

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (EAST) - 8 December 2015
 Planning Application Report of the Planning and Development Manager**

Application address: Land between Shop Lane and Bursledon Road, Botley Road			
Proposed development: Subdivision of land to form two plots for use by travelling show people including for storage of vehicles, siting of residential caravans and associated equipment. Provision of new access from Botley Road, following closure of existing access (resubmission of application reference 14/01520/FUL)			
Application number	15/01775/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	30.10.15	Ward	Bitterne
Reason for Panel Referral:	More than five letters of objection have been received	Ward Councillors	Cllr Lloyd Cllr Letts Cllr Jordan
Applicant: Mr Charles Cole		Agent: Neighbours Llp	
Recommendation Summary		Conditionally approve	
Community Infrastructure Levy Liable		No	

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). "Saved" Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP12, SDP16, NE4, CLT3, H3 and T12 of the City of Southampton Local Plan Review – Amended 2015 as supported by the adopted LDF Core Strategy (amended 2015) Policies CS13, CS14, CS17, CS18, CS19, CS22 and CS22. The guidance within the National Planning Policy Framework (2012) is also relevant to the determination of this planning application.

Appendix attached			
1	Enforcement Notice	2	Development Plan Policies
3	Planning Policy Comments		

Recommendation in Full

Conditionally approve

1. Background

- 1.1 Following Planning Enforcement investigations, including serving a Planning Contravention Notice, the Council served an Enforcement Notice on the 27th April 2015 (See **Appendix 1**) requiring the cessation of the use of the site by travelling showpersons and the return to agricultural use. Based on the information received during Enforcement investigations, whilst there has been historic use of the site by travelling showpersons, officers consider that this use was temporary in nature and, therefore, permitted development. However, officers also consider that, from 2014 onwards, the site has been used in a more permanent manner than previously (i.e. more than 28 days in a calendar year) and, therefore, requires planning permission.
- 1.2 Prior to the Enforcement Notice being served, a planning application was submitted to regularise the use and was recommended for refusal by officers, although withdrawn from consideration before it could be determined. An appeal against the Enforcement Notice was lodged on the 8th July 2015 and is scheduled for public inquiry in February 2016.
- 1.3 This application also seeks planning permission for the use of the site by travelling showpeople, although proposes changes to current unauthorised arrangements in order to address the reasons for the Notice being served.
- 1.4 The site falls across the administrative areas of Eastleigh Borough Council (EBC) and Southampton City Council (SCC), with 4065 sqm of the site falling within SCC's administrative area and 1843 sqm falling within EBC's jurisdiction. As such, an identical planning application has also been submitted to Eastleigh Borough Council and is pending consideration. Officers at Eastleigh Borough Council have confirmed that they are minded to recommend approval of that application.

2. The site and its context

- 2.1 The site is a piece of land of 0.58 hectares which is broadly triangular in shape and, with the exception of the south-eastern edge, which is generally open, is bounded by dense hedgerows which contain a number of trees. The site itself is a grassed area, with no significant changes in ground levels and, apart from vegetation to the site boundaries, is generally featureless. The application site is part of a wider field, although this is not demarcated by any physical feature such as a boundary or hedge. Vehicular access is currently taken from the north-west corner of the site, immediately adjacent to the junction of Botley Road with Bursledon Road.
- 2.2 The north-western boundary of the site abuts Botley Road, which is adopted 'B' class public highway and is a predominantly residential street which typically comprises detached, two-storey houses, set back from the road with a relatively uniform building line. Until the approach to the junction with Portsmouth Road, the eastern edge of Botley Road is largely undeveloped, with robust hedging, pepper-potted with trees, forming the boundary with the road itself. The site itself lies on the administrative boundary between Southampton City and Eastleigh Borough Council.

3. Proposal

- 3.1 As set out above, this application seeks to regularise the use of the site by travelling showpersons, albeit with some key differences. National planning policy defines travelling showpersons as:
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.
- 3.2 The application proposes closing the existing vehicular access from the junction of Botley Road and Bursledon Road by erecting new boundary treatment and planting new hedgerow. A new vehicular access is proposed from Botley Road, approximately 70 metres from the junction.
- 3.3 The use itself involves the storage of fairground equipment and the siting of residential caravans. The application sets out that this includes:
- Two families in 2 residential wagons and up to 10 caravans
 - Seven 40 tonne lorries
 - 3 vans
 - 4 cars
 - Four fairground rides
- 3.4 The application proposes two main storage areas, either side of the new access, and set back from the boundary with Botley Road by between 18 and 30 metres. A landscaped buffer would be provided between the storage areas and the boundary with Botley Road. Whilst the greater portion of the site lies within SCC's administrative area, 1292 sqm of the storage area that would be actively used would be within SCC and 1660 sqm within the Eastleigh area.
- 3.5 The site is predominantly used from September to March, outside of the travelling season.

