

NEWBRIDGES
(Shute)

09/0995/FUL

Target Date: 14 July 2009

Applicant: Candlebine BHL Ltd

Location: Shute Garage, Axminster Road, Shute, Axminster

Proposal: Change of use of garage site from a petrol filling station with car sales and vehicle repair and breaking facilities to use of site for the preparation for sale then sale of motor vehicles

Members will recall that a report relating to this application was previously considered at the Development Management Committee on 28 July 2009. For information a copy of this report is appended. At this meeting Members resolved to defer consideration of the application for negotiations with the applicant to request detailed plans showing:-

1. A detailed landscaping scheme including species of all trees and hedgerows, number of plants, means of protection etc.
2. The provision of a raised kerb alongside the road to prevent any access along the trunk road.
3. Clear signage showing access to the rear.
4. Removal of bunting, security lighting and other intrusive elements.
5. Conditions on use to be considered further by Planning Officer.
6. Further discussions in relation to the land on the other side of the road and how that is to be controlled.

Following this further discussion has taken place and details have been provided by the applicant's agent relating to the matters above. Taking the above matters in turn, the following information has been provided.

1. A detailed landscaping proposal has been submitted which indicates a planting scheme around the extended perimeter fencing. This scheme provides a combination of a double staggered hedgerow, with a native shrub mix, planted at 1/1.5 metre centres, and a number of specimen trees. The landscaping scheme submitted also included a watering and maintenance plan.
2. The applicant's agent has stated that the Highways Agency will require the removal of the existing crossover to the former petrol filling station. A cross-section plan, which has been agreed with the Highway's Agency, has been submitted and is appended to this report.
3. Details of the proposed signage, which is to be provided within the site, has been agreed in principle with the Highway's Agency, and this can be the subject of additional conditions.
4. No bunting is being displayed on the site and some of the security lighting has been taken down although the columns remain. At the present time there are two security lighting columns which have lights on located adjacent to the main forecourt and entrance. Two further columns which have had the lights removed remain within the compound.
5. A schedule of suggested conditions is attached to this report.
6. Since this application was presented to the Development Management Committee in July, an application for a Certificate of Lawfulness has been submitted to the Council in

respect of an area of land on the opposite side of the A35. This application is currently under consideration.

CONSIDERATIONS AND ASSESSMENT

The application site lies in the Blackdown Hills Area of Outstanding Natural Beauty within an area where the protection of the countryside is of upmost importance. In discussing this application at the previous meeting, Members were very aware of the prominent location of the application site, and its position within the Area of Outstanding Natural Beauty. However the previous and authorised uses of the site, which included a breaking and storage use, needs to be balanced against the application currently under consideration. Bearing all of these factors in mind Members were leaning towards a recommendation of approval, subject to the satisfactory submission of further details and appropriate conditions relating to the current and future use of the site.

As stated above, the applicants' agent has submitted additional plans and information in respect of all of the issues raised by Members, and whilst most of the requirements have been met, there is an issue regarding the security lighting which now exists. Whilst two of the lighting columns have had the floodlights removed, the columns remain. A further two columns, located adjacent to the access of the compound and the former garage forecourt still remain. It is possible to control the hours of operation of the lighting through the imposition of conditions, but the impact of the physical presence of the columns and lighting on the open countryside remains.

Bearing in mind the additional details which have been submitted, and subject to the strict compliance with appropriate conditions regarding the use and management of the site, it is considered that a favourable recommendation can now be made.

Further plans are awaited at the time of writing this report showing specific details of site layout and highway works. These should be received in time for Committee's consideration. The conditions set out below strictly limit the position of any vehicles, as well as limiting the impact of any signage and providing a long term planting scheme and schedule of maintenance and setting strict timetables for highway works and landscaping. Without these conditions the proposal would be unacceptable. Any breach of these conditions will be followed up to ensure full compliance. Taking all these matters into account the concerns raised by Members have now been dealt with appropriately.

RECOMMENDATION

APPROVE subject to the conditions set out below

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 19 May 2009.

Reason - To comply with Section 63 of the Act.

2. Within three months of the date of the grant of planning permission the reinstatement of the highway verge bordering the site along the A35(T) shall have been undertaken in accordance with the details submitted on drawing no. 60096293/PH/010 Rev: P1 and drawing numberto the satisfaction of the Local Planning Authority (in consultation with the Highways Agency).

