

Recommendation: **REFUSE PERMISSION**

- 1.1 The application site relates to a recently approved Sui Generis car wash facility located on the western side of the A3 London Road in Purbrook. It was approved under APP/20/00212 on 22/06/2020 and has since been implemented with the use commencing. However aspects of the associated operational development and laying out of the site have not been undertaken in accordance with the approved plans and the Council's enforcement team have made enquires at the site.
- 1.2 The site lies south of number 3a, a single storey retail unit, Time4Nutrition, and opposite the newly constructed McCarthy & Stone development. The site is bounded on its north, eastern and southern boundaries by green palisade fencing and there was a white portacabin located against the rear western boundary. Immediately to the south is an area, also enclosed by green palisade fencing, which is currently used for the display of cars for sale - the application site excludes this southern section. The western boundary comprises close boarded fencing and abuts the residential cul-de-sac running to the rear, Marrels Wood Gardens.
- 1.3 To the south of the site is the Ladybridge Road roundabout where there is a copse of woodland trees that are subject to a Tree Preservation Area Order. Marrels Wood Gardens serves a small residential development and the Church and Vicarage to the north. Both St John's Church and No.7 London Road, the former Victorian School building, are Grade II Listed Buildings and fall within St John's Conservation Area which abuts the site to the west.
- 1.4 The surrounding area is generally mixed with both residential properties opposite and behind, aswell as other commercial and retail uses opposite. The site lies within the defined Purbrook Local Centre in the adopted Core Strategy Plan, policy CS4, and also remains within the Local Centre as identified by the emerging Local Plan 2036, policy C6.
- 1.5 There are double yellow lines outside the application site, but there are short stay parking spaces on the eastern side of London Road. The gates to the site have been recessed back to ensure a vehicle is clear of the highway when entering if the gates are closed.

2 Planning History

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

3 Proposal

3.1 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.

3.2 This application has been submitted following enquires by the Council's enforcement team regarding compliance with the approved details.

4 Policy Considerations

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

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)

Listed Building Grade: Not applicable.

Conservation Area: St Johns

5 Planning Considerations

- 5.1 This application has been submitted under Section 96A of the Town and Country Planning Act which allows a local planning authority to make a change to any planning permission if they are satisfied that the change is not material. The Government has advised that the requirements for design and access statements, publicity and consultation, and to take reasonable steps to identify unknown owners, would have applied to the original application if relevant. Therefore, those requirements do not apply to this type of application. The Government have advised that Local Planning Authorities must have regard to the effect of the change when determining where the proposal is a 'non-material' amendment.
- 5.2 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Impact of proposed changes _
- 5.3 The determination of APP/20/00212 was detailed and involved to ensure compliance with policy and adequate protection of neighbouring amenity from the potential adverse impacts of a car wash use at the site. This included provision of a noise report which in turn was subject to consultation with Environmental Health. Vehicular movements, access and parking was also subject to a Transport Statement and consultation with Hampshire Highways.
- 5.4 Whilst there is no definition of what constitutes a material change Government guidance states that "as by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary" and similarly neighbour notification would not be necessary. However, in this instance the proposed changes

involve re-siting the 2 noisy elements of the proposal, namely the pressure washers and vacuum, aswell as making changes to the site layout/vehicular circulation, and site entrance. A revised noise assessment has been submitted.

- 5.5 It is considered that these changes are quite significant and require more detailed assessment including consultation with Environmental Health, Highways and notification of neighbours. It would be necessary to ensure continued compliance with in particular policies CS16 and DM10 in terms of assessing the impacts on neighbouring properties. This cannot be done as a non-material amendment. The changes go to the heart of the permission and are not considered to be non-material. The agent was advised to submit a variation of condition, Section 73 application, which would be a more appropriate means to assess the proposed changes as a new planning application.
- 5.6 Because the proposed changes are not considered to be non-material, then this amendment application cannot be agreed.

6 Conclusion

- 6.1 Overall, the proposed amendments are considered significant, fundamentally affecting key issues and impacts arising from the use, and would necessitate re-assessment including re-consultation and re-notification for compliance with policies CS16 and DM10. As such the application for a non-material change to the extant planning permission cannot be agreed and is recommended for refusal.

7 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00946

(A) for the following reasons

- 1 The proposed changes are considered to be a material change affecting the heart of the permission, requiring re-assessment in terms of the impact on the neighbouring properties and would, as a result, require re-consultation with relevant third parties and consultees. To approve the change as a non-material amendment without such consultation would result in the criteria set out in Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 not being complied with.