

Date of Meeting	20 <sup>th</sup> October 2011		
Application Number:	S/2010/1128 FULL		
Site Address:	Travelling show peoples site adjoining Dormers, Southampton Road, Petersfinger, Salisbury. SP5 3DB		
Proposal:	Deposition of hardcore to create extension to travelling showpeoples site (part retrospective)		
Applicant/ Agent:	Mrs Janet Montgomery, Brimble Lea and Partners		
Parish:	Clarendon Park		
Grid Reference:	Easting 416570.39687109 Northings 129003.324960232		
Type of Application:	Minor		
Conservation Area:	Cons Area	LB Grade:	Grade
Case Officer:	Case Officer Mr W Simmonds	Contact Number	Case Officer Number 01722 434553

### **Reason for the application being considered by Committee**

Councillor Devine has requested that this item be determined by Committee due to:

- Scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Environmental/highway impact

### **1. Purpose of report**

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### **2. Report summary**

The main issues in the consideration of this application are as follows:

- Principle of proposed development as set out under local plan policies and other relevant local and national planning guidance
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon nature conservation interests including the adjacent Petersfinger Farm Meadows County Wildlife Site (CWS)
- Impact upon neighbour amenity

The application has generated objections from one parish council. There were no letters or other representations received from the public.

### **Neighbourhood Responses**

No letters/representations received from the public.

### **3. Site Description**

The existing travelling show people's site constitutes a predominantly open, flat area of land with a consolidated hardstanding on the ground. The site is well-screened to the north east and east by mature trees and very tall conifer hedging (in excess of 10 metres in height). Additionally there are trees and hedging along the south west boundary (to the immediate rear of the storage containers), and commercial garage buildings to the immediate west of

the site. The application site is therefore considered to be relatively well screened from views from the highway to the north and the surrounding countryside on all other sides.

The site is accessed via a driveway of approximately 70 metres length running from the A36 to the north, the first part of the driveway is shared with the neighbouring bungalow known as Dormers.

The application site is within a designated Groundwater Source Protection Area and forms part of the designated Landscape Setting of Salisbury and Wilton.

The adjoining land to the south is designated within the local plan as an Area of High Ecological Value, and is also part of the Petersfinger Farm Meadows Country Wildlife Site (CWS). The application site lies adjacent to the CWS and contains alder, sallow and willow trees which are characteristic of a wet woodland.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
79/0132	Use of land for the permanent winter stationing and occasional summer stationing of Showman's caravans, vehicles etc at land adj The Dormers	AC 04.07.79
81/0515	O/L sports complex and construction of new access at land at Southampton Road	R 05.08.81
84/0932	COU of land for the permanent winter stationing and occasional summer stationing of Showman's caravans at land adj The Dormers	AC 29.08.84
88/0858	Permanent use for Showman's depot and erection of a store and offices at The Dormers	AC 24.08.88
91/1052 ADV	Non-illuminated advertising board at Petersfinger	AC 19.08.91
92/0740 ADV	Advertising boards for South of England Flower Show at Petersfinger	AC 15.07.92
92/0847 ADV	Non-illuminated sign boards at Petersfinger	AC 29.07.92
92/0944 ADV	Non-illuminated advertising board for Wilton House Fairs at Petersfinger	AC 05.08.92
93/0480 ADV	Non-illuminated sign board at Petersfinger	AC 18.05.93
93/0653 ADV	Non-illuminated sign at The Dormers	AC 16.06.93
93/1321 ADV	Non-illuminated advertising board for Wilton House Fairs at Petersfinger	AC 09.11.93
94/0860 ADV	Advertising boards for South of England Flower Show at Petersfinger	AC 27.07.94
99/1071	Application to remove condition 3 (personal restriction to P.C. Symonds) of PP S/88/0858/TP	AC 11.10.99
09/0619	Existing use of land for stationing and occupation of mobile home as self contained unit of living accommodation.	APP 25.06.09
09/1368	Retrospective application for stationing of storage containers for showmen's and non-showmen's storage use.	AC10/11/09

#### 5. Proposal

The application is in part retrospective and relates to the deposition of hardcore over an area of approximately 900 square metres on woodland adjoining the western end of the existing site to provide an extension to the travelling showpeople's site, thereby increasing the provision of the existing area available for use by travelling show people.

The proposal uses the existing access to the site and includes additional boundary screening in the form of tree and hedge planting and the erection of fencing to the immediate north east and south east sides of the proposed site extension.

