

Hedge End, West End and Botley Local Area Committee – Monday 11 June 2018

Application Number: F/17/82076
Case Officer: Mark Taylor
Received Date: Wednesday 6 December 2017
Site Address: SPARSHATTS OF BOTLEY LTD, BROAD OAK, BOTLEY, SOUTHAMPTON, SO30 2EU
Applicant: Sparshatts Of Botley Ltd
Proposal: Demolition of outbuilding and retention of retaining wall and boundary fence with associated alterations to parking arrangement (Retrospective)

Recommendation: PERMIT subject to the following conditions:

CONDITIONS AND REASONS

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: DD173L01 RevB, 17/109/01 RevB, 17.109.02 RevC, 17.109.03 RevB, 17.109.04, 17.109.05 and 17.109.06 RevA.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The retaining wall that is the subject of this application shall be rendered with coping stones added (as per the approved drawing 17.109.04.) within a period of three calendar months from the date of this consent, to the satisfaction of the Local Planning Authority. The wall shall thereafter be maintained and retained in that condition for the lifetime of the development.

Reason: To protect the visual amenity of the area.

- 3 Within 1 month of the date of this decision, a parking layout demonstrating 28 dedicated employee parking bays shall be submitted to the LPA for approval. The submitted layout shall also demonstrate how the employee parking bays will be marked out and identified on site. Within 1 month of parking layout being approved by the LPA, the 28 employee parking bays shall be clearly marked for the parking of staff vehicles in accordance with the approved details, and shall thereafter be permanently maintained as such.

- 4 Within a period of three calendar months from the date of this consent the car parking area comprising 153 spaces as shown on the drawing DD173L01 shall have been made available, surfaced, signed, marked out, and retained in a condition to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

- 5 Within 2 months of the date of this decision, a vehicle delivery strategy shall be submitted to the LPA for approval. Vehicle deliveries shall accord with the

approved strategy and in any event shall not be delivered to the site or surrounding roads by car transporter with a gross vehicle weight of more than 7.5 tonnes.

Reason: In the interests of highway safety.

- 6 Within the first planting season from the date of this consent all hard & soft landscaping, tree planting and boundary treatment shall be carried out in accordance with the approved details and to the appropriate British Standard. For a period of 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme. The landscaping scheme shall be subsequently retained.

Reason: In the interests of the visual amenity of the locality and to safeguard the amenities of neighbouring residents.

- 7 The gates off the vehicular access onto Brook Lane shall remain open from 15 minutes before and until 15 minutes after the trading hours of the premises that the gates serve.

Reason: In the interests of highway safety.

Report:

This application has been referred to Committee at the request of Local Councillors.

Description of Application

1. Demolition of outbuilding and retention of retaining wall and boundary fence with associated alterations to parking arrangements (Retrospective).
2. The application is retrospective. It seeks to regularise the retaining boundary wall and fence above that has been erected on the south east boundary with the site adjacent to Brook Lane.
3. The retaining wall measures from 1.2m to 1m above ground level from south west towards northeast. Located behind the retaining wall are 3m high fence panels.

4. An existing access point onto Brook Lane has been re-instated, it has a width of approximately 6.5m. There are two mesh gates approximately 2.5m in height that are set back from the highway by more than 5m. These gates open outwards towards the highway.
5. The mesh fencing in the south west corner of the site is approximately 2.3m in height.
6. The proposal also seeks to reconfigure the parking layout from that previously approved under planning consent F/14/74833. The proposed parking provision has increased to 153 spaces (from 125).

Site Area

7. 0.53 Hectares

Topography

8. Ground levels fall from the south to north.

Trees

9. On boundary with stream along eastern boundary.

Site Characteristics

10. Car showroom and workshop, with car sales to the front and car parking to the rear.

Character of Locality

11. Within countryside and local gap. Residential properties to east and west.

Relevant Planning History

- 12.

