

**Application Number:** 18/10984 Full Planning Permission

**Site:** SOUTHAMPTON ROAD GARAGE, SOUTHAMPTON ROAD,  
FORDINGBRIDGE SP6 1AP

**Development:** Continue siting of portable cabin until September 2021; temporary use of land as open storage and depot (Use Class B8) including deliveries, collection and sales; 2m high security fence and gates (Retrospective)

**Applicant:** Cracknell Timber Services Ltd

**Target Date:** 24/09/2018

**Extension Date:** 14/12/2018

<b>RECOMMENDATION:</b> Grant Subject to Conditions
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<b>Case Officer:</b> Jim Bennett
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**1 REASON FOR COMMITTEE CONSIDERATION**

Recommendation contrary to countryside protection policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Flood Zone

Plan Area

Landfill (Former)

Countryside

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

CS1 Sustainable development

CS2 Design quality

CS6: Flood risk

CS10 Spatial strategy

CS21 Rural economy

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM22: Employment development in the countryside

#### **4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

#### **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None

#### **6 RELEVANT PLANNING HISTORY**

6.1 99/66981 - Continued temporary use of land as coach parking area  
(renew PP 62079) - 09/09/1999 Grant Temporary Permission

#### **7 PARISH / TOWN COUNCIL COMMENTS**

**Fordingbridge Town Council:** recommend that permission is granted

#### **8 COUNCILLOR COMMENTS**

None

#### **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Contaminated Land): no objections

9.2 Environmental Health (Pollution) - these comments relate only to the use of the land for B8 use. This department has no concerns regarding the siting of the portable cabin and the provision of security fence and gates. This site is situated close to the existing petrol filling station and service centre and close to the junction of the A338, however it is also close to residential uses including housing adjacent to the site (approx 23m) and housing opposite. Noise emanating from the site impacting upon the neighbouring residential uses is therefore an issue. The application seeks a 3 year temporary permission for this use and restricts opening hours to 08:00hrs-18:00hrs Monday to Saturday with no opening on Sundays and Bank Holidays. Should temporary permission be granted, it is advised that an hours of operation condition be applied to minimise the likelihood of a significant/adverse impact being caused to neighbouring residential uses.

9.3 Environment Agency: no objections.

9.4 Hampshire County Council Highway Engineer: in response to the additional information provided by the applicant as requested by the highway authority, the Highway Authority is satisfied that HGV delivery vehicles can turn around using either the general parking area immediately adjacent to the site or the area next to the filling station before entering the highway. Furthermore, staff on site confirm that usually just one delivery trip takes place every 4 or 5 weeks and there is an employee on site to marshal when HGV is reversing. The current operation on the site has not caused any problems on the highway, so no concerns are raised about the continued storage of timber.

9.5 Natural England: no objections

## **10 REPRESENTATIONS RECEIVED**

10.1 One letter has been received from the occupiers of Avon Cottage which is directly opposite the timber yard, raising the following concerns:

- the proximity of this business and its potential to adversely impact on peaceful enjoyment, posed by noise generated as the business grows - increased deliveries/collections, use of plant, machinery and power tools.
- the height at which materials are stored could impact negatively on the landscape which was previously an open, undeveloped area in a rural setting.
- the site is screened by a mature hedge exceeding the height of the security fence. Removal, damage or excessive trimming of this hedge would have a negative impact on the view from our house and the road.

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case it is considered that a case has been made to support the form of development proposed as a departure from countryside protection policies.

## 14 ASSESSMENT

- 14.1 The proposal relates to a formerly open, graveled area used for car parking to the west of the Southampton Road Garage, Fordingbridge. The site is located beyond the defined built up area of Fordingbridge within the countryside. The application is made retrospectively for the use of the land to facilitate the temporary operation (3 years) of a timber storage, distribution and sales business. The site is occupied by openly stored timber, a timber clad portable cabin and bound by a 2m high palisade fence. The site frontage with Southampton Road is formed by a mature native hedgerow.
- 14.2 The surrounding area contains dwellings to the south and east and buildings and land associated with the garage use to the west and north. The land has been subject to planning applications in the past which approved its temporary use as a coach park during the day (now expired). Prior to occupation of the site by the timber business, it had most recently been used for car parking associated with the garage business and it is understood that the site has been hardstanding for at least 14 years, which is supported by aerial photographs submitted by the applicant.
- 14.3 In balancing out the issues, careful consideration will need to be given to the use of the site and the function and operations of the business, in line with Policies CS21 and DM22 and guidance offered by the NPPF. The economic benefits of the proposal have to be weighed against the visual impact of the open storage, fencing and cabin, given its location in a countryside location, in line with Policies CS2 and CS3.
- 14.4 The Council's adopted local planning Policies CS21 and DM22 seek to enable developments that help sustain the rural economy, but not harm the countryside. Policy DM22 states that rural employment/business development will be permitted where it is limited to ensure the development remains of a scale and character appropriate to its rural setting. In all cases, development should be of an appropriate design, scale and appearance and should not be harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts. However, the proposal constitutes an excursion of built form into the countryside beyond the defined built up area of Fordingbridge, onto a piece of land that does not benefit from any formal planning consent. The planning history of the site shows that temporary permissions have been granted for coach parking, the last of which was issued in 1999. It would appear that the site has been hardstanding for a period in excess of 20 years. This is supported by the applicant's submission of aerial photos showing a hardstanding area since 2004. Consequently it is considered that a good case could be made for a lawful development certificate that the operational development to create a hardstanding was lawful. In consideration of the current proposal, the following issues are of relevance:
- The application is made on a temporary basis and the portakabin, fence and stored materials could readily be removed from the site in three years, should a permanent permission not be forthcoming.

