

Recommendation: **GRANT PERMISSION**

99/54617/001 - New car sales area to south of existing sales building, change of use

of florists shop to car sales office and use of adjacent timber building as a store, TPP,08/10/1999

90/54617/000 - Replacement illuminated pole and canopy signs, new illuminated pump island spreader units and replacement non-illuminated shop and car wash signs., ZHIS,10/05/1990

05/54617/002 - Erection of 9 No. 3 bed houses and 2 No. 2 bed flats with associated car parking, utilising a new vehicular access to London Road., WD,06/05/2005

05/54617/003 - Demolition of the existing buildings on site and erection of 8No. 3 bed dwellings and 2No. 2 bed flats with associated bin and cycle storage together with car parking utilising a new vehicular access to London Road. (Revised Submission)., REF,09/09/2005

05/54617/004 - Demolition of the existing buildings on site and erection of 7No. 2 bed dwellings and 2No. 2 bed flats with associated bin and cycle storage together with car parking utilising a new vehicular access to London Road. (Revised Submission)., WD,04/08/2006

08/54617/005 - Erection of 1No. A1 retail unit, car parking and associated works., REF,10/11/2008

APP/10/00296 - Erection of A1 retail unit with 3No. residential dwellings above and associated works., PERM,14/03/2012

APP/13/01015 - Discharge of Condition No. 9 of Planning Permission APP/10/00296., PERM,07/01/2014

APP/13/01039 - Discharge of Conditions No's 2, 3, 4, 6, 12, 13, 15, 20 & 22 of Planning Permission APP/10/00296., SPL,14/01/2014

APP/13/01056 - Discharge of Condition No/s 23, 28, 29 and 30 of Planning Permission APP/10/00296., PERM,15/01/2014

APP/13/01133 - Discharge of Condition No. 11 of Planning Permission APP/10/00296., PERM,09/01/2014

APP/14/00045 - Discharge of Condition No. 12 of Planning Permission APP/10/00296., PERM,13/03/2014

APP/14/00129 - Application for non-material amendment to Planning Permission APP/10/00296 relating to re-positioning of residential refuse store away from western boundary., PERM,10/04/2014

APP/20/00212 - Proposed change of use of site to vehicle washing facility (sui generis)., PERM,22/06/2020

APP/20/00946 - Application for Non-material amendment to Planning Permission APP/20/00212 relating to the reposition of pressure washer pumps within metal housing, near northwest boundary; reposition vacuum to the southeast, along northeast boundary; rearrange vehicle parking and circulation area; reconfigure site entrance; and provision of further landscaping., REF,03/11/2020

3 Proposal

Variation of Condition No. 2 and 4 of Planning Permission APP/20/00212 relating to amendment to approved plans, and rearrangement to vehicle circulation area and reposition of pressure washer pumps and vacuum.

Condition 2 related to the approved plans and condition 4 related to the implementation of the noise mitigation measures stipulated in the Acoustic report. The changes on site relate to the repositioning of the pressure washer pumps from within the portacabin to near the northwest boundary within metal housing; the repositioning of the vacuum slightly further east along the northern boundary; and the rearrangement of the vehicle parking and circulation area. An updated Acoustic report has been submitted taking account of the changes.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS4	()
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
E24	(Contamination)
E20	(Drainage infrastructure in new development)
E1*	(High quality design)
E13	(Historic environment and heritage asset)
C6*	(Local centres, local shops and services)
IN3	(Transport and parking in new development)

Emsworth Neighbourhood Plan Post Examination Version 2020

n/a

Listed Building Grade: Not applicable.

Conservation Area: St Johns

5 **Statutory and Non Statutory Consultations**

Conservation Officer

None received

Southern Water

No objections. The comments in our response dated 01/04/2020 remain unchanged and valid

Engineering/Drainage

None received

Environment Agency

None received

Environmental Health

I have read the updated acoustic report carried out by Airtight & Noisecheck Limited (BS4142 Acoustic Testing report dated 15 October 2020) and can comment as follows:

It is noted that the jet wash units were not housed in the on-site cabin as was previously intimated, but have now been housed in 'metal encasements', which the acoustic report advises have been lined with acoustic foam.

The conclusions reached by the consultant are that the mitigation measures that have now been provided, and the results of measurements undertaken on-site during an operational period, have indicated '*The measured and calculated results indicate that the existing car wash should not have an adverse impact on the dwellings located to the West or to the East.*' and the assessments indicate no impact at receptors.