REFERENCE	DESCRIPTION	DECISION
Z/13618/002/00	Erection of single storey extension to Parts Department	Permit 1974
Z/13618/003/00	Petrol pump canopy, amendment to approval WIR 21625/1	Permit 1974
Z/13618/004/00	Extension to workshop	Refuse 1976
Z/13618/005/00	Calor gas autoblend dispensing unit	Permit 1977

REFERENCE	DESCRIPTION	DECISION
Z/13618/006/00	extension to parts department	Permit 1977
Z/13618/007/00	First floor office extension	Permit 1978
Z/13618/008/00	6000 gallon petrol storage tank	Permit 1978
Z/13618/009/00	Erection of paint spraying booth	Permit 1985
Z/13618/010/00	Installation of 1 no. 8,000 gallon underground tank and jet wash facility	Refuse 1988
Z/13618/012/00	Alterations to existing building for internal car sales area, three valet bays and new workshop area, demolition of existing lean to paint booth, compressor house and garage units and relocation of car wash	Permit 1998
A/13618/012/00	DISPLAY OF 5 FASCIA SIGNS, 1 TOTEM SIGN, 2 POST MOUNTED SIGNS and 1 TWIN POLE SIGN (ALL ILLUMINATED)	Refuse 1990
A/13618/013/00	Display of internally illuminated fascia and pylon signs	Consent 1999
A/13618/014/00	Display of 3no externally illuminated fascia signs, 1no internally illuminated projecting sign, 1no non-illuminated free standing sign with internally illuminated logo, 1no internally illuminated wall sign and 1no externally illuminated wall mounted sign	Consent 1999
Z/13618/015/00	Amendments to planning permission 13618/12 to retain existing car wash, spray booth and part of compressor house and to amend car parking layout	Permit 1999
F/11/69029	Single storey side extension and elevational alterations to existing showroom entrance	Permit 2011
A/12/70301	Display of 3no. Internally illuminated and 2no. Non-illuminated fascia signs and 2no. Illuminated and 7no. Non-illuminated free standing signs	Consent 2012
F/12/70444	Addition of cladding to existing	Permit

REFERENCE	DESCRIPTION	DECISION
	showroom	2012
A/14/74834	Display of 1no. Internally illuminated fascia sign, 1no. Non-illuminated vertical fascia sign, 1no. Part internally and part externally illuminated communication wall, 1no. Internally illuminated entrance statement sign, 1no. Internally illuminated pylon sign and 1no. Internally illuminated directional sign.	Consent 2014
F/14/74833	Erection of single storey rear extension, repositioning of front entrance & entrance steps & re-positioning of fire escape stairs on rear elevation, elevational alterations to include addition of metal cladding & alterations to car parking layout	Permit 2014
F/17/79999	Retention of retaining wall and boundary fence with associated alterations to parking provision (amended description)	Withdrawn 2017

Representations Received

13. 10 Representations have been received on the proposal. The representations received are summarised below:
- Clarification of use of the parking area.
 - More landscaping to screen the site.
 - Ensure identification of staff parking areas.
 - Access to Brook Lane is dangerous and causes congestion.
 - Restrict use of Brook Lane access to avoid school traffic.
 - A 20mph limit on Brook Lane should be considered.
 - Welcome the rendering / coping of the wall
 - Suggest rising of ground levels for planting and to stop vehicles parking on this land.
 - Restrict use of rear access to between 7 am to 10 am and 4 pm to 6 pm on Mondays to Saturdays and not all on Sundays or Bank Holidays
 - Conditions recommended related to planting, timing of works to be completed, removal of Permitted Development Rights, restricted times to use the rear access and submission of a vehicle management plan.
 - Highway safety concerns in using the reinstated access to Brook Lane
 - Retrospective application therefore works are largely irreversible.

- Cobbett Way being used for employee parking, drive vehicle parking and viewing of cars for sale.
- Verges used for parking and damaged.
- Tricklewood on Brook Lane not Broad Oak as shown on plans
- Urbanising impact
- Loss of view and development is visually unattractive
- Loss of privacy due to car parking close to boundary and on higher ground.
- A reduction in staff parking from 30no. spaces to 28no.
- Staff parking not clearly marked out
- Retrospective approval being sought for works on the highway.
- Lack of information on the rear access which has been extended by 2m.
- Lack of a transport assessment.
- Not in a suitable location for this use due to car deliveries causing frequent congestion on Broad Oak, parking of cars blocking pedestrian access. Noise impact of overnight use of workshop cleaning and/or deliveries (04:00-05:00), and unattended intruder alarms

Consultation Responses

Hampshire County Council Highway Engineers

14. No Objection in principle, subject to a condition being applied that the gated egress on Brook Lane shall only be used as an egress from the site and not an access.

