refusal

Appendix attached		
1	Development Plan Policies	

Recommendation in Full

Refuse

1.0 The site and its context

- 1.1 The site is located at the junction of Bursledon Road and Botley Road at the very eastern edge of Southampton City Council's administrative boundary. It forms part of a larger area of land within the ownership of the applicant, which falls within Eastleigh Borough Council. A separate application for similar use of the land has been submitted to Eastleigh.
- 1.2 The site is known as 'The Old Fairground' and has a history of being used for fairs and circus events over many years. However, this has never been the subject of planning permission as the number of events per year has fallen below that allowed for temporary uses taking place on open land. There is also evidence that the site has been used on a small low key scale for the storage of items associated with the applicant's fairground business.
- 1.3 The site is located within the Strategic Gap as defined by the City of Southampton Local Plan Review 2006. Access to the site is immediately on the corner of the busy traffic light controlled junction and falls within Southampton. The Botley Road frontage is well screened during the Summer months with an established hedgerow within which there are protected trees.

Houses fronting Botley Road face towards the site at a distance of 20m.

2.0 Proposal

- 2.1 The application seeks the permanent use of the site for the storage of equipment and caravans during the periods the fairground is not 'on the road'. This would be throughout the year but would be effectively permanently occupied during the winter months when the demand for business is low and more sporadic during other months when there are periods when all equipment and caravans are needed at an event. The applicant suggests there would be two specific 'families' based at the site each with their own equipment and accommodation needs. In total there would be a maximum of 12 residential caravans on the site, 4 fairground rides, 7 large articulated lorries, 3 smaller lorries, 3 vans, 4 private cars, 11 adults and 3 children.
- 2.2 The applicants are a long established Southampton family who operate fairs at numerous sites and events across the City and the wider region. Historically the family have operated out of Candy Lane, but the two sites at Candy Lane are at capacity and with several generations of extended family operating the fairground business and the changing nature of the equipment associated with modern fairs, new accommodation is required. The applicant has indicated they have been searching for a new site to meet their needs since 2000.
- 2.3 Part of the application would seek to make improvements to the existing access with some trimming of the hedgerow to improve sight-lines at the junction and also setting the gates back into the site to provide an area off road for vehicles to wait without obstructing the highway.

- 2.4 The proposals also include provision for additional planting and the existing screening along Botley Road.
- 2.5 The applicant has indicated that major maintenance of vehicles and equipment will be done off-site by specialists but more routine maintenance using hand tools and some testing will take place on the site.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The relevant policies are set out in Government guidance and the Council’s development plan. In terms of the overall principle, there are two main policy issues:

- Meeting the needs of travelling show people, who run fun fairs which provide leisure facilities and add vitality to towns across the area.
- Protecting the gap between Southampton and Bursledon to maintain the distinct identity of both settlements.

3.3 This site is in a narrow part of the strategic gap. Therefore it is not considered appropriate for general development; and is not considered appropriate for this specific development in the absence of a compelling need for it. (The proposal involves intensive use for only part of the year and a relatively contained intrusion in to the gap. Therefore if there were a compelling need for this site, and subject to resolution and control of important site issues, there would be no objection from the policy team). However, unless strong reasons are provided as to why the alternative sites identified cannot be used, there is not a compelling need for this site. On this basis, and given the nature of the strategic gap designation, there is a policy objection to this proposal.

3.4 Southampton Adopted Development Plan

The Core Strategy (2010) policy CS17 explains that the Council will identify sufficient sites to meet the needs of travelling show people, and sets criteria against which such sites should be considered on a temporary or permanent basis. In summary, these include the amenity of nearby residents / positioning / minimising tensions; access / traffic / parking; access to utilities / facilities; landscaping / nature conservation interests; and flood risk / contamination.

3.5 The text explains that sites will be allocated in the Sites and Policies DPD; the Council will carry out a survey of potential sites and if necessary consider joint provision with an adjoining authority. The need is identified in the Travelling Show People Accommodation Assessment (2008).

(Note: The Sites and Policies DPD was not pursued. The Council is now in the very early stages of preparing a new Local Plan and this will not be adopted until

2018).