## **6. Planning Policy**

- Salisbury adopted (saved) local plan policy G2 (General Criteria for Development)
- Salisbury adopted (saved) local plan policy C7 (Landscape Setting of Salisbury & Wilton)
- Salisbury adopted (saved) local plan policy G8 (Groundwater Source Protection Areas)
- Salisbury adopted (saved) local plan policy C11 (Nature Conservation)
- Wiltshire Structure Plan policy DP15 (Accommodation for Gypsies and Travellers)
- PPS9 – Biodiversity and Geological Conservation
- Circular 04/07 – Planning for Travelling Showpeople

## **7. Consultations**

### **WC Highways**

No Highway comments to make

### **Highways Agency**

No objection to the application

### **Environmental Health Officer**

No observations

### **Showmen's Guild of Great Britain**

No response

### **WC Minerals & Waste**

No response

### **Spatial Planning**

Advice provided in respect of relevant policy context

### **WC Ecologist**

No objection provided permission is granted subject to the recommendations of the submitted ecology report being carried out in full

### **Tree Officer**

No objection

### **Environment Agency**

Raises no objection, suggest an informative re private drainage facilities and access tracks

### **Clarendon Park Parish Council**

Object on grounds of residential not showpeople's site, highway safety, permitted land use B8 only, affects residential amenity, flood risk

## **8. Publicity**

The application was advertised by site notice and neighbour notification letters  
Expiry date 16.09.10

No third party representations were received

## **9. Planning Considerations**

**9.1** Principle of proposed development as set out under local plan policies and other relevant local and national planning guidance

The travelling showpeople's site has been established on the site for many years (planning consent first granted in 1979) and provides a mixed residential and business use to enable the storage and repair of significant amounts of equipment and provision for the stationing of mobile homes.

The existing authorised use of the land for the stationing of Showmen's caravans also allows the temporary residential use of the land, such as by overwintering Showpeople. The DCLG Circular 04/2007 *Planning for Travelling Showpeople* describes the lifestyle of Showpeople as follows:

Showpeople are members of a community that consists of self-employed business people who travel the country, often with their families, holding fairs. Many of these families have been taking part in this lifestyle for generations. Although their work is of a mobile nature, showpeople nevertheless require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. Such bases are most occupied during the winter, when many showpeople will return there with their caravans, vehicles and fairground equipment. For this reason, these sites traditionally have been referred to as "winter quarters", with individual pitches generally referred to by showpeople as plots. However, increasingly showpeople's quarters are occupied by some members of the family permanently. Older family members may stay on site for most of the year and there are plainly advantages in children living there all year to benefit from uninterrupted education.

Therefore it is important to consider both the amenity of neighbouring occupiers of dwellings close to the site, as well as existing and future occupiers of mobile homes and caravans, occupied by Showpeople and their families, within the site.

Circular 04/2007 makes clear that Travelling Showpeople are a distinct group and do not in general share the same culture or traditions as Gypsies and Travellers.

The authorised use of the site is principally the storage of Showman's vehicles, trailers and associated equipment, and includes ancillary elements of temporary and in some cases longer-term residential use of caravans and mobile homes.

The Council's Planning Policy Team advises that the current adopted policy relating to Travelling Showpeople's Sites is provided by the guidance at national level through the ODPM Circular 04/07 *Planning for Travelling Showpeople*. The Coalition Government has indicated that guidance contained within this Circular will be replaced with a light-touch guidance outlining the council's statutory obligations, however Circular 04/07 remains pertinent to this particular case until a replacement is issued.

The main intentions of the Circular are to increase the number of travelling showpeople's sites in suitable locations in order to address the current under-provision, and to recognise, protect and facilitate the traditional way of life of travelling showpeople, creating sustainable, respectful and inclusive communities where travelling showpeople have fair access to suitable accommodation and services.

Taking into consideration the sustainable location of the application site (being in relatively close proximity to Salisbury), and considering the supportive stance of the principal policy guidance provided by the government, and the guidance provided in the relevant Structure Plan policies, the principle of the proposed extension to the existing travelling showpeople's site is considered acceptable.

## **9.2 Impact upon Highway safety**

The application site has an existing access from the A36 to the North West. The proposed extension to the travelling showpeople's site would utilise the existing access.

By reason of the increased area of site provided, the proposed development would be likely to lead to an increase in the number of vehicle movements into and out of the site. However, the Highways Agency and Wiltshire Highways have assessed the proposal and neither agency raises any objection. Therefore it is considered the proposed development would not be prejudicial to Highway safety.

## **9.3 Impact upon visual amenity and landscape character**

The site as currently exists constitutes a predominantly open, flat area of land with a consolidated hardstanding on the ground. The site is well-screened to the north east and east by mature trees and very tall conifer hedging (in excess of 10 metres in height). There are trees and hedging along the south west boundary to the immediate rear of the storage containers, and existing commercial garage buildings to the immediate west of the site. The application site is therefore considered to be very well screened from views from the highway to the north and the surrounding countryside on all other sides. The site is accessed via a driveway of approximately 70 metres length running from the A36 to the north, the first part of the driveway is shared with the neighbouring bungalow known as Dormers.

