
Site Address:	45 Hulbert Road, Waterloo, PO7 7NX		
Proposal:	Permanent Retention of existing garage to side of log cabin for the storage of wedding cars in connection with wedding car hire business; retention of 2No. sheds and flue.		
Application No:	APP/20/01163	Expiry Date:	18/05/2021
Applicant:	Mr K Hamilton		
Agent:	Mr M Choudhury	Case Officer:	Tina Pickup
	MC Architectural Design		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 45 Hulbert Road is the northern most dwelling at the end of a cul-de-sac of a line of similar chalet style dwellings. Following the grant of temporary planning permission under ref APP/15/00664 there is now a log cabin sited to the north of No 45 which is occupied on an 'ancillary' basis by the parents of the occupiers of No 45. It was conditioned for a limited period expiring on 31st August 2020 and current application APP/20/01163 is seeking to make it permanent.
- 1.2 After the erection of the log cabin a large garage was also attached to the northern elevation of the log cabin which is used in connection with a wedding car business operating from the site and used for the storage of vintage wedding cars. Two sheds were also erected under the canopies of the trees and a flue attached to the log cabin. These works were regularised under APP/17/00462 which was also granted on a temporary basis (as it was not considered appropriate to affix a permanent structure to a temporary one).
- 1.3 The current red lined application site relates to the whole single family dwelling curtilage of 45 Hulbert Road which includes the log cabin and its attached garage. This current application relates to the attached side garage used in connection with the wedding car hire business, the sheds and flue.
- 1.4 The land slopes up quite steeply to the east and there is a dense mature tree belt on the northern boundary (which are TPO'd), a ditch/stream running north-south along the western edge in a wooded area. Access is taken from the head of the cul-de-sac straight into a large shared hard surfaced area. Steps are provided up to the entrance door of the log cabin. The front part of the site is now in flood zone 2 & 3 - this is a recent inclusion, it was not in 2015.
- 1.5 During the course of determining these applications it has become apparent that further structures have been erected in the curtilage of the site. Following investigations the front car port and chicken coup, that both lie forward of the principal elevation, also require planning permission. The applicant has been asked to submit a retrospective application and this should be forthcoming within coming months for future consideration.

2 Planning History

APP/15/00539 - Crown lift 3No. Common Oak (T6, T15, T22) by 10m; crown reduce 1No. Pine (T12) by 3m; crown reduce 2No. Pine (T16, T17) by 4m; all subject to TPO 1393., ,22/06/2015

APP/15/00664 - Change of use of public amenity land to private amenity land and erection of 1No. log cabin for ancillary living accommodation (granny annex)., TPP,28/08/2015

APP/15/00684 - Remove 3 lowest limbs of 1No. Oak (T6); fell 1No. Oak (T8); remove 2 lowest limbs 1No. Oak (T9); crown reduce north sector of 1No. Pine (T12) by 3m; remove lowest limb 1No. Oak (T14); reduce lowest limb in southern sector of 1No. Oak (T15) by 4m; remove branches to northern sector 1No Pine (T16); reduce southern side of canopy by 2m of 2No Oaks (T20, T22); remove crossing branches from 1No Oak (G1), reduce southern side of canopy by 2m of 1No oak(G1), reduce northern side of canopy by 4m of 1No. Pine (G1), these 3No trees from G1 all trees subject to TPO 1037.

, PERM,13/08/2015

APP/17/00462 - Retention of garage to side of log cabin for the storage of wedding cars in connection with wedding car hire business; retention of 2No. sheds; retention of flue and regularisation of fenestration on log cabin. (Retrospective application)., TPP,13/11/2017

APP/17/00956 - Fell 2No. Scots Pine, 1No. Common Yew and 1No. Oak, subject to TPO 1393., PERM,05/10/2017

