
Site Address: 33 Creek Road, Hayling Island, PO11 9QZ
Proposal: Retrospective material change of use at Unit 2 Sui Generis to B8, Unit 3 Sui Generis to B8, Unit 4 E(g) to B8, Unit 6 Sui Generis to B8, Unit 7 Sui Generis to B8, Unit 8 Sui Generis to B8, garage extension (unit 9) as B8, storage shed (unit 10) as B8 and the retention of replacement boundary walls
Application Type: Full Planning Permission
Application No: APP/23/00133 Expiry Date: 04/05/2023
Applicant: Mr Bakovljev
Alnista Retirement Benefits Scheme
Agent: Mr Jay Case Officer: Joseph Toole
The Planning Service
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 33 Creek Road, Hayling Island, is located to the west side of Creek Road. The existing buildings are semi-detached and detached business units.
- 1.2 The units are located within a mixed use area with a number of commercial units fronting onto Creek Road. The units back onto a residential area with a number of properties surrounding the application site.
- 1.3 Part of the application site is located within Flood Zone 2/3. The application site is also in the Climate Change future Flood Zone 2/3 area - 2115.

2 Planning History

94/54945/005 - Modification to front elevation., PERM,12/05/1994
APP/21/01413 - Installation of roof extractor flue, storage unit, garage store, and replacement boundary wall (retrospective application)., WD,09/02/2022
APP/21/01415 - Change of use application from B2 (general industrial) to A1 (Retail) (Retrospective)., WD,09/02/2022
APP/22/00766 - Retrospective material change of use at Unit 2 Sui Generis to B8, Unit 3 Sui Generis to B2, Unit 4 E(g) to B2, Unit 6 Sui Generis to B8, Unit 7 Sui Generis to B8, Unit 8 Sui Generis to B8, to continue the current use as businesses, REF,22/12/2022
APP/22/00771 - Proposed retrospective roof extractor flue, storage shed, garage store, and replacement boundary wall., REF,22/12/2022
APP/22/00765 - Proposed retrospective change of use from Sui Generis to Class E, PERM,21/12/2022

APP/22/00766 was refused due to the retrospective Class B2 uses not the B8 uses. Furthermore, APP/22/00771 was refused due to the roof extractor flue serving a Class B2 use not for the garage store, storage shed or boundary wall. The current proposal is materially different, as set out in section 3 below.

3 Proposal

- 3.1 The proposal is for retrospective material change of use from existing Sui Generis as a garage forecourt and vehicle repairs. This means the site is of its own kind, unique. Due to the passage of time some of the history for the site is incomplete. The Local Planning Authority (LPA) believes it may have been used as a garage forecourt and vehicle repairs from the appointed date. The change of uses would be:

Unit 2 Sui Generis to B8
Unit 3 Sui Generis to B8
Unit 4 E(g) to B8
Unit 6 Sui Generis to B8
Unit 7 Sui Generis to B8
Unit 8 Sui Generis to B8

- 3.2 The proposal is also for retrospective permission for a storage shed along the rear boundary to be used as Class B8 (Unit 10). There would also be a garage extension to Unit 6 to be used as Class B8 (Unit 9). Along the north boundary retrospective permission is being applied for a replacement boundary wall in concrete blockwork at a height of 2 metres.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS2 (Employment)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No Comment.

Councillor M Wilson - Hayling East

No Comment.

Councillor R Raines - Hayling East

No Comment.

Economic Development, Havant Borough Council

No Comment.

Environmental Health Manager, Community Group

Notwithstanding any comments that my amenity/nuisance colleagues may make in respect of this resubmission, it is noted that the change of use to B8 will apply to an existing Sui Generis Vehicle Repair use. It is understood that this use was associated with an existing small scale refinishing / auto-repair business (spray booth & flue, subject of the refused retrospective application).

Given the proximity between the flue serving the spray booth, and the 1st floor residential flats in the adjacent building - the change of use is considered likely to provide material betterment for occupants of those adjacent flats in terms of exposure to airborne pollutants (fine particulates & VOC). On this basis, the proposals are supported.

Please be aware that my colleagues may provide comment under separate cover in relation to noise impacts and hours of operation. My expectation is that a condition will be proposed to limit the business hours at the consented units.

Pollution Team

I have now considered the scheme based on the submission/drawings and I can advise that information submitted is insufficient to fully assess the proposal against potential environmental noise/nuisance impacting on the neighbours.