4. Relevant Planning Policy

- 4.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 4.2 The site is identified in the Southampton and Eastleigh adopted Development Plans as forming part of the Strategic Gap between Southampton and Eastleigh. The site is part of a wider area of open fields which lies between Southampton and the neighbouring settlement of Bursledon.
- 4.3 Also relevant, is the Southampton Gypsy and Travelling Showpeople Accommodation Assessment (December 2014). This document would jointly be commissioned by Southampton and Eastleigh Borough Council and assesses the need for Gypsy, Traveller and Travelling Showpeople accommodation across the two administrative areas and whether this need can be accommodated on existing sites.

- 4.4 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.
- 4.5 The Government's Planning Policy for Traveller Sites (2015) specifically addresses travelling show people. The policy explains that planning authorities should assess need and have regard to the needs of travelling show people for mixed use storage / yards and residential accommodation, consider the existing level of local provision and the availability of alternative accommodation, the personal circumstances of the applicant, and that Local Plans should identify specific deliverable sites for 5 years of supply. Factors to consider in selecting sites include using previously developed / untidy land, limiting sites in open countryside away from settlements, protecting the environment / local amenity, managing co-existence with existing communities, enabling access to education / health / other facilities, and reducing the number of unauthorised sites. The policy should be read in conjunction with the NPPF.

5. **Relevant Planning History**

- 5.1 As noted above, the site is subject to an Enforcement Notice relating to its use by travelling showpersons. The reasons for issuing the Enforcement Notice are as follows:

It appears to the Council that the above breach of planning control has occurred within the last ten years. The owner of the site 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 the development would erode the function of the gap and be detrimental to the visual character and amenities of the area. This would be contrary to policies CS17 and CS21 of the Southampton City Council Local Development Framework Core Strategy 2010.

The location of the site is in close proximity to residential properties fronting Botley Road. 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.

The position and layout of the existing access on this busy junction is wholly unsuited to the increase in the volume and size of vehicles that would be accessing and exiting the site throughout the year. The lack of sightlines, failure to accommodate areas for vehicles to wait without obstructing the highway, and the layout of the surrounding road network results in an increased potential for collisions and be detrimental to highway safety. This is therefore contrary to Policy T12 of the City of Southampton Local Plan Review and CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

- 5.2 On the 8th September 2014 the Council registered a full planning application for

the subdivision of the land to form two plots for use by travelling show people, including for the storage of vehicles, up to 12 caravans and associated equipment (LPA reference 14/01520/FUL). The planning application was withdrawn by the applicant on the 21st November 2014. The officers of the Council were minded to refuse planning permission for the application at that time and had drafted a report to the Planning and Rights of Way Panel with a recommendation to this effect.

- 5.3 Prior to this, on the 13th February 1992, the Council received a planning application for the use of the site for off-road training or motorcycles for approximately 7 hours per week (LPA reference 920165/02750/E). Planning permission for the use was granted for a temporary period on 12th May 1992.

6. Consultation Responses and Notification Representations

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (11.9.15). At the time of writing the report **96** representations have been received from surrounding residents. This includes **29** responses, submitted by the applicant, from various people who confirm no objection to the proposal. The following is a summary of the objections raised:

- 6.2 *The proposed new access will result in the loss of a significant amount of established hedgerow. Replacement planting would take too long to establish and provide effective screening. The loss of natural vegetation and habitat would have a harmful impact on local wildlife.*

Response

The hedgerow along the western boundary of the site with Botley Road does have amenity and local biodiversity value. The proposed new access will indeed result in the removal of some vegetation however, the location of the access has been arrived at in consultation with the Council's Tree and Ecology officers to limit the impact on this hedgerow. The new access will avoid the removal of any important amenity trees and good working practices, secured by condition, can ensure no harm to wildlife during the formation of the access. Furthermore, overall the application proposes replacement tree and shrub planting on a favourable basis both to strengthen the existing hedgerow and in stopping up the existing access. Whilst some vegetation will inevitably take time to establish, the Council's Tree Team have advised that it would be possible to secure some new planting that will have an immediate effect.

- 6.3 *Botley Road is not sufficiently wide to enable large vehicles to safely turn into the site, particularly if any vehicles are parked on the street. Large vehicles would block access by emergency service vehicles. Given the busy nature of Botley Road, the proposed access would be dangerous.*

Response

In Highway safety terms, the proposed access represents a significant improvement on the existing established access into the site. Tracking diagrams have been provided which demonstrate that an articulated vehicle can turn left into the site from Botley Road. The Council's Highway Officer has advised that this would be sufficient to accommodate the largest possible vehicle entering the site, although the final position of the access gates would need to be determined based on the length of an articulated vehicle towing a caravan. This can be

secured by condition. In addition to this, the applicant has indicated their willingness to submit and adhere to a management plan for the arrivals and departure of vehicles from the site and this can also be secured by planning condition. In addition to this, the necessary sightlines can be achieved from the new access location.

- 6.4 *The proposal would result in noise and disturbance to nearby residents particularly with the repair and maintenance of vehicles and generators.*

Response

The application proposes to site and store vehicles and equipment and not the maintenance of equipment and vehicles. Given the specialist nature of equipment involved, typically it would be taken off site to be maintained. A condition is suggested to restrict the on-site maintenance of equipment. As noted, the application proposes a significant landscape buffer between the boundary and the main areas that would be used that minimises the effect on the neighbouring residents and also prevents the use from intensifying further. A key consideration in terms of the effect on nearby residents is the arrivals and departures of the larger vehicles to and from the site. Conditions are suggested to restrict the hours that this can occur.

