
Site Address: 4 The Gardens, Havant, PO9 2XH
Proposal: Change of use from garage to internet based business involving storage of motorbike parts and goods and packaging and distribution of goods. Retention of container for storage relating to the business use. (Renewal of Planning Permission APP/18/00383.)
Application No: APP/20/00827 Expiry Date: 27/11/2020
Applicant: Ms Stewart-Yaroslavtseva
Agent: Case Officer: David Eaves
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

4 The Gardens is a large detached two storey dwellinghouse situated at the southern end of a private road within a residential area. The dwellinghouse is situated on level ground and is constructed of facing brickwork and concrete tiles. To the front the amenity space is adequate in size and fully hard-surfaced to accommodate a parking provision for multiple cars. A detached garage also serves the dwellinghouse and is positioned to the north of the dwelling and on the west side of the site. Between the garage and dwellinghouse a detached green storage container has been placed which alongside the garage, contains motorbike parts and goods and the packaging and distribution of goods in order to support the applicants online business.

The area is of low density with similar residential dwellings to the north and west of the site. To the east is Warblington Lodge which is Grade II listed and shares a boundary with No 4.

Planning permission was originally granted on a temporary basis under planning application APP/18/00383 subject to the following condition:

This permission shall be for a limited period expiring on 21st September 2020, on or before which date the use of the detached forward garage for the operation of an internet business and retention of the container on the property of No 4 shall be discontinued permanently and the site shall be restored to residential use with the container removed unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: *To enable the Local Planning Authority to assess the impact of the proposed use and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework 2018.*

2 Planning History

Relevant planning history:

01/58455/001 - Outline application to construct single storey dwelling and garage with access from The Gardens following demolition of existing garage attached to No 4 and construction of detached double garage adjacent to western boundary., REF,24/04/2002

09/58455/002 - Ground and first floor extension with internal re-modelling to provide additional accommodation to existing single storey bungalow., PERM,01/12/2009

10/58455/003 - Discharge of Condition No. 2 of Planning Permission 09/58455/002., PERM,14/06/2010

APP/10/00882 - Construction of double garage to the front., WD,04/01/2011

APP/11/00146 - Construction of a new double garage to the front. (Resubmission.), PERM,07/04/2011

APP/11/01171 - Discharge of Condition No/s 2, 4, 5, 6 & 7 of Planning Permission APP/11/00146., PERM,19/08/2011

APP/18/00383 - Retrospective change of use from the garage to an internet based business involving the storage of motorbike parts and goods and the packaging and distribution of goods. Retention of container for storage relating to the business use., PERM,21/09/2018

3 Proposal

Change of use from garage to internet based business involving storage of motorbike parts and goods and packaging and distribution of goods. Retention of container for storage relating to the business use. (Renewal of Planning Permission APP/18/00383.)

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)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
-----	--

Havant Borough Pre Submission Local Plan 2036

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection

Conservation Officer

Senior Conservation Officer - comments

Previous response to TPP APP/18/00383:

The site for the proposed use and storage container neighbours the Grade 1/ Warbling ton Lodge. Therefore, it is appropriate to understand if the proposals will have an adverse impact on its setting.

It is my view that due to the intervening and mature screening that sits between the properties that any impact on the setting of the listed building is minimal and unlikely to be harmful. However, the storage container proposed is industrial in appearance and could not be considered to relate sympathetically to a residential setting. Nonetheless it would be located out of view from the street scene. I would therefore ask that consideration is given to limiting the approval of the container for a fixed period.

The current application seeks the same approval but on a permanent basis this time:

Change of use from garage to internet based business involving storage of motorbike parts and goods and packaging and distribution of goods. Retention of container for storage relating to the business use. (Renewal of Planning Permission APP/18/00383.)

Response:

Although the proposal retains a container for business use, I consider that the siting of the container between a garage and the main house, set approximately 18m from the common boundary and with intervening trees, means that any harmful impact on the setting of the listed building is minimal. As such no objection is raised to the permanent retention of the container.

Conclusion - No objections

Councillor D Guest - St Faith's

No comments received.

Councillor J Branson - St Faiths

No comments received.

Councillor T Pike - St Faith's

No comments received.

Environmental Health Manager, Community Group

Thank you for consulting Environmental Health. I have checked our records and we have received no complaints relating to activities associated with the home based internet business and as such have no adverse comments regarding the proposed renewal of the application.

Hampshire Highways

The current application is a renewal of planning reference APP/18/00383 to which the Highway Authority raised no objection. The application for renewed planning permission does not seek to increase the level of activity approved under the previous application.

The Highway Authority raise no objection to the proposal.

