

Application No: 23/00265FULL Full Application

Site: Little Firs, Barney Hayes Lane, Cadnam, Southampton SO40
2ND

Proposal: Continued use of Building for vehicle repair and servicing;
associated yard and car parking

Applicant: Stephen McCarthy

Case Officer: Liz Marsden

Parish: Copythorne Parish Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view.

2. POLICIES

Principal Development Plan Policies

SP15 Tranquillity

SP17 Local distinctiveness

SP43 Existing employment sites

SP42 Business and employment development

DP2 General development principles

DP49 Re-use of buildings outside the Defined Villages

DP45 Extensions to non-residential buildings and uses

NPPF

Sec 6 - Building a strong, competitive economy

Sec 12 - Achieving well-designed places

Sec 15 - Conserving and enhancing the natural environment

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Copythorne Parish Council: Recommend refusal for the following reasons:

- Additional impact on neighbours who have already suffered as a result of the intensification of the use of the site as a whole (Policy SP15).

- Level of employment provided is modest in respect of this part of the overall site.

- Further intensification of use of the overall site.
- Comments made in respect of the previous Lawful Development Certificate application, relating to the use of the overall site remain pertinent to this application to regularise the current unlawful use.

5. CONSULTEES

Environmental Protection (NFDC): Support subject to conditions restricting the use of the site exclusively for motor servicing and repairs, together with restrictions on hours of operation and activities outside the building.

6. REPRESENTATIONS

Four letters of objection on grounds of:

- Adverse impact on amenities of neighbours due to pollution, noise and disturbance.
- Problems with parking, in particular inconsiderate off-site parking on the public highway of vehicles awaiting work or collection, which has resulted in the involvement of a number of authorities, including the police, and has resulted in damage to the highway verges and interference with the ability of neighbours to carry out their daily activities.
- Application states that there are 10 parking spaces available to the garage and this is not being increased, though the business is being enlarged.
- B2 uses not appropriate to residential areas.
- Application perverse in that it seeks to regularise a use that has been found to be unlawful.
- If permitted, it should be subject to conditions restricting its use, making it personal to the existing operator and removing all permitted development rights.

7. RELEVANT HISTORY

Application for a Certificate of Lawful Development for existing use for 8,199 square metres of mixed use land comprising of use classes E(g)(iii) Industrial processes, E(g)(i) Offices, B8 Storage or distribution and sui generis and including hardstanding and access; 937 square metres of mixed use buildings comprising of use classes E(g)(iii) Industrial processes, E(g)(i) Offices and sui generis; 2, 295 square metres of land used for residential purposes, use class C3; 1no. dwelling and 3no. outbuildings comprising of 153 square metres - Split Decision issued on 05 December 2022

Storage building / retain existing temporary structure/wall (96/60244) - granted on 12 March 1997

8. ASSESSMENT

Application Site

- 8.1 The application site is located in the southwestern corner of a larger premises, collectively known as Little Firs which is accessed from Barney Hayes Lane in Cadnam. The building is a single storey structure, with a footprint of around 133 sq. m and a shallow mono-pitch roof, the maximum height of which is 4.5m. It is constructed from brick and grey metal cladding. There are tall evergreen trees along the southern boundary of the site, screening the building from the dwellings to the south, and to the rear (west) there are open fields. The land to the north of the site, within Little Firs, is characterised by areas of hard surfacing used for a miscellany of purposes, including parking cars and open storage of equipment and materials, which is the subject of a current Lawful Development Certificate (LDC) for an existing use.

Proposed Development

- 8.2 The application follows the determination of the previous application for a Lawful Development Certificate in which five separate planning units were identified, one of which was the vehicle repair and servicing (Class B2) building and associated curtilage. Whilst the information provided with that application demonstrated that the building has been in B2 use for a number of years, it was not conclusively proved that the period exceeded the 10 year period required to make it lawful. The current application therefore seeks to regularise the use that is already taking place. The key considerations are whether the continued use of the building is appropriate in this location and the potential impact on the character of the area and amenity of neighbouring properties.