- 6.5 *The use appears out-of-keeping with the area and unsightly in the Strategic Gap.*

Response

This issue is discussed in more detail below. Over-all it is considered that the increased landscaping proposed and the set-back of the main storage area from Botley Road would assist in mitigating the visual effect of the development.

- 6.6 *The application suggests that the site has been used for the siting and storage of equipment and residential caravans for the last 40 years. This is not the case.*

Response

The Council acknowledge that whilst the applicant has long-term family ties to the site and that the site may have been used on a temporary basis in the past, the current use, as described in the Enforcement Notice (**Appendix 1**) does represent a breach in planning control.

6.7 **Consultation Responses**

- 6.7.1 **SCC Highways** – No objection. The repositioning of the access further west will be an improvement on the existing access arrangements. The new access is sufficiently wide and the sightlines seem acceptable. The gates into the site should be set back from the public highway to allow for an articulated vehicle towing a caravan to pull fully off the highway onto the site. The submitted information demonstrates that an articulated vehicle can turn left into the site. The access is designed to avoid the left-turn of articulated vehicles out of the site. Although, it is unlikely that vehicles would approach the site from the south, a tracking diagram should be provided to demonstrate that this could be achieved. Details of the makeup of the access route and parking areas are required to understand that mud will not be dragged onto the highway in inclement weather.

- 6.7.2 **SCC Planning Policy** – No objection. The detailed comments are provided as **Appendix 2** to this report.

- 6.7.3 **SCC Archaeology** – No objection. Suggests a condition to secure an

archaeological investigation.

- 6.7.4 **SCC Trees** – The siting of the proposed entrance, as identified on the landscape masterplan, dated October 2015 with drawing ref number 003_OS74 Rev:B, cuts through a section of the green belt that runs along Botley Road. The area that has been identified will have little impact to the trees, therefore I have no objection to the proposed location. My main concern is over the loss of visual screening to the site. Although there is new planting shown for the site, it would appear that the access is at a slight angle to the road and the planting would not give adequate future screening, but would make more of an avenue feature rather than a screen.

I would therefore ask if the angle of the entrance be adjusted and have the new planting follow the line of the new access road. This planting would have to extend past the existing vegetation belt so as to provide a screen from the properties along Botley Road. If this can be achieved, I have no objections on tree grounds

Note:- Recommended conditions 3 and 8 address these points.

- 6.7.5 **SCC Environmental Health (Pollution & Safety)** – No objection or conditions suggested.
- 6.7.6 **SCC Ecology** – The proposed new planting will increase the quantity of native woodland/hedge habitat on the site which will be beneficial to local wildlife and satisfactorily mitigate the creation of a new access through the hedgerow on Botley Road. It will also create a connection to the hedgerow on Bursledon Road establishing a longer wildlife corridor.

The submitted Landscape Masterplan Plan is slightly inaccurate as it shows an area of existing vegetation running across the current entrance. This needs to be corrected to show it as an area of new planting. This alteration would not fundamentally alter the landscape proposals and I am therefore happy for a revised landscape plan to be secured through a planning condition.

I am happy with the proposed tree and shrub species mix although as this site would previously have supported heathland I would like gorse, *Ulex europaeus*, added to the edge of the woodland planting within the site. I am also supportive of the proposal for an area of wildflower grassland however, a species mix has not been shown on the Landscape Masterplan. The addition of an appropriate range of wildflower species should be secured through a planning condition.

The existing hedgerow provides suitable habitat for nesting birds which receive protection under the Wildlife and Countryside Act 1981 (as amended). All vegetation removal should therefore be undertaken outside the nesting season. The safe period for vegetation clearance runs from September to mid-February. If clearance can't be undertaken within this period, the vegetation should be checked by a suitably qualified ecologist before works commence. If active nests are found the vegetation must be protected by a 5m buffer and retained until the chicks have fledged.

Provided the amendments suggested above are made I can withdraw my objection.

Note:- recommended conditions 3, 7 and 8 address the above points.

- 6.7.7 **Southern Water** – Any new connection to the public sewer would require a formal application to Southern Water. Suggest a note to applicant to advise of this.