APP/17/01295 - Tree works subject to TPO (T3) 1393, UNK,

APP/18/00034 - Tree works, UNK,

APP/19/00095 - Pine - Reduce by 6m to re-balance heavily weighted top. Oak 1 -

Deadwood - Reduce large low limb overhanging cabin by 5m to reduce weight to prevent limb failure. Oak 2 - Deadwood - Reduce all lateral limbs by 5m to reshape and rebalance the crown., UNK,

APP/19/00428 - Single storey rear extension, addition of velux window.,

PERM,11/06/2019

APP/20/00191 - 1No. Pine (T1) reduce leaning top by 4m leaving 17m to remain; 1No. Oak (T3) reduce lateral by 3m and upper branch 4m leave 5m remaining; 1No Oak. (T4) reduce overhang by 5m and height by 4m leaving a height of 14m, subject to TPO 1393 within G1. (All work to suitable growth points), PERM,19/06/2020

APP/20/00632 - Retention of log cabin for permanent independent living as a separate dwellinghouse., Withdrawn

Also current application:

APP/20/01162 - Permanent Retention of Existing Log Cabin as ancillary accommodation.

3 Proposal

Permanent Retention of existing garage to side of log cabin for the storage of wedding cars in connection with wedding car hire business; retention of 2No. sheds and flue.

The two sheds are both timber having flat roofs and measure: Shed 1 - 7m long, 4.3m wide, 2.1m high;

Shed 2 - 7m long, 3.6m wide, 2.1m high

The lean-to style garage on the side of the cabin measures 18.1m long, 6.2m wide, 2.4m high. It has double opening doors on the front, west elevation, and is finished in dark brown metal cladding.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E24	(Contamination)
E1*	(High quality design)
E19	(Managing flood risk in new development)
H6*	(Residential annexes)
IN3	(Transport and parking in new development)
E18	(Trees, hedgerows and woodland)

Emsworth Neighbourhood Plan Post Examination Version 2020

n/a

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

5 Statutory and Non Statutory Consultations

Environmental Health

I note that the applicant has not raised any objections to extant conditions on the temporary consent which restrict the operator to the occupants of the residential curtilage of no. 45 Hulbert Road, and restrict the extent of automotive maintenance & repair activity that may be undertaken in connection with the business activity.

I similarly note no complaints history relevant to the business activity for which the applicant seeks permanent consent.

I would recommend that conditions 3 & 4 of the temporary consent are transferred to any consent issued in respect of the current application, for the same reasons as previously highlighted, and under the same broad clarifications in respect of interpretation as outlined in CONS/17/01066 12/06/2017 (Consultation response to APP/17/00462).

It is noted that no condition is currently in place in relation to storage & handling of fuel, for the reason that the current operator does not currently store or dispense fuel at the premises in connection with the business activity. Such activity would be subject to specific legislative controls, and would be subject to enforcement provisions under the

governing legislation in the event of any issues arising from regulated activity or activity being undertaken without the appropriate regulatory approval(s). The Control of Pollution (Oil Storage) (England) Regulations 2001 may also apply to fuel storage. Being mindful of the provisions of paragraph 183. of the NPPF and in consideration of the regulatory context outlined above, the potential for fuel to be stored & dispensed at the site is it is considered likely not to amount to a material planning matter. It is however considered appropriate to include a suitable informative on any permanent consent issued to highlight the relevant (but little known) provisions.

Informative - storage & dispensing of fuel & oils

"If it is intended to store in excess of 30 litres of petroleum fuel at the application site, the Petroleum Enforcement Authority must be notified in writing in accordance with the Petroleum Consolidation Regulations 2014, Schedule 2. These premises would be regarded as a non-retail 'dispensing premises' for the purpose of those regulations and the Petroleum Enforcement Authority in this case would be Havant Borough Council. If it is intended to store volumes in excess of 275 Litres, a Petroleum Storage Certificate will be required. The granting of this planning consent does not guarantee that a certificate will be issued in respect of fuel storage. For the purpose of calculating fuel volumes, no account need be taken of fuel within fuel tanks of any motor vehicle. The Storage of any kind of oil (including fuel) in containers exceeding 200 litres in volume will additionally be subject to the provisions of the The Control of Pollution (Oil Storage) (England) Regulations 2001, for which the Environment Agency is the Enforcement Authority."