Botley Parish Council

15. Residents of Cobbett Way have requested that the staff parking bays should be clearly identified on the ground to aid enforcement monitoring.
16. Increased use of the entrance onto Brook Lane – It was requested that HCC Highways engineers should evaluate the safety of the sightline of the entrance for drivers on Brook Lane travelling northwards towards the A334 Botley High Street. The view of the entrance is obscured because the gates are set back from the road and there is no signage warning of a vehicle exit.

Policy Context: Designation Applicable to Site

- Outside Built-up Area Boundary
- Within Designated Countryside
- Within Local Gap
- In Close Proximity to an Established Residential Area
- An Established Commercial site
- Within Flood Zone 2 & 3.

Development Plan Saved Policies and Emerging Local Plan Policies

- 1.CO (Development con countryside)
 - 3.CO(Local gaps)
 - 11.CO (non-residential buildings in countryside),
 - 17.CO (alterations to commercial site in countryside)
 - 36.ES (lighting),
 - 41.ES & 42.ES (water courses),
 - 43.ES (flooding),
 - 44.ES (flood risk),
 - 59.BE (Development criteria),
 - 104.T. (Parking),
17. The Submitted Local Plan comprises: the Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and the Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014.
- S9 – Countryside and countryside gaps;
 - DM1 – General criteria for new development;
 - DM16 – Extension and replacement of non-residential buildings in the countryside;
 - DM23 - General development criteria – transport;
 - DM24 – Parking;
18. Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising:
- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
 - Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'

Supplementary Planning Documents

- Supplementary Planning Document: Quality Places (November 2011)
- Supplementary Planning Document: Residential Parking Standards (January 2009)
- Supplementary Planning Document: Environmentally Sustainable Development (March 2009)
- Supplementary Planning Document: Planning Obligations (July 2008, updated 2010)
- Supplementary Planning Document: Affordable Housing (July 2009)

National Planning Policy Framework

19. The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date planning permission should be granted unless the adverse impacts of the development would outweigh the benefits; or specific policies in the Framework indicate development should be restricted (paragraph 14). Local plan policies that do not accord with the NPPF are now deemed to be “out-of-date”. The NPPF requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In other words the closer the policies in the plan accord to the policies in the Framework, the greater the weight that may be given.

National Planning Practice Guidance

20. Where material, this guidance should be afforded weight in the consideration of planning applications.

Policy Commentary

21. The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to Highway safety and the impact on the countryside setting.

Comment on Consultation Responses and Representations Received

22. The matters for consideration are restricted to the revised parking layout, access, landscaping and retention of the wall and fence only. Matters outside of these considerations such as the hours of operation and noise and disturbance generating from the existing premises itself, and the removal of permitted rights for this, cannot be taken into account as they do not directly relate to the specific proposal the subject of this application.
23. With regard to the highway implications of the development, Hampshire County Council has been consulted as part of the application and their comments noted.
24. The other matters raised form part of the considerations of the application below.

Assessment of Proposal: Development Plan and / or Legislative Background

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Principle of Development

26. The site falls within land designated as countryside, sitting outside the urban edge. Policy 1.CO seeks to protect the countryside areas within the Borough with there being a general presumption against development. The site is also in a Local Gap, with Policy 3.CO being of relevance. Local Gaps are designated in order to protect the identity of smaller settlements at risk of coalescence with other settlements.

Retrospective Planning Application

27. The National Planning Policy Framework says that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application (para 6). Furthermore, an application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

Countryside and Local Gap

28. The site is an established commercial use within the countryside and local gap. Saved Policy 1.CO resists development within the countryside. However saved policy 17.CO does permit the extension of commercial uses provided that:
- i) it is for a use, and of a design, scale and lay-out which is in keeping with its surroundings and it is to be constructed in appropriate materials; and
 - ii) it would not result in a significant increase in traffic generation associated with the site.
29. The land within the red line of the application site forms an established and lawful commercial use. The area in which the fence is located had previously been used for the parking of motor vehicles although not in such close proximity to the sites boundary and with substantial screening provided by the hedge and shrubs that adjoined Brook Lane.

30. The erected boundary treatments have a greater physical and visual impact than the hedge and shrubs they replace. When initially erected the checkerboard effect of the retaining wall and mesh fence presented a very urban form in this previously 'green' location.
31. Acknowledging the impact this has on the countryside and the setting of the area a number of alterations have been made to soften the impact of the proposal. It is proposed to improve the quality of the finish of the retaining wall through the use of render and a more attractive coping stone on top.
32. The materials used in the boundary wall reflect the facing materials used in a number of the nearby residential boundary treatments that abut Brook Lane. Landscaping of the area between the wall and highway and this is considered later in this report.
33. The use of the site will remain unchanged and the proposal is also not expected to result in any additional trips to and from the site.

