

HEWEB – Hedge End, West End and Botley Local Area Committee
Monday 28 January 2019.

Application Number: F/18/84421
Case Officer: Jagdeep Birk
Received Date: Monday 12 November 2018
Site Address: Land at Peewit Hill, Southampton, SO31 8BL
Applicant: James Kerslick
Proposal: Retention of access gates (RETROSPECTIVE).

Recommendation: Permit

CONDITIONS AND REASONS

- 1 The development hereby shall be retained in accordance with the following plans numbered: Loc 01, Blo 02.

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

Report:

1. This application has been referred to Committee because of the site history.

Description of Application

2. Retention of access gates

Site Characteristics

3. The application site forms a parcel of land south of St Johns Road with West End Road to the west and the M27 towards the east, and residential properties to the south. A small part of the site has concrete hardstanding while the rest is bounded by woodland which is covered by a Tree Preservation Order.

Relevant Planning History

Unauthorised container - ENF/2018/118. The enforcement notice has been appealed and is under consideration by the Planning Inspectorate.

Representations Received (summarised)

Two representations received

- Gates are industrial and intrusive and not in keeping with the road this suggests to us industrial use of land with unit already in place
- Concern over entering and accessing Peewit Hill safely
- Concern over trees removed and its effect on wildlife

Consultation Responses

- Borough Tree officer – no objection raised to the proposal
- Hedge End Town Council - no objection raised to the proposal

Policy Context: Designation Applicable to Site

- Within Built-up Area Boundary
- Within Established Residential Area
- Strategic Gap

Development Plan Saved Policies and Emerging Local Plan Policies

4. Eastleigh Borough Local Plan Review 2001-2011; the following are the applicable saved policies: 1.CO- Criteria for development in the Countryside, 2.CO- Strategic Gap, 59.BE-General Development, 102.T-New or Improved Access
5. Submitted Eastleigh Borough Local Plan 2011-2029, July 2014 Policies: DM1-General Criteria for new development.
6. Submitted Eastleigh Borough Local Plan 2016-2036, Policies: S8 Protection of countryside gaps, DM13 General development criteria-transport

Supplementary Planning Documents

7. Supplementary Planning Document: Quality Places (November 2011)

National Planning Policy Framework

8. The National Planning Policy Framework (NPPF) aims to achieve sustainable development, which can be separated into three interdependent objectives; economic, social and environmental. Paragraph 11 states that development that accords with an up to date development plans should be approved without delay. Where there are no relevant development plan policies, or the most relevant policies are not up to date, then planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

National Planning Practice Guidance

9. Where material, this guidance should be afforded weight in the consideration of planning applications.
10. Para 15; presumption in favour of sustainable development.

Policy Commentary

11. The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to impact upon the character and appearance, crime prevention, residential amenity.

Assessment of Proposal: Development Plan and / or Legislative Background

12. Section 70(2) of the Town and Country Planning Act 1990 and 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."

Retrospective development

13. Planning permission not being sought prior to development is not material to the determination of a planning application. 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. 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.

Principle and Impact upon the Character and Appearance

14. Saved policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials,

layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

15. The site comprises of a large wooded area which is designated as Countryside and forms part of the Strategic Gap, part of the land has been cleared following the removal of the earth bund with the gates having replaced existing ones. The original gates were in poor condition, allowing the site to be subject to trespass; these new gates are more robust and are 40cm taller at 2.7 metres and setback from the highway by 10 metres.
16. The development is of a small scale nature with no impact had to the countryside designation or indeed the strategic gap. Access to the site is already in existence and the gates are not an untypical form of development within the countryside. The form of the gate is such that the appearance allow for views of the woodland, and the 'open' character of this section of the woodland has been retained due to its built form, thus the gates have not diminished the strategic gap or the views of the countryside.

Residential Amenity

17. It is not considered that any undue harm has arisen to the amenity of neighbouring occupiers. While they are visible to neighbours living opposite, their form, siting and siting does not impacted upon residents privacy or outlook.

Highways

18. Saved policy 102.T discusses permitting new or improved access provided that it does not interfere with safety, function and standard of the road network. The gates have been set back from the highway by approximately ten metres, Furthermore vegetation has been cleared which allows for clear visibility, access and manoeuvrability.

Trees

19. The trees on site are protected with a woodland Tree Preservation Order and whilst within the last year 12 trees potentially were felled on site; this is unrelated to the erection of the gates. The Tree officer has raised no objection to the proposal given its nature and the closest tree being ten metres away is unlikely to have harmed the trees. In regards to impact of trees worthy of retention or protected, the development is not contrary to Saved Policy 59.BE of the adopted Local Plan

Other material considerations

20. Also of relevance is the Emerging Eastleigh Borough Local Plan 2016-2036.

The Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the Council is awaiting confirmation of the date for examination. The adoption of the Local Plan is anticipated in Summer 2019. Given the status of the emerging Plan, it is considered that limited weight can be attributed to it.

21. 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

22. The retention of the gates on balance is an acceptable form of development which has not resulted in undue harm to the locality or the countryside and strategic gap. The proposal in accordance with saved policy 59.BE, 1.CO, 2.CO of the Eastleigh Borough Local Plan Review 2001-2011 and submitted policies.