7. **Planning Consideration Key Issues**

- 7.1 When considering applications for travelling showpeople sites, the national Planning Policy for Traveller Sites requires regard to be had to the following:
- a) the existing level of local provision and need for sites;
 - b) the availability (or lack) of alternative accommodation for the applicants;
 - c) other personal circumstances of the applicant;
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 7.2 The Policy goes onto confirm that Council's should identify a supply of sites to meet the identified need and where an adequate supply cannot be found, this forms a significant material planning consideration.
- 7.3 The above issues need to be considered, with the adopted Development Plan, as a whole, also having regard to the visual effect on the Strategic Gap and character of the area, the impact on residential amenity together with highway safety.
- 7.4 The 'saved' Southampton Local Plan identifies the site as being within Southampton/Eastleigh Strategic Gap. The purpose of the Gap is to provide an open buffer between Southampton and neighbouring settlements, to maintain the distinct characters of these settlements. Core Strategy Policy CS21 sets out that the Council will work with Eastleigh Borough Council to protect the Strategic Gaps from development to maintain the open character. Core Strategy Policy CS17 specifically relates to the accommodation for travelling showpeople and confirms the Council's commitment to providing sufficient sites to meet local need and requires such applications to be assessed in terms of other material planning considerations including impact on residential amenity, highways and landscape.
- 7.5 In terms of need and the availability of sites, the Southampton Gypsy, Traveller and Travelling Show People Accommodation Assessment (GTTAA) was completed on behalf of Southampton City Council and Eastleigh Borough Council in December 2014. This assesses there is a need for 7 travelling show people's plots in Southampton / Eastleigh over the period to 2029, including 2 to relieve overcrowding at Candy Lane, Thornhill, Southampton. Southampton and Eastleigh Councils have had ongoing discussions regarding the provision of a site for travelling show people. The draft Eastleigh Local Plan identified a site at Netley Firs which can accommodate approximately 8 pitches. This site is currently not allocated in the adopted Eastleigh Development Plan for use by Travelling Showpeople. The Netley Firs site is currently being marketed by the

landowner for employment uses and the applicant has submitted correspondence from its owner outlining that it is not available for travelling showpersons use at this time.

- 7.6 Having regard to the constrained, urban nature of Southampton, at this point in time, there are no other available sites to meet the identified need. This unmet need forms an important material planning consideration.
- 7.7 As noted, the application site lies within the Eastleigh/Southampton Strategic Gap, although is not subject to a particular protected landscape designation. Whilst the application proposes the siting of equipment and vehicles, permanent development is limited to hardstanding and boundary treatment. This is an important consideration, the effect of which is considered to maintain the long-term integrity of the Gap. Planning policies encourage the use of landscape screening in such circumstances to limit the impact on the verdant character of the gap. The application proposes an appreciable set back of the main storage areas from Botley Road and enhanced tree and shrub planting along this edge. It is possible to secure planting, such as instant hedging, that would have an immediate effect on the landscape character of the site. This would limit the impact of the use on the character of the Gap. Open fields would be retained to east of the use which also mitigates the impact on the open character of the area and ensure that the use does not dominate adjacent communities.
- 7.8 In terms of the effect on residential amenity, the key issue is the potential for noise and disturbance from the use on nearby residents and in particular from arrivals and departures. As set out above, the site is mostly used during the winter period, outside of travelling season. Once the large vehicles and rides arrive at the site, in general, they do not regularly come and go but are stored until travelling season commences again in the spring. A planning condition can be imposed to ensure that the arrivals and departures of large vehicles do not take place in unneighbourly hours to minimise the impact on neighbouring residents. Furthermore, it is proposed that a significant buffer would be provided between the storage areas and the boundary with Botley Road, which would achieve a separation of between 39 and 42 metres to the nearest residential properties. It is considered that this would limit disturbance to neighbours. In addition to this, it is also recommended that conditions be imposed to securing details of generators in order to restrict the noise limit that can be emitted from such equipment. As noted above, the application does not include maintenance of equipment or vehicles to take place on the site and planning conditions can further restrict this type of activity.
- 7.9 In terms of Highway impacts, the movement of large vehicles and equipment onto and off of the site is generally limited to the end and start of travelling season. The site is located adjacent to a main arterial route for the city, meaning access to the strategic road network is good. The existing access into the site is established (having existing for a period of more than 4 years) and since it is located directly onto the Botley Road/Bursledon Road junction, is poor. The new access, by contrast, would benefit from adequate sight lines and is designed specifically to accommodate the large vehicles that would enter and leave the site.
- 7.10 Access gates would be inset from Botley Road to enable the largest vehicle to fully pull-off of the road when arriving. A planning condition can be imposed to

secure a management plan to control the arrivals and departures of large vehicles into and out of the site to minimise the disruption to the through-traffic on Botley Road. As such, the Council's Highway Team have not objected to the application and the proposal is considered to be acceptable in this respect.