The proposed development includes the planting of approximately 60 metres of new hedging to the north east boundary (along the boundary with the A36), together with approximately 14 metres of conifer tree plantation within the site to extend the existing significant tree screening running approximately east/west along the northern boundary of the site. By reason of the location of the area to be extended (being set back from the A36 by approximately 22 metres), and the high level of existing and proposed screening provided by trees and hedges, it is considered the proposed development would not have an adverse impact on the visual qualities of the surrounding area or the designated Landscape Setting of Salisbury and Wilton.

## **9.4 Impact upon nature conservation interests including the adjacent Petersfinger Farm Meadows County Wildlife Site (CWS)**

The adjoining land to the south is designated within the local plan as an Area of High Ecological Value, and is also part of the Petersfinger Farm Meadows Country Wildlife Site (CWS). The application site lies adjacent to the CWS and contains alder, willow and sallow trees which are characteristic of a wet woodland.

Following concerns expressed by the Council's Principal Ecologist the applicant has submitted an Ecological Mitigation Method Statement and Compensation Strategy to assess and mitigate against potential impacts of the proposed development on nature conservation interests. The Method Statement and Compensation Strategy sets out measures to ensure the development is carried out in accordance with wildlife legislation and to ensure the delivery of ecological compensation measures.

The Principal Ecologist has visited the site and reviewed the submitted Mitigation Method Statement and Compensation Strategy and states that on the basis of the methodology and mitigation proposed she has no objection to the proposed development, provided permission is granted subject to the recommendations of the submitted ecology report being carried out in full.

It is therefore considered the proposed development would not adversely affect nature conservation interests within the site or within the adjoining Area of High Ecological Value and CWS, subject to a Condition requiring development is carried out in accordance with the recommendations of the ecology report.

### **9.5 Impact on neighbour amenity**

The closest neighbouring residential property is the applicant's own property known as 'Dormers' to the west. By reason of the location of the proposed extended area being over 100 metres from the closest unrelated dwellinghouse (Bow Acre House), and by reason of the proposal constituting an extension to a well-established existing use, it is considered the proposed development would not unduly disturb, interfere, conflict with or overlook adjoining dwellings or uses to the detriment of existing occupiers.

## **10. Conclusion**

The proposed development would increase the level of existing provision for the accommodation of Travelling Showpeople in a sustainable location without detriment to highway safety, landscape quality, nature conservation interests or the amenity of neighbouring residents.

## **11. Recommendation**

### **Planning Permission be GRANTED for the following reason:**

The proposed development accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), C7 (Landscape Setting of Salisbury & Wilton), G8 (Groundwater Source Protection) & C11 (Nature Conservation) of the saved policies of the adopted Salisbury District Local Plan, , and the aims and objectives of PPS9 (Biodiversity and Geological Conservation) and Government Circular 04/2007 (Planning for Travelling Showpeople) insofar as the proposed development would increase the level of existing provision for the accommodation of Travelling Showpeople in a sustainable location without detriment to highway safety, landscape quality, nature conservation interests or the amenity of neighbouring residents.

### **Subject to the following conditions:**

1. This development shall be in accordance with the submitted drawing[s] (reference 08167-2 Revision A) deposited with the Local Planning Authority on 01.08.2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

2. The mitigation measures detailed in the approved Mitigation Method Statement and Compensation Strategy (dated July 2011 and produced by J H Ecology) shall be carried out in full prior to the occupation of the development and/or in accordance with the approved timetable detailed in the Mitigation Method Statement and Compensation Strategy.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: G2, C11, PPS9

3. The site shall be used as a site for Travelling Showpeople only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY: G2, C7, , Circular 04/07

## **INFORMATIVES**

### **Private Foul Drainage / Circular 3/99**

The applicant proposes use of non-mains (private) drainage facilities. However, if the site is located within an area served by a public sewer, according to Circular 3/99 (Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer in preference to private drainage options, unless the applicant can provide good reason why this is unfeasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

## **NOTE TO APPLICANT**

If you want to discharge treated sewage effluent, to a river, stream, estuary or the sea and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent, to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Please note, this Environmental Permit may be subject to an Appropriate Assessment under the Habitats Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a watercourse that is within or up to 3km upstream of a

SAC, SPA, Ramsar or SSSI. This may also apply if it is proposed to discharge into the ground (Eg soakaway) within 250m of a SAC, SPA, Ramsar or SSSI.