
Appeal Decision

Site visit made on 26 September 2018

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2018

Appeal Ref: APP/B9506/W/18/3200656

**The Yews, Southampton Road, Cadnam, Southampton, Hampshire
SO40 2NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Cooper against the decision of New Forest National Park Authority.
 - The application Ref 17/00487, dated 4 June 2017, was refused by notice dated 26 February 2018.
 - The development proposed is construction of a new building for B1 purposes together with cycle store and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new building for B1 purposes together with cycle store and associated parking at The Yews, Southampton Road, Cadnam, Southampton, Hampshire SO40 2NG in accordance with the terms of the application, Ref 17/00487, dated 4 June 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr H Cooper against New Forest National Park Authority. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on the character and appearance and special qualities of the New Forest National Park in relation to the size of the building, its prominence and activity levels generated, and secondly the effect on a protected oak tree.

Reasons

Character and appearance

4. The appeal relates to a parcel of land to the western side of a larger mixed use site located on the southern side of Southampton Road with a vehicular access towards the eastern end of this frontage. At the time of my visit, the uses within the larger site comprised a dwelling with associated garden (The Yews), a mobile home to the rear of this, open car and caravan sales near to the site access, a vehicle repairs and MOT building to the rear of this, a 4X4 repairs workshop building with a scrap storage section to the west of this, close to the southern boundary, and parking ancillary to these uses.

5. The appeal site comprises open land to the west of The Yews and adjacent to the northern boundary of the mixed use site. It is part of a slightly larger area that was subject to an enforcement notice appeal decision in 2014¹. This required the use of the land as a residential caravan site to cease not later than 31 August 2017 after which the land would revert to the permitted use for ancillary parking and storage of caravans.
6. The appeal site is largely screened from Southampton Road by a hedgerow of trees and shrubs that includes an oak tree the subject of a tree preservation order. There are also trees along the site's adjacent western boundary. On the opposite side of Southampton Road are terraced and detached dwellings. To the east of the larger mixed use site is an open field whilst adjacent to the southern boundary is a public footpath providing access to a forested area.
7. The proposed building would have a floor area of some 324 square metres and would provide three workshops for use within Use Class B1 (industrial processes that can be carried out in a residential area without detriment to the amenity of that area). Its rear wall would be close to the hedgerow to the northern boundary and parking spaces would be provided to the front and sides. A cycle store would be located to its western side.
8. The appeal site has an unkempt appearance with haphazard open parking and storage on uneven and unmade ground. The proposal offers opportunity for environmental improvements through provision of new hard surface, formalised parking arrangements and additional planting. The building would be of a similar size, height and design to other commercial buildings on the site, so would not appear out of character with these. At about 5m in height it would be largely screened from views along Southampton Road by the boundary hedgerow and the proposed additional planting would strengthen this screen over time.
9. The floor area of the workshops would be in addition to that of existing buildings on the wider site and so would generate new activity in terms of employment, visitors and traffic. However, this would displace commercial activity that can lawfully take place on the land. The appellant's Highways Technical Note confirms that parking provision would be in accordance with adopted standards, that delivery vehicles would be able to turn on site safely and that anticipated trip generation would not result in a significant impact on the operation of the local highway network.
10. The proposal would therefore be in accordance with Policy DP16 of the New Forest National Park Core Strategy and Development Management DPD (2010) (DPD) that requires environmental benefits such as reduced visual impact in relation to the redevelopment of existing employment sites and no material increase in the level of impact from the activity generated. Similarly, there would be no conflict with Policy DP17 which enables the limited extension of non-residential uses where it would not materially increase the level of impact of the activity on the site and this is contained within the existing site boundary.
11. The appeal site would not readily be visible from the footpath and forested area to the south of the larger mixed use site due to screening vegetation on the boundary and the presence of the workshop and storage building which is also

¹ APP/B9506/C/14/2214710

well screened. Having regard also to the additional planting proposed to strengthen the screen to the northern boundary, there would be no conflict with Policies DP1 and CP8 of the DPD that oppose development which would individually or cumulatively erode the National Park's local character and distinctiveness.

Oak tree

12. The building would be sited 6 metres from the protected oak tree within the hedgerow on the northern boundary. The Council estimates the tree's root protection area (RPA) to have a radius of about 7.3m. As use of traditional strip footings within the RPA of may result in root severance and extensive root loss, the appellant has proposed the use of special foundations, such as a pile and beam structure, to ensure the rooting system of the oak tree is maintained intact. Protective measures are set out in an Arboricultural Impact Assessment and Method Statement to minimise risk to the RPA during excavations and to safeguard the tree in other respects during the course of construction.
13. Notwithstanding these measures and the supportive comments of the Council's tree officer, the Council consider that the proposal would still be likely to result in the loss of the protected oak tree due to the proximity of the building. My findings from the evidence of the parties and my observations on site are that the suggested protective measures should be sufficient for the retention of the oak tree. The proposal would thereby be in accordance with Policy CP2 of the DPD that promotes enhancement of the natural environment.

Other Matters

14. There have been objections to the proposal from local residents but many of the issues raised such as traffic speeds on Southampton Road and occurrences of inconsiderate parking do not relate to the planning considerations of the proposal. I am satisfied that there is good visibility from the access in both directions along Southampton Road and that there would not be an adverse effect on highway safety. Limitation of industrial uses to activities within Use Class B1 should ensure that there would be no material adverse effect for residents living nearby arising from noise or other forms of disturbance.

Conditions

15. The Council has not suggested any planning conditions in the event that the appeal is allowed, so I have considered what conditions would be necessary. In addition to the standard three year commencement condition, I have included a standard plans condition requiring the development to be carried out in accordance with the approved plans for certainty. A condition is necessary to ensure that the parking spaces and cycle store are provided in the interests of the efficient operation of the site. The submitted plans do not show full details of the materials to be used on the building; a condition is necessary to approve these to ensure a satisfactory appearance to the development. A landscape condition is needed to approve planting details to strengthen the northern boundary hedgerow in the interests of screening the site. Similarly, the recommendations in the submitted arboricultural statement should be followed to ensure that the protected oak tree and other existing vegetation to be retained are not harmed during building operations. Finally, a condition is necessary to control any lighting installations to protect the living conditions of nearby residents.

Conclusion

16. The proposal would not result in a detrimental effect on the character and appearance and special qualities of the New Forest National Park, and the measures proposed in relation to the protected oak tree should be sufficient to ensure its retention.
17. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

Rory MacLeod

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/11/09-05, 16/11/09-03 Rev A and 16/11/09-04 Rev A.
- 3) The development hereby permitted shall not be occupied until the parking spaces and cycle store shall have been constructed in accordance with details shown on submitted plan no. 16/11/09-04 Rev A.
- 4) No development shall commence above slab level until details of the materials including the colour to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence above slab level until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscape works. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. The development shall be carried out in accordance with the approved details.
- 7) The recommendations within the Arboricultural Impact Assessment and Method Statement prepared by Helen Brown Treescapes dated October 2017 to protect existing trees at the site shall be carried out in full; this shall include the provision of protective fencing and measures to safeguard the root protection area of the protected oak tree T1 as shown in appendix 3 to the Statement.