Consideration

- 8.3 The assessment of the information submitted with the previous application for a LDC, together with a close examination of the planning history of the site, identifies a number of lawful commercial uses on the Little Firs site, either through specific planning permissions or due to the time that they have been operational. A building in the location of the application site was also granted planning permission for use as storage, ancillary to the light industrial use of the other building on the southern boundary of the Little Firs site.
- 8.4 Little Firs, is therefore, with the exception of the dwelling and its curtilage and some open parts of the site where the use of the land for storage has not been confirmed as lawful, a business and employment location. Policy SP43 states that such sites will be retained throughout the National Park and Policy SP42 permits the redevelopment of such sites. The use of the building for commercial purposes, such as that being carried out is therefore acceptable in principle.

- 8.5 In terms of the impact on the surrounding area, the site itself is set back from the road and screened from public vantage points by properties along the road frontage and mature trees. The building itself is of a modest height and size, similar to other buildings that have been approved on the site and is not visually intrusive. The primary impact is therefore from the use of the building in terms of noise and disturbance to the occupants of neighbouring properties, the nearest of which is located around 25m from the application site.
- 8.6 The supporting information provided with the application confirms that the current business (Prestige) has been operating from the site since 2014, run by the same owner. The hours of working, according to the application form, are 07:30 – 18:00, Mondays to Fridays, with the very rare exception of activity at the weekend, though it is noted that the subsequent letter from the operator states that the hours are 08:00 - 17:30, with no weekend working. There is no bodywork repair carried out at the site, with the emphasis being on servicing, repairs, code diagnostics and MOTs. The Environmental Protection Officer at NFDC has confirmed that, subject to conditions restricting the times and uses of the building to those specified, the impact of the business in terms of noise and disturbance to neighbours is within acceptable tolerances. It should also be noted that in the years that the business has been operational, there have been few complaints about the actual work that has been carried out at the site.
- 8.7 There have, however, been complaints about the nuisance caused by the parking of cars, said to be associated with the garage, outside the site and in the layby adjacent to Southampton Road, where they have been left for considerable periods, interfering with the accesses to dwellings along this section of the road. There have been incidents of various parties, including the police, being brought in to deal with problems that have arisen. This situation appears to have been exacerbated by the reduction in the on-site car parking available to the garage, through the placing of containers on an area formerly used for parking.
- 8.8 The assessment must therefore be made as to whether the proposal can be refused on the basis of the nuisance caused by parking outside the site. It should be noted that parking standards for a B2 use, require one space per 45 sq.m of floorspace which, given the modest size of the unit would amount to three spaces. The current proposal shows 10 spaces available to the business which is more than sufficient to satisfy the parking standards and for the number of employees at the site (two full time and three part time). It is not considered that it would be possible to sustain a reason for refusal of the planning application on the grounds of lack of parking as, notwithstanding the parking issues that are allegedly caused by the current operator, the application must be assessed on the merits, or otherwise, of the actual use of the building and associated curtilage rather than the use of areas of land outside the site boundary.

- 8.9 Concern has been raised about discrepancies in the statement provided by the operator of the site, not only refuting the situation as regards the parking within the layby (including photos), but also referring to complaints that have been made over the years (again relating to off-site parking) and the fact that some on-line advertising is carried out. With regard to the advertisements, this appears to consist of a website, setting out the services provided by the workshop (in line with those specified in the application form) and its inclusion in various on-line search directories, such as Yell and Thompson, as would be expected of any business. There are, however, no signs adjacent to the road outside the site indicating the presence of the workshop to attract passing trade.

Conclusion

- 8.10 The application seeks to regularise an existing use that has taken place for a number of years, adjacent to established commercial uses, and can be accommodated on the site without adverse impact on the character and appearance of the area or neighbour amenity. It is therefore in accordance with Policies DP2, SP15, SP17 and SP42 of the New Forest National Park Local Plan 2016-2036.

9. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

1. The use hereby permitted shall be restricted to motor servicing, repairs, code diagnostics, aircon, MOT and engine remapping only. No bodywork repair such as spraying or panel beating shall take place on the site and no activities other than car parking and storage shall take place outside the building.