- 3.6 Policy CS21 broadly defines the area as a strategic gap to maintain the separation between Southampton and Bursledon. The supporting text indicates this is to avoid development which might damage its open, undeveloped, countryside nature.

(Note: The supporting text to CS21 indicates that the boundary will be defined in the Sites and Policies DPD, now the proposed new Local Plan. However, the specific site continues to be defined as strategic gap on the Local Plan proposals map. In any case it is reasonable to state that Botley Road forms the edge to the Southampton – Bursledon gap. Strategic gaps were originally defined in the South East Plan, which has been revoked. However, the PUSH South Hampshire Strategy [2012] continues to define “Gaps”).

- 3.7 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.8 Government Policy

The Government’s Planning Policy for Traveller Sites (2012) also covers travelling show people. Key points to consider include:

- The policy should be read in conjunction with the NPPF (para 1)
- Planning authorities should assess need (para 4)
- Reducing the number of unauthorised sites (para 4, 11)
- Enabling access to education / health / other facilities (para 4, 11)
- Protecting local amenity / environment; co-existing with existing communities (para 4, 9, 11)
- Local Plans should identify specific deliverable sites for 5 years of supply (para 9)
- Local Plans should have criteria based policies for planning applications which come forward (para 10, 22)
- Have regard to the needs of travelling show people for mixed use yards / residential / storage of equipment (para 17)
- Considering the existing level of local provision and need and the availability or otherwise of alternative accommodation and other personal circumstances of the applicant (para 22)
- Assess in accordance with presumption in favour of sustainable

development (para 24)

- Limiting new sites in open countryside away from existing settlements or allocations (para 23);
- Using previously developed / untidy land (para 24);
- The use of landscaping, play areas for children (para 24);
- Use of planning conditions (eg location of business operations, non. of days of occupancy, etc) (para 26).

3.9 In September 2014, the Government issued a consultation on potential changes to this document. This includes changing the definition of travellers to exclude those who permanently live on a site; further restrictions on development in the “open countryside” and “greenbelt”; and where people live on land without gaining planning permission this should count as a material consideration against their proposal. (This does not mean that a retrospective application should automatically be refused). In officers’ opinion only the last of these points is relevant to this case. In any case as a consultation document it can carry little weight at this stage.

4.0 Relevant Planning History

4.1 An application for residential development on the site as part of a larger site area was refused in the 1970's. An application for the use of that part of the site within Southampton City Council for the training of off-road motor-cyclists, was granted for a temporary one year period on 1 June 1992, expiring on 1 June 1993.

4.2 There have been no other planning applications submitted for this site to Southampton City Council.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **28** representations have been received from surrounding residents. The following is a summary of the main points raised:

- Highway Safety – dangerous junction, likelihood of accidents.
- Increased traffic
- Noise and Disturbance
- Visual Amenity
- Permanent use of site
- Refuse and litter
- Impact on trees and hedgrow
- Erosion of strategic gap.

5.2 **Consultation Responses**

- 5.3 **SCC Highways – Object to the application.** The site access is located where it can only benefit from limited sightlines, and any increase in the use of this access must be prevented to limit the risk of collision with other vehicles on the surrounding busy network. The location of the gates does not permit a large vehicle to pull up in front of them and open them clear of the highway.
- 5.4 **SCC Policy – Object to the application.** At present no evidence has been provided that there is an impelling need for the site – on the face of it, needs can be met elsewhere. The Southampton-Bursledon Gap is relatively narrow at this point at just over 0.6km along the Bursledon Road. This is a main route into and out of the City so this part of the gap is important in forming perceptions of the distinct identities of Southampton and Bursledon. Botley Road and its hedge line form a clear edge to this gap on the edge of Southampton and the proposal extends beyond the clearly defined edge of the built up area and would only be partially screened.
- 5.5 **SCC Sustainability Team – No comments received.**
- 5.6 **Police – Raise serious concerns about the application and two issues:**
1. The proximity of the site to Kanes Hill and the impact this will have on the two communities.
 2. The worries and concerns of local residents about the nature of the activity and occupation on the site and fears for personal safety.
- 5.7 **SCC Environmental Health (Pollution and Safety) – No comments received.**
- 5.8 **SCC Trees – No objections.** The proposals as set out do not affect the protected trees and additional planting is proposed.
- 5.9 **SCC Environmental Health (Contaminated Land) – No comments received.**
- 5.10 **SCC Ecology – No objections.** The majority of the site is open and the main ecological feature is the trees and hedge surrounding the site. This is to be retained and strengthened which is welcomed and will enhance the foraging for bats. A fence should be erected on the inside of the hedge line to prevent damage or incursion by vehicles or storage of equipment.
- 5.11 **SCC Archaeology – No comments received.**
- 5.12 **Hampshire Constabulary – Concerns as set out above.**
- 5.13 **Southern Water –** The applicant has not stated how surface water will be discharged but a connection to the existing pipework will require a licence