Based on the above conclusions I have no objection to the variation of Condition 4, other than to add that besides amending the date to that of the updated report, that the wording of the condition remains as provided in the original decision notice.

Hampshire Highways

No Objection

Local Lead Flood Authority HCC

As this application relates to a site which is a commercial application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit

Natural England

None received

Portsmouth Water Company

No adverse comments in relation to groundwater quality protection

Traffic Management

The Traffic Team have no adverse comment to make

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: Not applicable.

Statutory advertisement: 18/12/2020

Number of representations received: 2

Comment	Officer Comment
I am rather disappointed that the applicant had not attempted to abide	

by the original conditions at all, but ignore them and go straight to their variation request with no regard to the neighbours or environment. If the site was not suitable for their proposal, surely they should not have put one in at all, rather than just change the plans to suit themselves and completely ignore any conditions laid out by Havant Planning Department	Noted
As regards the public views of the site, they are in no way 'blocked by frontage vegetation' indeed the planned plants (part of the noted planning conditions) on the north side of the site have never been installed. With the vastly enlarged entrance, contrary to the original planning, the establishment uses the entrance to dry the cars, just about on the pavement, so far from blocking the public view, I would say they advertise their washing facility in full public view. On the first plans, this would not have been possible as a fence and planters, which have not been introduced would have prohibited this.	Noted - see section 7 Noted - access width addressed - see section 7 Noted - and these must be provided - see section 7
The gates that have been installed are massive, (is there not a maximum height they should be on a boundary?) and these were not shown at all on the original planning. These alone 'detract from the existing street-scene' and are definitely not 'in keeping with the character of the surroundings'. As the application itself notes, this is next to a Conservation area with heritage assets, but this development is in no way 'of a high standard of design CS16' This part of Purbrook is predominantly old and very old housing with a few retail outlets and a selection of historic flint buildings, so sorry in no way can this be considered in keeping in character.	Noted & agreed - these have now been lowered to match the fencing - see section 7
At the least I would hope that the applicant could revert to the original plan and reinstate the smaller gates and fence on the north east corner and finish of the planting as the conditions requested.	
I see from the drawings submitted with	

the above application that the site has been built in a different layout to the original permission. As a result there are now fewer parking spaces on site, the area allocated to native trees has been reduced and the jet wash and vacuum machinery are in different positions. It would have helped my understanding of the changes to have had a simple drawing with the new and old positions of the jet wash and vacuum machinery clearly marked. These are not good outcomes in respect of design, appearance, noise and fumes for those who are closest to the site i.e. numbers 24-32 London Road.	Noted - see section 7
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Re-notification took place on the amended plans, but no further letters of representation were received.

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 of amended plans on the character and appearance of the area, and Conservation Area
- (iii) Impact of amended plans upon residential amenity
- (iii) Impact of amended plans on highways and parking

(i) Principle of development

7.2 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case there were no conditions that required discharging. It is therefore the impact of the proposed changes that are now under consideration. The site remains a commercial employment site supporting the vitality and viability of the Purbrook Local Centre.

(ii) Impact of amended plans on the character and appearance of the area, and Conservation Area

7.3 The gates installed at the site were higher than the surrounding palisade fence and span a double entrance rather than single as approved. The visual appearance of the increased gate height was considered unacceptable and following discussion these have now been lowered to the approved height to align with the fence. The double width access opening also resulted in the loss of the landscaping/planters north of the originally approved gate and the screening benefit. Due to the revised siting of the vacuum, third party comments alleged this also resulted in cars and staff nearly over spilling onto the highway when using the vacuum. To address this issue and safely

contain the use completely within the application site, further amended plans have been received showing the northern most gate always being closed with additional planters added to this section, preventing over spill and providing screening to the vacuum area.