Reason: To accord with the existing use of the site and to ensure the level and type of activity does not have an adverse impact on the amenities of neighbouring properties

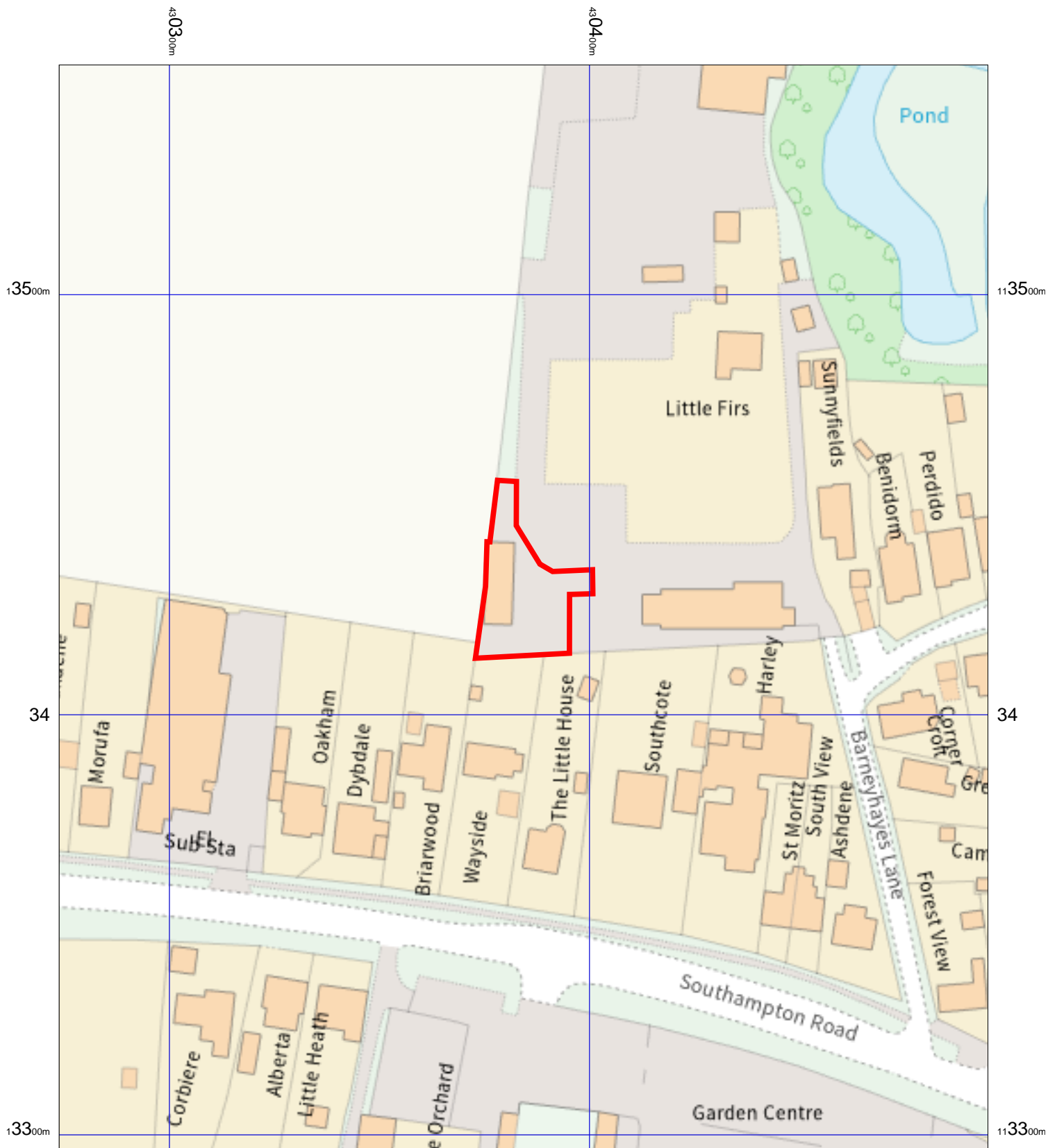
2. No machinery shall be operated no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 07.30 and 18.00 Monday to Fridays, not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016 - 2036 (August 2019).

Informative(s):

1. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should

substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.



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