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

6.2 Principle of Development:

The principle of development would only be acceptable where a clear need was demonstrated.

The Travelling Show People Accommodation Assessment (2008) suggests a need for 13 sites across 'Hampshire' (including the cities and IoW).

However an updated assessment (2014) is just being completed for Southampton / Eastleigh Councils by an independent consultant. This indicates a need for additional plots for travelling show people as follows:

- two plots to relieve overcrowding at the Candy Lane site in Thornhill, Southampton

- three plots to meet the needs of travelling show people living on unauthorised sites in the wider area outside Southampton / Eastleigh.

- one plot to meet the growth in households from all the above over the next 15 years.

This totals six plots, although three relate to needs which relate to unauthorised sites beyond Southampton / Eastleigh.

6.3 The emerging Eastleigh Local Plan is allocating a site at Netley Firs for eight plots. On the face of it this can therefore meet all the identified needs, including those from outside Southampton / Eastleigh. At present the applicant has not indicated in their supporting statement why they cannot locate on the Netley Firs site. There could be a number of scenarios in which total needs could be met on a combination of the Candy Lane / Netley Firs sites, and / or permitting sites beyond Southampton / Eastleigh. The applicant may have reasons why they consider their needs cannot be met on Netley Firs or alternative scenarios. However, given the lack of mathematic need, these reasons would need to be strong before it could be said there is a compelling need.

6.4 If there were a compelling need for further sites, this should be considered. Work on the Local Plan review has only just commenced. However, there are very limited alternative options to identify deliverable sites within the urban area of Southampton. The Government / Core Strategy policy sets criteria against which applications should be considered on sites as they come forward. This site is located close to the urban area / facilities, and is separated from immediate residents by a hedge line. The proposal extends no further into the gap than buildings to the south, and tapers away so that there is no narrowing of the gap along the main Bursledon Road. Therefore if the applicant were able to provide compelling evidence as to why their needs cannot be met through alternative scenarios (including Netley Firs), there would be no policy objection

to this application provided strict controls were in place to address site issues. These controls would ensure the site were only used for travelling show people; landscaping was strengthened; and address layout / positioning and hours of access for heavy vehicles as appropriate. A personal condition to the families to which the need relates would be appropriate, with a requirement to restore the site should there no longer be a family need. Access and ecology issues would also need to be resolved proportionately, without an unacceptable impact on either.

However, at present no evidence has been provided that there is a compelling need for the site – on the face of it needs can be met elsewhere.

In the officer's opinion the applicant has failed to demonstrate this and therefore the principle of development is not considered to be acceptable.

Had a need been proven and the principle considered to be acceptable, the application would then have had to be judged as to whether the need outweighed other material considerations such as erosion of and intrusion into the strategic gap; highway safety, character and amenity of the area, visual and private amenity of local residents in addition to trees and ecology.

6.5 Impact on the visual character and amenity of the area including the Strategic Gap.

By their nature, Travelling show peoples quarters are visually at variance with an established residential area or open countryside. The business requires storage of equipment and caravans and other items which have a transient appearance. Whilst there is hedgerow and tree screening to all boundaries, the equipment, vehicles and caravans are still clearly visible from the prominent access point, upper floor bedrooms of adjacent houses and along both road frontages during the winter months when the site will be permanently and fully occupied. The visual impact is considered to seriously harm the character of the area and erode the function and appearance of the Strategic Gap to detriment of the character and amenity of the area and local residents.