Subject to the recommendations above, no objection is raised in respect of pollution & contamination risks.

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: 16

Number of site notices: 1 posted by applicant due to Covid restrictions

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
If the cabin, garage and sheds were not considered to be suitable as permanent structures in 2017, what has changed to make them so now? The garage building is attached to a temporary cabin that also expires on 31st August 2020 and combined they are of a type not considered suitable for permanent retention and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National	See section 7 below

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 of business use on neighbouring amenity
- (iv) Trees
- (v) Flood Risk

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The overall site remains a single planning unit with mixed use - the original residential property of 45 with ancillary log cabin annexe, currently genuinely occupied by family members; and the wedding car hire business. The site is large and can readily accommodate these buildings without it becoming an overdevelopment of the site. The retention of the log cabin on a permanent basis is being recommended for permission under APP/01162, and this application relates to the retention of the attached garage, the flue and 2 sheds.

7.3 Temporary permission was originally granted for the log cabin because it was not known at the time the standard and longevity of the proposed cabin, it could have been an inferior quality that deteriorated quickly over time and thus not visually appropriate for permanent retention. The subsequent application for the attached garage was also granted temporary permission because it was inappropriate to allow a permanent structure to be affixed to a temporary one. However the cabin as constructed on site is of substantial and sound construction and would be appropriate for permanent retention. Similarly the attached garage is also of permanent structure and suitable for retention.

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

7.4 The flue is mounted on the rear, northern, roof slope and due to the set back from the head of the cul-de-sac, is not overly visually prominent or harmful to the area. Its continued siting raises no objection in terms of visual impact.

7.5 The two sheds also continue to be of an appropriate timber finish, well screened under the trees on the northern boundary and they are not visually harmful in a residential area.

7.6 The large side garage is a lean-to style on the entire northern length of the cabin. As such, visually, it is not visible from the Hulbert Road cul-de-sac and therefore does not harm the visual amenity of the area. The enlarged hard surfaced area to the west of the cabin and garage enables the parking and turning of several cars. Whilst this is of a scale greater than surrounding residential properties, the vintage cars are only relatively briefly kept out in the open and are stored overnight and out of the rain in the garage. The recently erected car port is noted, and this will be subject to a future application for consideration.

- 7.7 Overall, the continued permanent retention of the structures subject to this application is not considered to have any adverse impact on the visual amenity of the street scene, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Impact of business use on neighbouring amenity

- 7.8 The wedding car hire business has operated from the site since 2016 and no complaints have been received in that time.
- 7.9 It was previously reported: *The business includes 7 vintage style cars that are stored in the side garage. Being vintage some have soft tops and open sides and need to be stored inside. Similarly they are only washed using hand water bottles/sprays and cloths. It is stated that the business is run by the applicant and his family members drive the vehicles on wedding days only - usually Fridays and Saturdays. His son lives in the main dwelling at 45 Hulbert Road. Bookings are taken by phone and over the internet/facebook and there are no employees for this admin stage.*

Although 7 cars are owned, it is understood that a maximum of 4 bookings are taken at any one time - because that is the limit of available family members to act as chauffeurs. Other visits to the site are limited to occasional customers/clients who come to view and choose a car and has been estimated as approximately 1 visit a fortnight. There are no other drivers or staff coming and going from the site.

The cars are all serviced off site at local garages with no car maintenance (except cleaning) taking place on site. It is understood that the wedding car hire business previously operated from the applicant's former address (at No 55 Hulbert Road) for about 7 years and was transferred to No 45 when the log cabin and garage was completed about a year ago. In that time only 2 letters have been received - one alerting the LPA of the breaches at the site and the one above following consultation of this application.

