

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/00141	Your Ref:	APP/20/01163
EH Case Officer Extn:	44 6677	Date:	14 January 2021
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/20/01163		
Site Address:	45 Hulbert Road, Waterlooville, PO7 7NX		
Proposed Development:	Variation of Condition 1 of Planning Permission APP/17/00462 to allow 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; retention of flue and regularisation of fenestration on log cabin.		

Observations / Comments:

I have reviewed the planning statement, Environmental Health's prior response to APP/17/00462, and the subsequent complaints history for the address.

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.

Mr. Jonathan Driver
Environmental Control Officer