6.6 Impact on the amenities of nearby residents.

The application has been the subject of significant levels of concern from local residents, in particular those whose houses overlook the site in Botley Road. The level of occupation proposed, the associated activity including the on-site maintenance of equipment, together with increased traffic movements and the day to day residential activity will introduce noise and disturbance close to residential occupiers to the detriment of the quality of quiet amenity they currently enjoy.

6.7 Highway Safety

The site is proposed to be accessed from an existing access at the junction of Bursledon Road and Botley Road. The access has been the subject of a number of concerns from local residents and an objection from the highways

officer. There are very limited sightlines in all directions and the busy nature of the road, the alignment of the junction together with the nature and frequency of vehicle movements that would result from the proposals, is considered to seriously jeopardise highway safety and increase the likelihood of collisions. This is not something that can be fully addressed by condition or other means. Therefore the use of the existing access in for the purposes proposed is not acceptable on highway safety grounds.

7.0 Summary

7.1 The two key initial tests are the twin requirements of adopted policies to:

- (i) meet the needs of travelling show people, who run fairs which provide leisure facilities and vitality to towns across the area.
- (ii) protecting the gap between Southampton and Bursledon to maintain the distinct identify of both settlements.

7.2 The site is in a narrow part of the strategic gap which is visually important as Botley Road clearly marks where the town finishes and the countryside beyond starts. The strategic gap is not considered appropriate for general development which erodes its open character or introduces a visual degradation of that character. Only in a situation where the overriding need of the travelling show-people to be located on this site was clearly demonstrated would the principle be considered acceptable and even then it would be subject to significant measures and controls through planning conditions and subject to other material planning considerations being satisfied, including highway safety and the amenity of local residents.

7.3 In this instance the need has not be clearly demonstrated and as such the principle is not acceptable. Furthermore, there remain over-riding issues which would still warrant a reason for refusal. These include, the erosion of and detrimental impact on, the visual character and amenity of the strategic gap, highway safety and the impact on the amenities of local residents.

8.0 Conclusion

For the reasons set out above the application should be refused.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a), (b), (c), (d), 2 (b), (d) 6 (c), 7 (a), 9 (a) and (b)

AA for 25/11/14 PROW Panel

Reasons for refusal

1. The applicant has failed to demonstrate that there are no other available and deliverable sites to accommodate the requirements of the travelling show people that would justify allowing development within the strategic gap; the nature, scale and permanence of which would erode the function of the gap and be detrimental to the visual character and amenities of the area. The proposal is therefore contrary to Policies CS17 and CS21 of the Southampton City Council Local Development Framework Core Strategy 2010.

2. The location of the site in close proximity to residential properties fronting Botley Road; combined with the nature, scale and permanence of the use would introduce a level of activity, noise and disturbance which would be detrimental to the quality of the visual and quiet amenity currently enjoyed by the occupiers of those properties contrary to Policy SDP1 of the City of Southampton Local Plan Review 2006 and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

3. The position and layout of the existing access on this busy junction is wholly unsuited for the increase in volume and size of vehicles that would be accessing and exiting the site throughout the year. The lack of sight-lines, failure to accommodate areas for vehicles to wait without obstructing the highway, and the layout of the surrounding road network will result in an increased potential for collisions and be detrimental to highway safety. The proposal is therefore contrary to Policy TI2 of the City of Southampton Local Plan Review and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

POLICY CONTEXT

Core Strategy - (January 2010)

CS17	Gypsy and Traveller Accommodation and Accommodation for Travelling Showpeople
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP10	Safety and Security
SDP12	Landscape and Biodiversity
SDP16	Noise
NE4	Protected Species
NE6	Protection / Improvement of Character
CLT1	Location of Development
CLT3	Protection of Open Spaces
H3	Special Housing Need
TI2	Vehicular Access

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Scale: 1:2,500

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