Given the specifics of this vintage wedding car hire business and its family operation without any staff or significant comings and goings, the material harm to neighbouring residential amenity is considered limited. The site is of a sufficient size to accommodate the vehicles. The maximum additional vehicular movements would appear to be 4 wedding cars leaving and then returning to the site on Fridays and at weekends. The noise and disturbance associated with these movements would be very marginal in the context of this high density residential area off the B2150. This would be unlikely to cause any harm to residential amenity contrary to Policies DM10 or CS16 of the Core Strategy sufficient to warrant a reason for refusal. Since it is the specifics of the vintage wedding car hire business that make the proposal acceptable, (rather than any other car hire business) it is recommended to condition the use as such and linked to the occupiers of the cabin and 45 Hulbert Road.

- 7.10 Since the scale of the business has not altered and no complaints were received during the temporary period then there is unlikely to be any demonstrable harm to neighbouring amenity from the business operating permanently from the site. It would continue to be conditioned to being operated by the occupiers of the cabin and 45 Hulbert Road only.
- 7.11 With respect to the use of the flue the smells associated with its use are subject to the letter of objection received under APP/20/01162 but applicable to this application. Because the site sits lower than surrounding dwellings the smoke from the use of the log burner does not rise above surrounding houses. However no complaint has been

received since 2017 and pollution from smoke would be subject to Environmental Health nuisance legislation. Any future complaints can be addressed to Environmental Health who would assess under the Environmental Protection Act to ascertain whether a statutory nuisance exists and it would be for them to take any necessary action. From a planning point of view and in terms of policy DM10 the harm to neighbouring amenity from the occasional use of the flue is not considered sufficient to warrant a refusal of planning permission.

(iv) Trees

- 7.12 The northern boundary of the site comprises a woodland belt and many of the trees within this strip of land are protected by Tree Preservation Orders. The Arboricultural Method Statement approved under APP/17/00462 included the requirement to carry out some remedial ground works. These were carried out to the satisfaction of the LPA. The structures the subject of this application have now been in situ for several years and have not impacted the trees further. There is therefore no objection to their permanent retention and it is noted that the previous tree condition would not need to be re-applied.

(v) Flood Risk

- 7.13 A recent change to the EA flood maps has introduced a fluvial flood zone that follows the route of the water course/ditch at the front of the site. This does impinge on the front corner of the cabin and garage, as well as frontage parking area. Due to the nature of the business use, ie storage of cars only, it is not considered that there would be any increased risk to life from flooding. Furthermore it is noted that the log cabin and side garage are at an elevated position, it is only the lower level open drive area that would be prone to flooding.

8 Conclusion

- 8.1 It is recommended to grant permission to allow for permanent retention of the garage in connection with the wedding car hire business, sheds and flue. The previous conditions relating to the use of the site should be re-imposed, but the previous condition requiring remedial tree works is not necessary as these works have been undertaken.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01163

(A) subject to the following conditions

- 1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 2020, and any Town and Country Planning (General Permitted Development) Order, the mixed use of the site shall comprise:
 - (i) the log cabin to be occupied for ancillary residential purposes to No 45 Hulbert Road only;
 - (ii) the garage and hardstanding to be used for the storage of wedding and vintage style cars in connection with a wedding car hire business

of vintage style cars only; and

(iii) the two sheds to be used for ancillary purposes to (i) and (ii) above only.

No other use shall take place on the site unless first agreed in writing with the Local Planning Authority.

Reason: To maintain control over other business uses and their impact on neighbouring amenity and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The wedding car hire business hereby permitted for the site shall only be operated and managed by the occupiers of the ancillary residential building on the application site, and/or the occupiers of 45 Hulbert Road.

Reason: To ensure the business use is not operated independently of the dwellings on the site, in the interest of neighbouring residential amenity, having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 No mechanical servicing or repair, refueling, body work repair, or refinishing of vehicle paint work shall be undertaken on site in connection with the business use hereby permitted.

Reason: To protect neighbouring amenity and to mitigate the risk of pollution that may adversely impact the Hermitage stream, a controlled water and designated main river that lies down-topographic-gradient of the garage, cabin & parking areas, having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.