
Site Address:	Rear of 54-56 Creek Road, Hayling Island		
Proposal:	Retrospective application for full planning permission for change of use to B2 Classic and specialist car store and restoration workshop.		
Application No:	APP/19/00236	Expiry Date:	10/05/2019
Applicant:	Mr Pine		EoT 14/6/19
Agent:		Case Officer:	David Eaves
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site lies to the east of Creek Road and to the rear of No 54-56 (commercial units). The building is a flat roofed part brick, part rendered building which is accessed to the north of No56. The area adjacent to the unit appears to be shared with the adjoining commercial uses.

The building backs onto residential development No.6 Guillemot Place and 58 Creek Road and Seagulls Caravan Park. The impact on the residential amenities of these properties are considered in part 7 of this report.

2 Planning History

Adjacent Sites:

97/58890/001 - Change of use from 2 shop units (Use Class A1) to use within Use Class A2 (Financial and Professional Services), PERM,06/04/1998

96/58890/000 - Change of Use from retail to take-away and restaurant (Class A3), REF,18/10/1996

APP/15/01218 - Retention and replacement of plant/machinery (extraction/refrigeration/ventilation units) to the rear (east) elevation of 50-52 Creek Road Convenience Store. (Part retrospective application.), PERM,10/02/2016 14:57:30

Application Site

APP/16/00034 - Application for Certificate of Lawfulness relating to use of unit as a motor vehicle workshop for repair and servicing., WD,03/03/2016

APP/16/00386 - Change of use from B8 classic car store to B2 classic car store and restoration workshop., TPP,07/07/2016

This Temporary Permission included the following condition:

This permission shall be for a limited period expiring on 1st August 2018, on or before which date the building shall revert back to its previous storage use unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: *The use is of a type not considered suitable for permanent retention without an appropriate trial period and having due regard to policies and proposals CS16 and*

DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

This consent lapsed prior to the submission of the current planning application, however the consent is considered to be a material consideration in the determination of this planning application.

3 Proposal

Retrospective application for full planning permission for change of use to B2 Classic and specialist car store and restoration workshop.

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

CS16 (High Quality Design)
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps

No comments received

Environmental Health Manager, Community Group

Observations / Comments:

I have reviewed the information submitted in support of this application, alongside the officer's report and Environmental Health consultation notes & comments in connection with the APP/16/00800 application which granted the temporary consent. I have also undertaken a generic search of our complaints system to identify any issues arising between the granting of the temporary consent, and it's expiry.

Previous Comments - Physical Pollution / Contamination

It was previously noted that classic car repair has the potential for more harmful materials to be stored / handled / used at the site (than for equivalent repair of modern vehicles) due to exemptions under environmental & products regulations. However, these largely relate to refinishing applications, which the original application stated were not being undertaken at this premises, and were subsequently prohibited by condition.

Both the existing consented use, the existing (unauthorised / temporary) B2 use are considered to be potentially contaminating (low risk) - and as such, it was noted that the proposals would not materially alter the risk status of the property. No complaints (odour, pollution, nuisance, damage) were recorded following the date that the operator took possession of the premises (2014), and therefore no adverse comments were offered.

Previous Comments - Noise / Nuisance

Complaints records were checked at the time of the application, and no reports of noise affecting local residents were identified that could be construed as relating to this address.

It was acknowledged that some noise would be associated with the (existing, unauthorised &-) proposed activity, but it was also noted that the lack of complaints indicated that the operator was taking all steps to control the noise within the unit.

The reviewing officer had "little concern" with the application, but suggested restrictions on operating times and/or granting temporary use as a precautionary approach to regularising the activity.

The compressor was identified as being a principle noise source, and it was suggested that an informative be added with respect to the use of acoustic housing to reduce the noise output when in use. Although some reservations were acknowledged, it was felt that the imposing of specific conditions to restrict noise emissions would be disproportionate. This was primarily based upon the tenure / nature & scale of the business , and the fact that the unit had been operating for some time without complaint.

Current Status & Conclusions

No new complaints have been registered under Premises ID: 1055 or 22537 (54 & 56 Creek Rd., respectively; there is no Premises ID for "54-56"). A generic search has not returned any new complaint cases which could be taken to relate to this property. I note that one objector refers to significant noise problems, but as EH has not received a complaint, no investigations have been undertaken, and I cannot therefore substantiate the allegation.

On this basis - would appear that there are no reasons to object to the making permanent of the temporary consent on the same terms. It is assumed that the restriction on operating hours, and on certain types of activity, are material to the lack of noise problems arising from this form of activity within close proximity to residential dwellings, and I would therefore recommend that the temporary conditions are transposed on to any permanent consent that Development Management are minded to grant.

Highways Engineer

No comments received

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: 12

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
I live directly next to this unit, the gentleman who owns it and I have had a falling out over excessive noise, the unit has cars and vans from people having repairs done in the lane next to my property, which causes noise, I feel with the development of the premier shop and now the work shop I am living in a commercial environment and not residential, I also believe that this will devalue my property which I have spent over a £100000 on to convert it from a almost derelict building to my for life home, when we are sitting in are garden on a nice day all we can hear when he is working is banking grinding engines revving and people talking really loud Please can someone make contact me or have a look at how close this unit is to me, looking forward to hearing from you	Issues in relation to noise and disturbance are addressed in part 7 of this report. The area is mixed with retail units to the Creek Road frontage. Impacts of possible impacts on the value of private properties are not material considerations in the determination of planning applications. The location of the building in relation to neighbouring residential properties has been viewed by the case officer.
I don't object to this change of use but for a number of years this has been used as a garage and not just storage. Daily, I notice a number of cars in and out of the premises and none of these could be defined as specialist or classic vehicles so I would say that this is running as a normal garage. The end is constantly blocked by vans but this is a common right of way. There have been a number of times when the shop has had deliveries and the lorry has parked across the front of the car park making it impossible to exit either by the front or rear. Cars are constantly there 7 days a week and well after 6pm, especially in the spring/summer months. If this is to be granted then it needs to	A consideration in relation to the nature of the garage use is provided in part 7. Access to the unit is understood to be primarily from the north side of the existing shop building. Further assessment in relation to the operation of the building is provided in part 7 of this report. The Council would monitor potential breaches in planning control for example in relation to planning conditions. A

be monitored closely by the council to ensure that it is not used as a back street garage.	number of conditions are recommended in order to control the use in the interests of the amenities of the area.
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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 upon residential amenity