Landscaping

34. Saved Policy 18.CO seeks to preserve the intrinsic landscape character of the countryside. The vegetation between the fence and the highway has been removed. This vegetation did not benefit from any formal protection and could have been removed at any time without the need for express planning consent.
35. However, the landscaping of the area between the wall and fence adjacent to Brook Lane is also proposed as part of the current application. This planting includes three types of tree *Ilex Aquifolium* (Common Holly), *Acer Campestre* (Field maple), *Prunus Avium* (Wild cherry). The trees, as planted, will have a height of approximately 60-80cm providing immediate screening but have the potential to grow up to 12m in height to provide longer term and more substantive screening of the site, cars and security fencing.
36. The planting area also includes a mix of shrub planting (height of approximately 60-80cm) climbers and herbaceous plants and grasses. The proposed planting cannot be to the depth of the previous vegetation and in its initial stages the proposed planting would only provide some screening of the retaining wall. However subject to an appropriate condition that secures the landscaping, its future maintenance and its retention, the mature landscaping would significantly reduce the level and impact of the urban form in the countryside.

Local Gap

37. Saved policy 3.CO seeks to protect the local gap between settlements. It advises planning permission will only be permitted for appropriate development in a local gap, if:
- (i) it cannot be acceptably located elsewhere; and
 - (ii) it would not diminish the gap, physically or visually.
38. The proposed fence, wall and parking area serve the existing use. The application site is a small extension to the hard form of the existing showroom site and is located between the residential properties to Cobbett Way and Brook Lane. Taking account of these factors, the proposal is not considered to materially diminish the local gap either physically or visually.

Revised Access

39. The proposal includes a significant revision to the access onto Brook Lane. The design and access statement advises (Page 17) that the revised access is to facilitate access for staff when required. The new access is set further back from the highway with dedicated visibility splays and hard surfacing. The previous access could be reinstated at any time and this fall back position is a material consideration.
40. Hampshire County Council's highway engineers have suggested a condition that restricts the gated egress on Brook Lane stating that it should be only be used as an egress from the site and not an access. HCC has advised 'If the gate were to be used as an access, then this could result in vehicles stopping on the highway waiting for the gates to be opened which would not be welcomed for highway safety reasons. If access is required at this point, then gates will need to be updated to be located a minimum of 6.0m into site, and with inward opening gates.'
41. Such a condition is not be considered to be readily enforceable due to the difficulties with being able to monitoring such an arrangement at all times and therefore, it would not be appropriate to impose such a condition. Additionally, it is a material consideration that no such condition was applied to the original access that had a similar relationship to the highway.
42. It is also important to note that the proposal seeks to encourage staff to park on site in order to address the concern raised by occupiers of neighbouring properties regarding employees parking within surrounding residential streets. As such, and in order to encourage the parking to be utilised whilst preventing vehicles stopping on the highway while the gates are opened, a condition is proposed that requires the gates to be kept open during the premises' opening hours to allow vehicular access into the site.

Deliveries

43. The supporting documentation implies that deliveries of vehicles will be in small numbers. Previous consents have included a condition that prevents the delivery of vehicles by transporter.
44. Such a condition however would not prevent vehicles being delivered by transporter near to the site on neighbouring roads. As such, to ensure that deliveries are made to the premises in an appropriate manner, a condition requiring the submission of a vehicle delivery strategy to be approved by the Local Planning Authority shall be attached to the planning consent.

Parking

45. The revised scheme makes provision for the parking of employee vehicles on site to ensure that there is sufficient parking provision for staff.
46. A total of 28 staff parking bays are proposed as part of the revised parking layout. The design and access statement indicates that these are located to the south west of the workshop, however, in order to be sure where the dedicated spaces will be on the site a condition will be imposed requiring the submission of a plan clearly identifying the 28 employee spaces for approval by the Local Planning Authority.
47. Concern has been raised by the public that this is a shortfall on the previous provision and does not provide sufficient spaces for staffing levels. However, given it is unlikely that all staff members will be in attendance at the same time, that there is the opportunity to access the site by alternatives to the motor car, and that no objection to this provision has been raised by Hampshire County Councils Highway Engineers, the proposed level of provision is considered to be acceptable.