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: 14

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
There is always vans coming and going throughout the day plus motorbike turning to buy parts which are advertised on ebay for collection. There is light pollution from the floodlights installed its like a mini industrial unit to avoid paying rent sometimes ive seen 7.5 ton lorry unloading I thinking of buying a property in this rd the green shipping container is a eyesore and vans are constantly going up down driveway	The impact of the continuation of the use site for the business is considered in part 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 including setting of adjacent Listed Building
- (iii) Impact upon residential amenity
- (iv) Highways

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In this case the business has been operating under planning permission APP/18/00383. This was a temporary permission which has allowed the Local Planning Authority the opportunity to consider how the use has operated since the original permission so that its impact in particular on residential amenities can be re-assessed. It is recognised that small scale business uses operated from residential properties can play a part in the diversification of the economy, however, this should not result in unacceptable impacts on residential areas.

(ii) Impact upon the character and appearance of the area including setting of adjacent Listed Building

The impact of the storage container is the main physical impact on the surrounding area and its character and appearance. The container is sited between the existing garage and the dwelling, this significantly reduces the wider visual impact. Whilst storage containers are sometimes incompatible with residential locations it is considered that given the unobtrusive siting and dark recessive colour the retention of the container is considered acceptable in this case.

It is noted that the site is adjacent to Warblington Lodge a Grade 2 listed building. Under S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case it is not considered that the proposal would detract from the setting of the listed building which would be preserved by the position of the container being set off the boundary with the listed building by approximately 18m, the limited height of the container and the screening afforded to the listed building by intervening trees, vegetation and boundary treatments. The Councils Conservation Officer has raised no objection to the application.

(iii) Impact upon residential amenity

The original planning permission was a temporary consent with the reason for the limited permission being given as, *To enable the Local Planning Authority to assess the impact of the proposed use and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework 2018.*

In considering the current proposal consultation the Councils Environmental Health Team have been consulted and confirmed that they *have received no complaints relating to activities associated with the home based internet business and as such have no adverse comments regarding the proposed renewal of the application.* The application has now been operating for a period of time and no further concerns have

been raised during this period. It is noted that there is an objection to the current application in relation to vehicle movements, activity at the site, lighting and the visual impact of the container. It is noted that there are no comments received from residents in close proximity to the site. At the time of the case officers visit there was no evidence of unacceptable levels of use in this residential area. It is considered that the proposal subject to appropriate conditions re-imposed as necessary from the original consent can be recommended for full planning permission.

(iv) Highways

In relation to highways, the site is accessed via a relatively narrow private road. The application has been submitted with a covering letter which states:

I run small an Internet based business with no customers visiting the property with usage being only storage, packaging, once daily collection of the orders (parcels) by the courier UK Mail. Container is used for storage only and the detached garage for packaging only. I shall confirm that only the garage and container support the business. My operation times are between 11am and 2pm Monday to Friday and very occasionally 10.30am till 12.00pm on Saturday.

I receive a delivery of the goods direct to the site by small van once every 6/8 month with no impact to my neighbours.

The County Highways Authority raise no objections in relation to the proposals. Subject to appropriate conditions it is considered that full planning permission can be recommended.

8 Conclusion

The proposed development is considered that the principal of development is acceptable and that the proposal has an acceptable and limited impact on the character and appearance of the area. The proposal preserves the setting of the adjacent listed building. The use having operated over a period of time is considered to be compatible with the surrounding residential area and has an acceptable impact on the residential amenities of nearby residents. Highway impacts are considered limited and acceptable.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00827 subject to the following conditions

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

Location Plan Unique plan reference #00563135-CE4FE0
Block Plan Unique plan reference #00563136-5B3BA8
Garage floor plan and elevation received 29th September 2020
Letter from Ms Natalia Stewart-Yaroslavtseva dated 10th September 2020
Photographs of Container

Reason: - To ensure provision of a satisfactory development.

- 2 No employees other than Ms Stewart-Yaroslavtseva shall be employed at the premises in connection with the business hereby approved at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The use of the detached forward garage and container for the purpose of the internet based business shall have no visitors and shall only operate between Monday to Friday between 1100 and 1400 hours and on a Saturday between 1030 and 1200 hours and not at any other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 4 This permission shall enure for the benefit of Ms Stewart-Yaroslavtseva only whilst resident at 4 The Gardens, Havant and the use hereby permitted shall be discontinued on the date when Ms Stewart-Yaroslavtseva ceases to occupy the property.

Reason: in the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The outbuilding within the rear amenity space of No 4 shall not be used to serve the business hereby permitted and shall be for incidental use to serve the main dwellinghouse and shall be retained as such thereafter.

Reason: To accord with the terms of the application and to safeguard the amenities of neighbours having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The stationing of the container on the site shall cease and the container be removed within 1 month of the business use hereby approved ceasing at the site.

Reason: In the interests of the character and appearance of the area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2011.