8. Summary and the Planning Balance

- 8.1 The nature of the requirements for travelling showpeople means that suitable sites are not readily available within a constrained urban area such as Southampton. This is particularly due to the need for relatively large, open and undeveloped sites that are located near key routes. Nonetheless, a need exists for sites of this nature and the planning system must identify and deliver sites to meet this need. There is an identified need in the city for additional accommodation for travelling showpeople and there are currently no other sites available to meet this need.
- 8.2 The site is within the Strategic Gap, and so protected from development. However, it is not subject to any special landscape designation, specified in National Policy, which precludes the use by travelling showpeople, where there is an identified need. The site benefits from existing boundary vegetation which screens the site from key public vantage points and this screening can be enhanced to further mitigate the visual effect. The buffer between the useable areas of the site and the boundary with Botley Road, is an important factor (when compared with the unauthorised situation) that further mitigates the visual effect of the proposal, as well as limiting the level of development that could be accommodated on the site.
- 8.3 The new access arrangements would represent an improvement in highway safety terms and the effect of the new access on trees and wildlife is minimised and can also be adequately mitigated. Whilst the access would bring vehicle movements closer to residential properties, arrivals and departures to and from the site would be infrequent and the timings can be controlled by condition to avoid undue noise and disturbance.
- 8.4 Whilst the breach of planning control is now a material consideration, it does not over-ride other considerations which include national and local adopted planning policy. A number of planning conditions can be imposed to manage the operation of the use and breaches of planning conditions can be prosecuted without the opportunity to appeal.
- 8.5 As such, the amendments to the site layout and access, combined with the controls available to the Council through planning conditions, on balance it is considered that at this point in time, the site is needed and appropriate to accommodate the use proposed and accords with the policies of the Development Plan, when considered as a whole.
- 8.6 Since the availability of alternative sites is a moving picture and will be investigated further through the Southampton and Eastleigh Local Plan process, it is considered prudent to grant a temporary planning permission until late 2017 when the Eastleigh and Southampton Local Plans are due to be adopted. At this time, the need and availability can be reviewed based on the up-to-date evidence, particularly in terms of whether a more suitable alternative can be identified.

9. Conclusion

9.1 It is recommended that planning permission be granted subject to conditions.

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

1. (a) (b) (c) (d) 2. (b) (c) (d) 3. (a) 4. (g) 6. (a) (c) (f) (i) 7. (a) 9. (a) (b)

JT for 08/12/15 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Temporary Time Consent

The use hereby approved shall cease on 1st November 2017 and within three months the land reinstated to its former condition.

Reason: The use is approved since at the point of permission, there is an identified need for a travelling showpersons site with no available alternative sites. However, the site lies within the Eastleigh/Southampton Strategic Gap, the permanent retention should be assessed having regard to the review of the Southampton and Eastleigh Local Plans.

02. APPROVAL CONDITION – Implementation of Access

Within three months of the date of this permission, a timetable for the implementation of the new access hereby approved and the closure of the existing access shall be submitted to the Local Planning Authority for approval in writing, together with details for the final position of the access gates into the site. The works shall be carried out in accordance with the agreed timetable approved details and thereafter retained whilst the site is in use as a site for travelling showpeople.

Reason: In the interests of highway safety

03. APPROVAL CONDITION – Landscaping

Within three months of the date of this permission, revised landscaping details, maintenance details and an implementation timetable shall be submitted to the Local Planning Authority for approval in writing. The revised details shall include specification of the materials to be used for the new access and main storage areas, new planting adjacent to the new access and the inclusion of Gorse (*Ulex europous*) and instant hedging in the planting schedule. The landscaping shall be implemented in accordance with the agreed details and timetable.

Reason: To provide adequate landscape screening of the site in the interests of the visual amenity of the area.

04. APPROVAL CONDITION – Management Plan for Arrivals and Departures

Within three months of the date of this permission, a Management Plan shall be submitted to and approved by the Local Planning Authority in writing which addresses how the arrivals and departures of Heavy Good Vehicles and Articulated Lorries to and from the site will be managed. The plan will include the timing and routeing of vehicles to avoid peak times. For the avoidance of doubt no Heavy Goods Vehicles or Articulated Lorries shall arrive at or depart from the site outside the hours of The Management Plan will be adhered to whilst the approved use is in operation.

Reason: In the interests of the safety and convenience of the users of the adjoining highway and residential amenity.

05. APPROVAL CONDITION – Foul and Surface Water Disposal

Within three months of the date of this permission, details of the method for foul and surface water disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall thereafter be implemented in accordance with a timeframe to be approved in writing by the Local Planning Authority and thereafter retained whilst the use is in operation.

Reason: To ensure a satisfactory form of development.

06. APPROVAL CONDITION – Noise Mitigation Measures

Within three months of the date of this permission, details of noise attenuation measures for any external plant/equipment or generators shall be submitted to and approved by the Local Planning Authority in Writing. The measures shall be implemented as approved in accordance with a timeframe to be agreed in writing by the Local Planning Authority and no other plant/equipment or generators shall be used other than approved.

Reason: To minimise noise and disturbance to nearby residential occupiers.

07. APPROVAL CONDITION - Protection of nesting birds [Performance Condition]

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

08. APPROVAL CONDITION - vegetation retention and protection [Pre-Commencement Condition]

No development, including site works of any description, shall take place on the site unless and until all the existing bushes, shrubs, and hedgerows to be retained on the site have been protected by a fence to be approved in writing by the Local Planning Authority erected around each area of vegetation at a radius from the stem or stems of 5 metres or such other distance as may be agreed in writing by the Local Planning Authority. Within the area so fenced off the existing ground levels shall be neither raised or lowered and no materials, temporary buildings, plant machinery, rubble or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed.

Reason: To ensure the retention and maintenance of vegetation which is an important feature of the area.



IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as Amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: SOUTHAMPTON CITY COUNCIL

1 THIS NOTICE is issued by the Council, because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the development plan and other material planning considerations.