- 7.4 The planters to screen the site were not initially provided in accordance with condition 6 of APP/20/00212 and following Enforcement enquires these were subsequently upgraded. The planters on site are now located along the eastern boundary where south of the access gates, and along the southern boundary. None have been provided along the western boundary or north of the access. The proposed amended plans reflect the provision of planters on site, and include the proposal for 2 more planters north of the access to ensure this gate remains closed and screen the vacuum area.
- 7.5 It is considered that the planters as provided, with the addition of 2 more north of the access, are adequate and appropriate and do help to provide a visual interest and improvement to what is otherwise an open site. They are visible between the open palisade fencing and provide some uplift and benefit to the area. There would be little benefit in providing any on the western boundary which is screened by close boarded fencing. The re-configured internal layout with re-sited staff parking does not make a significant difference to the visual appearance of the site compared to the approved layout, it remains an open site for the washing of cars. The equipment used has been installed along the western boundary with a 1.8m high close boarded fence in front acting as a screen. This has all been dark stained and blends with the backdrop of the fence behind, helping to visually tidy the site.
- 7.6 Overall the impact of the amended plans on the character and appearance of the site would not be harmful to the area and with the addition of the extra planters north of the access then it is considered that the revised plans would continue to preserve and enhance the character of the Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and be compliant with policies CS11, CS16 and DM8 of the Havant Borough Core Strategy 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

(iii) Impact of amended plans upon residential amenity

- 7.6 The jet washers have been enclosed in metal encasements lined with acoustic foam, located along the western boundary, effectively closer to the properties to the rear in Marrels Wood Gardens. The vacuum has been re-positioned along the northern boundary, closer to the main road and properties opposite. An acoustic report has been submitted that re-assess the noise emissions from these revised locations, relative to the background noise levels to both the west and east. This concludes that there would be no adverse impact on nearby receptors ie residential properties in both directions. Environmental Health concur with this.
- 7.7 Provided condition 4 is updated and the hours condition re-imposed then there would be no additional harm to neighbouring amenity from the proposed changes.

(iv) Impact of amended plans on Highways and parking

- 7.8 Neither Hampshire Highways and the Traffic Team raise any objection to the amended layout which would not alter the scale of the business or likely vehicle movements to and from the site. It is noted that the staff parking is re-sited from 4 spaces along the southern boundary to 3 spaces within the centre of the site adjacent

4 revised customer spaces where cleaning can occur. Overall the number of cars that be accommodated on site, whether staff or customers, will be similar to the approved layout. It is not considered that the amended layout would cause any harm to the safety of the local highway network and continues to provide adequate on site parking for operational needs. The proposal is therefore considered to remain compliant with policies DM12 and DM14 of the Core Strategy.

8 Conclusion

- 8.1 This is a Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is recommended to grant permission to vary conditions 2 and 4 of APP/20/01120 to allow for the re-siting of the vacuum and washer pumps; re-configured internal layout and access and planter arrangements, with an additional condition requiring the northern most gate to remain closed at all times.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01120

(A) subject to the following conditions

- 1 The northern most gate where indicated between points D and C on the hereby approved plan, Drawing number SD-2019-01 Rev L, shall remain closed at all times.

Reason: To contain the development within the site, in the interests of highway and pedestrian safety, and the visual amenity of the area, and having due regard to policies CS11, CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Proposed Site Plan Drawing number SD-2019-01-Rev L
Proposed Elevations Drawing number SD-2019-02 Rev E
Acoustic Testing Report by Airtight Noisecheck dated 15th October 2020

Reason: - To ensure provision of a satisfactory development.

- 3 The premises shall only be open for trade or business between the hours of 0830 and 1800 Monday to Saturdays and between 1000 and 1600 on Sundays and Bank Holidays.

Reason: To protect the amenities of nearby residential properties 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 All the mitigation measures as described in the Acoustic report carried out by Airtight & Noisecheck Limited dated 15/10/2020, shall be implemented in full

prior to any business being conducted on site. All such measures shall thereafter be retained and maintained in perpetuity.

Reason: To adequately protect the amenities of nearby residential properties from noise 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 flood lighting or other form of external lighting scheme shall be installed unless it has been first approved by the Local Planning Authority. Such details shall include, location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the amenities of nearby residential properties from light pollution and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Two additional native trees in planters shall be provided and sited north of the access gates, as shown between points D and C on the approved plans (Drawing no SD-2019-01 Rev L) within one month of the date of this permission.

Each tree and planter shall have an initial combined height of at least 1.5m. Thereafter all trees and planters on site shall be retained for the perpetuity of the hereby approved use and any that are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by a native tree in planter of similar size and species to those originally provided.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure and planter positions at the road junction shall be set back to the sight lines of 2.4m x 43m as shown on Drawing No SD-2019-01 Rev L and these visibility splays shall be kept free of obstruction at all times.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.