Reason: In the interests of highway safety and the safe and efficient operation of the A35 trunk road.

3. Within three months of the date of the grant of planning permission the highway carriageway road markings and the site access to Stockland Hill, and visibility splays shall be marked out, constructed, laid out and maintained for that purpose in complete accordance with the application drawings submitted under reference 60096293/PHL/100 Rev: P1 and drawing 60096293/PHL/101/Rev P1.

Reason: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.

4. In accordance with the submitted and approved details forming part of this planning permission, the area shown hatched on plan no: 60096293/PHL/101 shall be kept free of parking at all times. In addition there shall be no cars parked for sale outside the fenced compound or former garage forecourt (as shown on the approved site layout plan drawing no.....) at any time. No customers or staff shall park other than within the red line planning application site with no parking permitted on the highway verge at any time.

Reason: In the interests of highway safety and the visual amenities of the area

5. Within two months of the date of the grant of planning permission details of the proposed means of signage, including the position, style, height and means of illumination shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be erected and thereafter maintained in accordance with the approved details. There shall be no signage of any sort placed on the highway verge or not in accordance with any separate approval under the Advertisement Regulations.

Reason: In the interests of highway safety and to protect the visual amenity of the area.

6. Notwithstanding that existing on site at the present time, full details of all means of illumination, including any floodlighting and low level lighting, shall be submitted to and approved in writing by the Local Planning Authority within two months of the grant of planning permission. Such details shall include the position, height, hours of operation and luminance of the proposed lighting. The lighting shall be installed and thereafter maintained in strict accordance with the approved details. Any lighting which is not part of the approved scheme shall be removed within one month of the approval of the lighting scheme. The site shall not be illuminated outside the opening hours specified in condition 9.

Reason: In the interests of the character and appearance of this sensitive location within the open countryside.

7. Landscaping, in accordance with the plan submitted under reference E1 08C-AA-74-0010-A01 and the associated planting and management schedule received on 6 October, shall be carried out within the first planting season following the grant of planning permission i.e. by the end of February 2010. Any trees or plants which die become damaged or diseased within 5 years of planting shall be replaced with the same species (unless a written variation has been agreed with the Local Planning Authority) in the next available planting season.

Reason: In the interests of the amenity and to preserve and enhance the character and appearance of the area.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the approved landscaping, shall be submitted to and approved in writing by the Local Planning Authority within two months of the grant of planning permission. The proposals shall be carried out as approved for the full duration of the plan.

Reason: In the interests of amenity and to preserve and enhance the character and appearance of the area which is located in a sensitive open countryside location designated as an Area of Outstanding Natural Beauty.

9. The use hereby permitted shall not be open to customers outside the following times:
08:00 hours and 20:00 hours, Mondays – Saturdays and
09:00 hours and 17:00 hours Sundays

Reason: In the interests of amenity

10. The proposed security fencing shall be coloured dark green and shall match the colour and type of existing security fencing and maintained as such thereafter. Any change in fencing or its colour shall be specifically agreed in writing with the Local Planning Authority prior to its erection on the site.

Reason – In the interests of the visual appearance of the area designated as an AONB

Further Recommendation

That the Head of Legal, Licensing and Democratic Services be instructed to withdraw the enforcement notices issued under reference numbers EN08/024 and EN08/024A issued on 22 May 2008 once the conditions as referred to above have been discharged.

Reasons for approval

The proposed development complies with the Devon Structure Plan 2001 - 2016 Policies ST5 (Development Priority 2001 - 2016), CO3 (Areas of Outstanding Natural Beauty), CO6 (Quality of New Development), TR1 (Devon Travel Strategy), TR5 (Hierarchy of Modes and Transport Assessment) and TR10 (Strategic Road Network and Roadside Service Areas)

The proposal complies with the adopted East Devon Local Plan 1995 - 2011 Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN1 (Developments Affecting Areas of Outstanding Natural Beauty), E3 (Safeguarding Employment Land and Premises) and TA7 (Adequacy of Road Network and Site Access).

List of Background Papers

Application file, consultations and policy documents referred to in the report.