2 THE LAND TO WHICH THE NOTICE RELATES

Land at The Old Fairground, Botley Road, Southampton, shown edged red on the attached plan ("the Land").

3 THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, change of use of the Land from agriculture to a mixed use consisting of; Residential use in caravans, storage of caravans, storage of vehicles, storage of fairground rides and equipment.

4 REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last ten years. The owner of the site 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 the development would erode the function of the gap and be detrimental to the visual character and amenities of the area. This would be contrary to Policies CS17 and CS21 of the Southampton City Council Local Development Framework Core Strategy 2010.

The location of the site is in close proximity to residential properties fronting Botley Road. 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.

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 sightlines, 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. This is therefore contrary to Policy T12 of the City of Southampton Local Plan Review and Policy CS17 of the Southampton City Council Local Development Framework Core Strategy 2010.

5 WHAT YOU ARE REQUIRED TO DO

- i) Cease using the land for residential purposes;
- ii) Cease using the land for the storage of caravans;
- iii) Cease using the land for the storage of vehicles;
- iv) Cease using the land for the storage of fairground and other equipment that is not used for the purpose of maintaining the land for its authorised purpose.

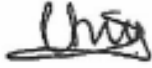
6 THE TIME FOR COMPLIANCE

6 months after this Notice takes effect.

7 WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28th May 2015, unless an Appeal is made against it beforehand.

Dated: 27th April 2015

Signed.... 

Head of Legal & Democratic Services
**Southampton and Fareham Legal
Services Partnership**
Southampton City Council
Civic Centre
Southampton
SO14 7LY

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS14	Historic Environment
CS17	Gypsy and Traveller Accommodation and Accommodation for Travelling Showpeople
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP16	Noise
NE4	Protected Species
HE6	Archaeological Remains
CLT3	Protection of Open Spaces
H3	Special Housing Need
TI2	Vehicular Access

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

PLANNING POLICY COMMENTS

APPLICATION No: 15/01775/FUL
ADDRESS: The Old Fair Ground Junction of Botley Road/ Bursledon Road
Southampton
PROPOSAL: Subdivision of land to form two plots for use by travelling show people including storage for vehicles, up to 12 caravans and associated equipment

Summary

The relevant policies are set out in Government guidance and the Council's development plan. In terms of the overall principle, there are three 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.
- Protecting the amenity of existing residents.

This site is in a narrow and sensitive part of the strategic gap. The proposal involves the storage of large equipment. There is a need for the development and at present there are no clearly available alternative sites for it. The proposal involves intensive use for only part of the year and a relatively contained intrusion in to the gap. There continues to be a policy objection to an earlier planning application which is considered unacceptable in terms of layout and design. This is a revised planning application which has sought to address some of the concerns from that earlier proposal: moving the vehicle storage areas further away from existing residential properties; strengthening the Botley Road landscaping buffer and re-siting the highway access. The landscape treatment to the strategic gap needs to be considerably strengthened; and conditions / management plan put in place to control the site. Furthermore, given the sensitivity of the strategic gap at this point a consent should only be granted on a temporary basis to give time to see whether an alternative site can be identified through the Eastleigh Local Plan review. Provided these measures and controls are put in place there is no policy objection for this revised proposal. Support for development on this site only applies on balance to this specific type of proposal for a temporary period, given the particular and immediate needs set out. This also enables the Council to maintain effective control of the operation.

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.

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).

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. The 2006 Local Plan proposals map is saved and defines the specific site as part of the strategic gap.

Government Policy

The Government's Planning Policy for Traveller Sites (2015) also covers travelling show people, treating them as a distinct and separate group. Some 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; making enforcement more effective; and increasing the number of traveller sites in appropriate locations (para 4, 13)

Enabling access to education / health / other facilities (para 4, 13)

Protecting local amenity / environment; co-existing with existing communities (para 4, 10, 11, 13)

Local Plans should identify specific deliverable sites for 5 years of supply (para 9, 10)

Local Plans should have criteria based policies for planning applications which come forward (para 11, 24)

Having regard to the needs of travelling show people for mixed use yards / residential / storage of equipment (para 19)

Assessing applications in accordance with the presumption in favour of sustainable development (para 23)

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 24)

Limiting new sites in open countryside away from existing settlements or allocations (para 25);

Using previously developed / untidy land (para 26);

The use of landscaping, and play areas for children (para 26);

If a 5 year land supply cannot be demonstrated, this should be a significant material consideration in the grant of temporary permission (para 27);

Use of planning conditions (eg location of business operations, non. of days of occupancy, etc) (para 28).

Consideration

The site is used by travelling show people without planning permission. They run fairs in the local area.

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) has been completed for Southampton / Eastleigh Councils by an independent consultant. This indicates a need for additional plots for travelling show people as follows:

-2 plots to relieve overcrowding at the Candy Lane site in Thornhill, Southampton

-3 plots to meet the needs of travelling show people living on unauthorised sites in the wider area outside Southampton / Eastleigh.

-2 plot to meet the growth in households from all the above over the next 15 years.

This totals 7 plots, although at least 3 relate to needs emerging from unauthorised sites beyond Southampton / Eastleigh.