(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 area is mixed in nature with commercial units and residential properties in close proximity. It is therefore necessary to consider in detail the impact of the proposed use on neighbouring residents. In this respect the unit has been operating for a period of time with Temporary Planning Permission being granted on the 7th July 2016. The current application is seeking permanent planning permission.

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

The proposal is for a change of use of the existing building and no alterations to the building are proposed. The use has been carried on as a restoration workshop in recent times.

The activity associated with the unit has the most significant impact with vehicles moving to and from the building. This would have been the case with the previous storage use and has now been happening for a significant period of time in relation to the proposed use.

The use during the temporary consent period was limited by a number of restrictive planning conditions which reflected the applicants use and limited impacts on the nearby residents.

These restrictions related to the following areas:

Hours of Use

Limitations on activities carried out

Limitations on the cars to be worked on and not open to the general public

The applicant has provided further details of how they operate the unit and these continue to include limited hours of operation, and the fact that the vehicles are brought by the applicant, worked on/repaired and sold elsewhere. This limits visits to the site and work is not carried out for the general public. Given the constrained nature of the site it is important that any planning permission continues to be limited to prevent an increase in general visitors to the site. Planning conditions are therefore recommended to restrict the operation.

Access to the site can be taken to the north of 56 Creek Road and this should prevent general access through the residential car park and access to the south of No.50. It is understood that covenants may also apply to the use of the southern access route - however this is a private matter between the parties, and it is not considered that a planning condition restricting access to one route into the building could be applied. Given the likely level of vehicular movements it would not be reasonable or necessary to impose such a planning condition and it would be difficult to enforce and monitor.

Subject to conditions outlined below the use is considered to have an acceptable impact on the character and appearance of the area.

(iii) Impact upon residential amenity

In relation to the impact on residential amenities, it is considered that the main impacts would be to the residential properties No.58 Creek Road, No.6 Guillemot Place and 1-4 Kittiwake Row. The caravan park to the rear is also in close proximity.

The main impacts relate to the potential for noise and pollution from the workshop. The workshop has been inspected internally and the equipment assessed, the noisiest equipment appears to be a compressor and car lift. The applicant has stated that they work with the doors closed and insulation has been added to the doors to reduce noise outside the building. Given the restricted operation of the workshop it is not considered that the use is unacceptable in terms of noise. The applicant does not carry out bodywork, paint spraying or engine tuning and these should be restricted by condition. The Environmental Health Officer has raised no objection to the proposals and comments that:

No new complaints have been registered under Prems ID: 1055 or 22537 (54 & 56 Creek Rd., respectively; there is no Prems ID for "54-56"). A generic search has not returned any new complaint cases which could be taken to relate to this property.

I note that one objector refers to significant noise problems, but as EH has not received a complaint, no investigations have been undertaken, and I cannot therefore substantiate the allegation.

On this basis - would appear that there are no reasons to object to the making permanent of the temporary consent on the same terms. It is assumed that the restriction on operating hours, and on certain types of activity, are material to the lack of noise problems arising from this form of activity within close proximity to residential dwellings, and I would therefore recommend that the temporary conditions are transposed on to any permanent consent that Development Management are minded to grant.

It is recognised that a general garage workshop would be inappropriate in such close proximity to residential premises, however, the workshop is operated in a restricted way. It is considered that subject to restricting the operation in the same manner as the original consent, permission can be granted.

Some concern has been raised in the past about access routes used to the site and potentially blocking of the access, whilst it is recognised that this is essentially a management issue on this private route outside the public highway, given the lack of customer visits to the site it is not considered that a refusal of planning permission would be justified in relation to this matter.

8 **Conclusion**

In conclusion, the proposal is considered acceptable in principle subject to limitations and would have an acceptable impact on the character and appearance of the area and residential amenities.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00236 subject to the following conditions:

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

Statement James Pine dated 15th March 2019
Additional Information from applicant received 11th June 2019
Location Plan Unique plan reference: #00395803-38D907
Block Plan Unique plan reference: #00395802-E2701B
Floor Plan received 15th March 2019

Reason: - To ensure provision of a satisfactory development.

- 2 The premises shall only be open for trade or business between the hours of:

09.00 hours and 18.00 hours Monday to Friday;
09.00 hours and 17.00 hours on Saturday;

and not at all on Sundays or 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.

- 3 The use of the premises hereby permitted shall exclude the following operations:

1. Panel beating,
2. Paint spraying,
3. Engine tuning.

In addition, the doors to the building shall be kept shut whenever work is being carried out within the building.

Reason: To ensure that the use has an acceptable impact on the residential amenities of adjoining residents having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The use hereby permitted shall be limited to classic and performance car store and restoration for cars purchased by the operator of the site and shall not be

open to members of the public for general car servicing, repairs or restoration. Furthermore no car sales shall take place from the site.

Reason: In order to ensure that the use is limited in nature and intensity to reduce the impacts on nearby residents having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.