The proposed seeks a retrospective application to retain an existing storage and distribution units (B8 use). The application is supported by drawing and photos of the existing use. However, there are no details or predictions of noise, especially frequency of vehicle movement and hours of operations. If the use is in the external areas, there are residents within the immediate vicinity of the site and if for instance, there are operations late in the night or during early hours, the resulting noise could have a significant adverse impact on the amenity of the local residents. The applicant should provide further clarity on existing use, in terms of type of vehicle accessing the site, hours of operations and the frequency of vehicle movements, together with any noise mitigation measures (if necessary).

Once the additional information has been provided, I will be happy to review and provide a revised consultation response based on this information.

Officer Comments

The additional information requested by the Pollution Team was passed onto the applicant's agent. They stated the following:

I can confirm the majority of vehicles are cars. In addition, some tenants have vans (transit size vehicles). GB Autos has a recovery van, which is the largest vehicle on site to the rear, but not included in the planning application. Nothing larger than a Luton van as it would not fit the driveway to the rear yard. The proposed retrospective scheme is within Havant LPA parking standards. The volume and type of vehicles has not changed from the usage under Sui Generis and has been in use since the 1950's, predating the residential dwellings in the area.

The business hours of operations are as follows and remain unchanged from existing use under Sui Generis:

Monday to Friday:	07:30 to 18:30 hrs
Saturday:	09:00 to 14:00 hrs
Sunday and Bank Holidays:	Closed

There is no requirement for any noise mitigation measures, other than the retrospective replacement block boundary walls.

Pollution Team (2)

I have considered the agent's submission and I can confirm that I have no further objections in this regard.

Hampshire Constabulary, Tasking & Co-Ordination Directorate

No Comment.

Highways Development Planning, Strategic Transport, Economy, Transport and Environment Department (1)

In regard to application APP/23/00133, and the proposed (retrospective) application to change the permitted site use from Sui Generis to B8, whilst there would be no objection in principle to the application from a highways perspective, additional information is required prior to a positive recommendation being provided.

Whilst as a retrospective application, the current B8 use is known, it is not clear how the site is serviced in terms of deliveries and material pick-ups, and at what kind of frequency these are made. It would appear that whilst the side access to the rear car parking area is suitable for cars and LGV's (i.e. transit vans), it is not suitable in terms of width or on-site turning area for larger delivery vehicles (HGV's). As such, information is requested to:

- (a) confirm whether this assumption is correct;
- (b) if it is, where it would be anticipated that deliveries and pick-ups via lorries would take place; and
- (c) how many deliveries and pick-ups via vehicles larger than a LGV would be anticipated per day.

Clearly there is a frontal parking area that could cater for such vehicle movements if required, depending on numbers, however this would mean appropriate clearance of this area of parked cars – essentially requiring a delivery and pick-up management plan.

Without such arrangements in place, it would be anticipated that large vehicle (HGV) delivery / pickups would either take place from the highway (obstructive to both other vehicle movement and adjacent footways) or require a reverse movement into site from the highway which given the flows on Creek Road would not be ideal.

As such, if the above information can be provided, a re-assessment of the application can be undertaken and a final recommendation made.

Officer Comments

The additional information requested by Hampshire Highways was passed onto the applicant's agent. They stated the following:

- a. the assumption is correct,
- b. no requirement for HGV use in connection with the businesses and units seeking change of use from Sui Generis to B8,
- c. please refer to answer b.

This was then in turn submitted to Hampshire Highways.

Highways Development Planning, Strategic Transport, Economy, Transport and Environment Department (2)

In regard to application APP/23/00133, following on from the initial HCC Highways consultation response, the applicant has confirmed to the Case Officer (via email dated 30 March 2033) that there is no requirement for HGV use associated with the site, for either delivery or pick-up functions.

As such, given it would now be anticipated that all delivery, pick-up, customer and staff parking can be accommodated on site, there would be no objection to the (retrospective) proposals from a highways perspective.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 37

Number of site notices: 3

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Noise and disruption concerns	Please see Section 7.
How can operational hours be enforced	This would be in the form of conditions which if not adhered to would be liable to enforcement action
What would the units be used for	The units would be used for storage of materials and equipment
Human rights implications	It is considered that given the safeguards provided by planning conditions if permission was granted and other legislation, no material interference with the residents' human rights has been established and there is no need to consider the matter further.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and Parking
- (v) Flood Risk
- (vi) Ecology matters
- (vii) CIL

(i) Principle of development

7.2 The site lies in an urban area, where there is a presumption in favour of development, subject to normal development control criteria. The Local Planning Authority recognises the economic and social benefits the proposal brings, which are balanced against the environmental and amenity considerations.