The study nevertheless identifies a clear and immediate need for at least 2 plots to be met

in the area, relating to the overcrowding at the Candy Lane site in Southampton. This application is directly related to addressing that need.

There are very limited alternative suitable options to identify deliverable sites within the urban area of Southampton.

Eastleigh Council were preparing a Local Plan to cover the period to 2029. This Plan had allocated a site for travelling show people at Netley Firs for 8 plots. On the face of it this could have met all the identified needs. At the time the last planning application was submitted at Botley Road, Eastleigh Council were still progressing their Plan. Since then the Plan has proceeded to the first stages of examination. In his preliminary comments the Inspector explained that the alternative Netley Firs allocation could only be supported if it is available / deliverable, which will depend on the intentions of the new owner. The owner is currently stating that they have no intention of releasing the land for a travelling show people's site. As a result of the preliminary examination (and primarily due to other matters) Eastleigh Council have withdrawn their Local Plan and are only at the very early stages of preparing a new Plan. Therefore since the last planning application at Botley Road, it has become clearer that in the immediate term the Netley Firs site is neither allocated nor available; which is a significant factor. However whilst at present the medium to longer term availability of sites in Eastleigh Borough is unclear this will be clarified over time. Eastleigh have commenced a new Local Plan review which will consider sites to meet needs; the intentions of the Netley Firs owner may change over time (for example if they are unsuccessful in getting an allocation for more general employment); or another deliverable site may be identified.

To summarise, there is an established and immediate need and at present there is a lack of an alternative identified deliverable site. This is an important consideration although it does not in itself mean the Council should permit a proposal on a completely inappropriate site or with an inappropriate design / layout. The Government / Core Strategy policy sets criteria against which applications should be considered on sites as they come forward. Any planning application should be considered on the balance of the need and the suitability of the site and proposal. Furthermore it should be noted that an alternative site could emerge in the future.

The application site is located close to the urban area / facilities. It is also in the applicant's ownership so is clearly deliverable. The site currently consists of mixed gravelled areas / grass / scrub land.

The site lies in the Southampton – Bursledon gap which is relatively narrow at this point, just over 0.6km along Bursledon Road. It should also be noted that Eastleigh have received a planning application for general residential development on the other side of the gap which if permitted would narrow the sense of the gap along Bursledon Road further. This is a main route in and out of the city so this part of the gap is important in forming perceptions of the distinct identities of Southampton and Bursledon. The site is adjacent to this road, albeit partially screened by a hedge line which runs along Bursledon Road. In addition Botley Road and its hedge line form a clear edge to Southampton in relation to this gap, and this proposal extends beyond this clearly defined edge. The proposal would involve the storage of fairground equipment primarily during the winter, and caravans for living accommodation. The existing deciduous hedge lines would only partially screen the proposal in the winter.

Whilst the proposal is in a particularly sensitive part of the strategic gap, there are some mitigating circumstances. 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, from which most people will perceive the gap. Nevertheless by breaching the Botley Road boundary closer to Bursledon Road, there is still the potential for the perception of the gap to be narrowed. The current proposal only shows limited landscaping on the boundary to the strategic gap. However there is the scope for the proposal to strengthen this landscaping, providing a substantial (ie 10 metre width) buffer similar to that proposed on Botley Road.

Given the sensitivities of the gap in this location, I consider that the Netley Firs site is in a less sensitive part of the gap and on balance would have been a better location for the proposal had it been deliverable. Indeed it would still be a better location should it become deliverable in the future; or it is possible that an alternative as yet unidentified site in Eastleigh could be found in a better location.

Given the immediate need for this specific type of development; the lack of alternative deliverable sites in the short term; and the mitigating factors outlined above; there is a policy case for considering this proposal within the strategic gap. However given the sensitive nature of the strategic gap and the potential for alternative more suitable sites to become available in the medium term; it is important in policy terms that a permission on this site is granted on a temporary basis. The National guidance (para. 27) supports the grant of temporary permissions where there is an immediate shortfall to be met (eg lack of 5 year supply). It is also critical that the landscape buffer to the strategic gap is strengthened; and the site is conditioned to restrict it to use by the travelling show people to which the need relates. If this can be achieved there would be no policy objection in terms of the strategic gap.

The proposal is close to existing residential properties. Therefore it needs to be clear that the relationship with these properties is managed appropriately. In this context it is noted that since the last planning application, the applicant is proposing to:

- Locate the storage of equipment, etc, to the rear of the site further away from residents. The nearest part of proposed hardstanding is now about 24 metres from the Botley Road frontage and over 50 metres from the nearest residential property.
- Considerably strengthen the landscaping along Botley Road with the aim to substantially screen the proposal from the residential properties – expanding the existing tree / hedge line to a landscape buffer of 10 metre width.
- Relocate the access to a safe point (whilst noting that as a result this is inevitably now closer to residential properties).

These changes start to manage the impact on residential amenity. However to fully address the issue of residential amenity; and to make the development appropriate in terms of the strategic gap; the proposals need to be complemented by conditions and a management plan to:

- Ensure the site is only used by travelling show people associated with the running of fairs;
- Grant planning permission on a temporary basis;
- Make the permission personal to the family members to which the need relates, and

to restore the site to grassland should this cease.