Highway Safety

48. No objection has been raised regarding the proposal from Hampshire County Council's Highway Engineers. It is noted that there is an access to a school further north east along Brook Lane, however, the road narrows between the access to the application site and the school highway access to reduce vehicle speeds. Should Hampshire County Highways wish the speed limit to be lowered within this area of Brook Lane if this was deemed to be necessary in future, it is within their powers to do so.

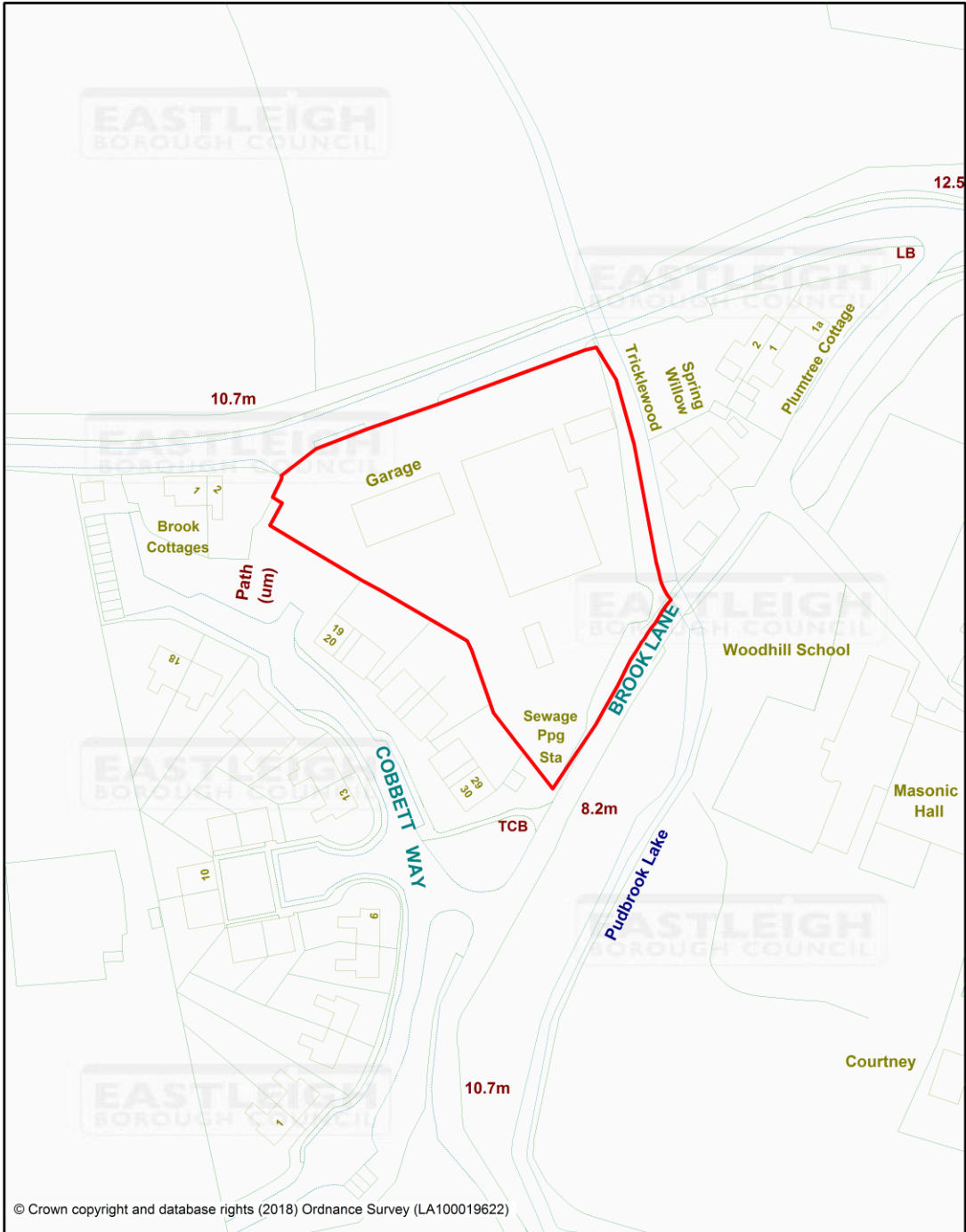
Other material considerations

49. Also of relevance is the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to

this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

Conclusion

50. The application accords with the saved policies referenced above and is therefore recommended for approval subject to conditions.



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