7.3 The principle of the change of uses to Class B8 are considered to be acceptable due to the reasons set out below.

(ii) Impact upon the character and appearance of the area

7.4 The existing buildings are located within a mixed use area with a number of commercial units fronting onto Creek Road. The units back onto a residential area with a number of properties surrounding the application site.

7.5 The proposal is to change the units to Class B8 uses. The definition of Class B8 use, is that of Storage or distribution, that covers buildings used for storage or as a distribution centre including open air storage. The B8 uses would be used for storage and having regard to the existing commercial use of the site, this can be appropriately controlled by conditions. These would include operational hours, size of vehicles accessing the site, no outside storage and no subdividing units into larger operations. Therefore, the change of use to Class B8 is considered to be inkeeping with the character of the area, complying with Policy CS16 of the Havant Borough Core Strategy (2011).

7.6 The retrospective garage extension, storage shed and replacement boundary wall would not be readily visible from the street scene. As a result, they are considered they would not be out of keeping with the character of the area, complying with Policy CS16 of the Havant Borough Core Strategy (2011).

(iii) Impact upon residential amenity

7.7 Policy CS16 of the Havant Borough Core Strategy states all development should demonstrate that the development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

- 7.8 As previously mentioned it is considered the Class B8 uses can be controlled through a number of conditions, which would in turn limit the business activities on the neighbouring residential properties, to an acceptable level, which the Council's Environmental Health Officer concurs with. Therefore, the proposed change of use to Class B8 is considered to have an acceptable impact upon the residential amenity of the area, complying with Policy CS16 of the Havant Borough Core Strategy (2011).
- 7.9 The retrospective garage extension and storage shed and retrospective replacement boundary wall are not considered to have a negative impact upon neighbouring properties, complying to Policy CS16 of the Havant Borough Core Strategy (2011).

(iv) Highways and Parking

- 7.10 Hampshire Highways commented requesting additional information in terms of deliveries, material pick-ups and HGV's accessing the site. This information was provided and Hampshire Highways raised no objection. A condition has been recommended for no HGV's to enter the site due the access's limited size.
- 7.11 There is vehicle parking available for the units and cycle provision, which complies with the Havant Borough Parking Standards SPD and DM14 of the Havant Borough Core Strategy (2011).

(v) Flood Risk

- 7.12 A Flood Risk Assessment was provided. It states the change of use would not increase the flood risk to the area. The Local Planning Authority concurs with this view, having regard to the nature of the proposal, complying with Policy CS15 of the Havant Borough Core Strategy (2011).

(vi) Ecology matters

- 7.13 The application site is within 50 metres of coastal and floodplain grazing marsh. Due to the nature of the proposed development, it is not considered to have an adverse impact on the ecology of the area.

(vii) CIL

- 7.14 The proposal is not CIL liable.

8 Conclusion

- 8.1 The change of uses to Class B8 are considered to be acceptable within the context of the area when controlled by conditions. Furthermore, it would be acceptable within highways, parking, flood risk and ecology terms.
- 8.2 The retrospective works relating to the garage extension, shed and boundary wall are considered to be inkeeping with the character of the area and would not have an adverse impact upon the surrounding neighbouring properties.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/23/00133 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Location and Block Plans
Proposed Floor and Roof Plans
Proposed Elevations
Proposed Images
Proposed Site Images
Design and Access Statement
Flood Risk Assessment

Reason: To ensure provision of a satisfactory development.

- 3 The times of access to, or use of these units, for the purpose of work, storage, loading & off-loading and /or collections / deliveries, be restricted to 07:30 to 18:30 Monday to Friday, 08:00 to 14:00 on a Saturday, and not at all on a Sunday or Public holiday.

Reason: To ensure the amenities of neighbouring residential receptors adjacent to this site are not detrimentally impacted by any noise, fumes or odour levels, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No outside storage associated with the permission hereby granted shall take place at any time, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the amenities of neighbouring residential receptors adjacent to this site are not detrimentally impacted by any noise, fumes or odour levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No HGV vehicles shall enter the site, due to the limited size of the access and turning area within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with CS16 of the Havant Borough Local Plan Core Strategy (2011) and the National Planning Policy Framework.

- 6 The units hereby approved shall not be subdivided into larger units unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the amenities of neighbouring residential receptors adjacent to this site are not detrimentally impacted by any noise, fumes or odour levels, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.