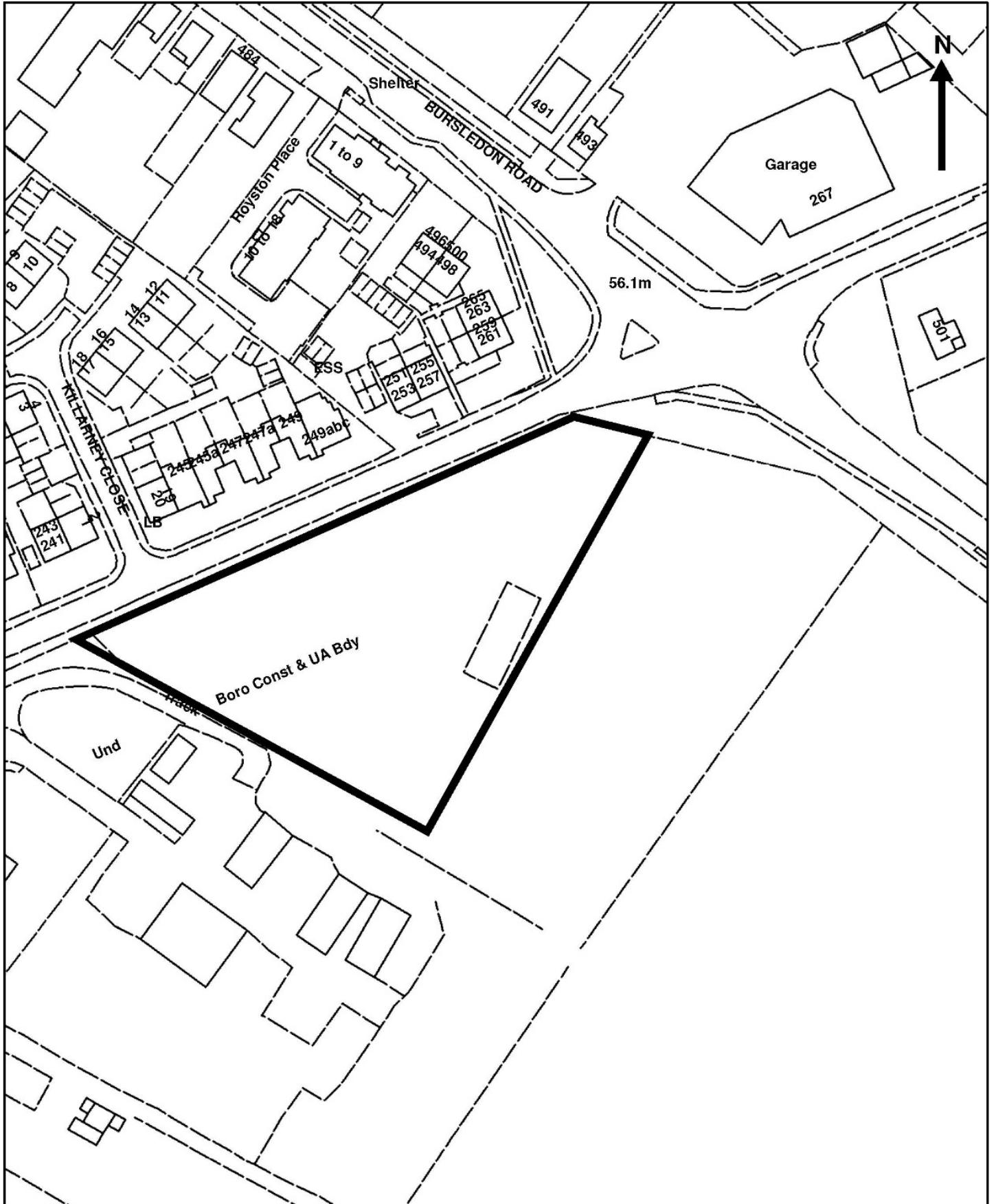
- Control the number of plots / buildings and siting of hardstanding to that indicated in the planning application, ensure vehicles are only parked on the hardstanding, and ensure any of the areas not indicated as hardstanding but which are currently such or gravelled are returned to grassland.
- Ensure the provision / maintenance of an appropriate and substantial landscape buffer / boundary treatment, including a 10 metre width buffer and further detail specified as appropriate to ensure the proposal is as substantially and appropriately screened as possible, both:
 - along Botley Road as indicated; and
 - along the boundary with the wider strategic gap (substantially strengthening the landscaping as currently indicated).
- Control the timings and management of access by heavy goods vehicles;
- Ensure no significant on site maintenance of vehicles / machinery.

Conclusion

There continues to be a policy objection to the last planning application. Given the changes since the last planning application, the policy objections can now be overcome by the additional conditions / management plan stated above. However if these matters are not addressed a policy objection remains in place.

These comments apply both to the planning application to be determined by the City Council; and the comments this Council should make to the planning application received by Eastleigh Council.

15/01775/FUL



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