- Evidence has been provided by the applicant, demonstrating that the site has been hardstanding for a period in excess of 4 years.
- The proposal promotes the use of an existing hardstanding site for employment purposes and promotes economic development
- While a more urban location may be preferable for the use proposed, the site is in an edge of town location, which is well related to the petrol filling station and other commercial uses to the west and with good links to the local highway system.
- The nature of the land use for storage and distribution of timber is one that might reasonably be expected in a rural (countryside) location, where it can serve its client base.

- 14.5 In light of the above, a case could be made to support the continued use of this site for the type of employment use proposed. Nevertheless, the appearance of the proposed development needs to be considered in light of the likely visual impacts of the development and potential impacts upon the character of the area. The site is well related to existing commercial development to the west and is screened on its southern boundary by a 2.6m high hedge, so its visual impact would be relatively limited. It would be beneficial to visual amenity/street scene if a native hedge could be continued along the line of the palisade fencing on the western boundary of the compound. However, bearing in mind the temporary permission sought, it would not be reasonable to impose a condition requiring the implementation of a landscaping scheme, as this would have a cost implication deemed unreasonable for a temporary consent. However, the Council would expect to see landscaping in the form of a native hedgerow along the western boundary of the site as part of any subsequent submission for a permanent permission. It is considered reasonable to impose a condition on the temporary permission restricting the height of openly stored timber and associated products to 2.6m, in the interests of visual amenity. Consequently, it is considered that the proposal would be acceptable in terms of its visual and character impacts for a temporary period of three years.
- 14.6 Consideration needs to be given to the impact of the proposal upon residential amenity under the provisions of Policy CS2, as there are dwellings in close proximity. The Environmental Health Section and a neighbouring occupier comment that the proposal could give rise to noise nuisance if unchecked. Consequently an hours of operation condition is proposed to minimise the likelihood of a significant/adverse impact being caused to neighbouring residential uses. A condition is also proposed to limit the open storage use to that of timber and related products, as the open storage of other items such as metals and containers could have adverse noise impacts. Subject to these conditions, the proposal complies with the amenity related provisions of Policy CS2.
- 14.7 Following submission of additional information by the applicant, the Highway Authority is satisfied that the current operation has not caused any highway problems and no concerns are raised over the continued storage and distribution of timber on the site.
- 14.8 The site is within a Flood Zone, but the Environment Agency raise no objections to the flood risks associated with this development.

- 14.9 In light of the above, the proposal is recommended for approval for a temporary period of three years, subject to conditions.
- 14.10 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## **15. RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The use shall cease on or before the expiry of three years from the date of this permission and the land restored to a condition which has first been agreed by the Local Planning Authority.  
  
Reason: The application is made by the applicant on a temporary basis and in the interests of visual amenity in accordance with Policies CS2 and CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
  
2. The development permitted shall be carried out in accordance with the following approved plans: BEN 0001, BEN 0002, BEN 0003 Rev A, BEN 0020, BEN 0004, BEN0020, BEN0215 and the content of the Planning, Design and Access Statement dated 06/07/18 by Benchmark  
  
Reason: To ensure satisfactory provision of the development.
  
3. No activity shall take place on the site in connection with the approved use other than between the hours of 08:00hrs and 18:00hrs Monday to Saturday and at no other time and not at any time on Sundays or Bank Holidays.  
  
Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).
  
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall

be used for the open storage and distribution of timber and related products and for no other use purposes, whatsoever, including any other purpose in Class B8 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. No goods, plant, or machinery shall be stored in the open on the site above a height of 2.6m without the express planning permission of the Local Planning Authority.

Reason: In the interest of the visual amenities of the locality in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

**Notes for inclusion on certificate:**

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case it is considered that a case has been made to support the form of development proposed as a departure from countryside protection policies.

**Further Information:**

Jim Bennett  
Telephone: 023 8028 5588



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

David Groom  
Service Manager  
Planning and Building Control  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**Planning Development  
Control Committee**  
December 2018

**Item No: 3d**  
Southampton Road Garage  
Southampton Road  
Fordingbridge  
18/10984

Scale 1:1,250  
N.B. If printing this plan from  
the internet, it will not be to  
scale.

