

Change of use of garage for commercial tyre fitting (sui generis) and mixed use of ground floor of 1 Stakes Road for associated reception and tyre storage, and/or A1 purposes
(Retrospective)

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)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS2 (Employment)
CS4 ()
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)
AL3 (Town, District and Local Centres)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention

None received

Developer Services, Southern Water

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:

-No spoil, construction materials, construction plant and equipment is to be stock piled or stored over Southern Water apparatus, including gravity sewers, rising mains and water mains.

-All existing infrastructure should be protected during the course of construction works. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Request the following informative added:

'A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk'.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The use of SUDs and permeable pavements can contribute to surface water pollution prevention.

Due to changes in legislation that came in to force on 1st October 2011 regarding the

future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. The applicant is advised to consult with the Environment Agency to ensure the protection of the water supply source.

Economic Development

Fully support this application based on detailed discussions with the business owner. This will sustain a valuable local resource, service and importantly continue to provide employment. The operational aspects of the business will have minimum impact to the locality. Vehicles need to be booked in as there is minimum stock levels on site and therefore does not operate as the larger national operators. This will ensure there is no queuing. The motor trade has great difficulty in finding suitable properties as landlords are averse to renting to them. It is therefore important for the Council to support these businesses when the opportunity exists.

The owner is very aware of his surroundings having been operating there for over 10 years and is ensuring that the business will have little or no impact.

Environmental Health Manager, Community Group

I have perused the documentation submitted for this application & have carried out a site visit in September.

Due to the type of operation proposed (and currently being carried out) I would object to this type of operation on this site, as I do not believe the existing structure (garage) to be used, the type of business to be conducted therein and the very close proximity of the nearest residential property (within 2 metres), can prevent potential noise nuisance without suitable and adequate acoustic mitigation measures being carried out.

However, if Town Planning is minded to grant approval for this application, I would ask that a condition be imposed requiring suitable and adequate acoustic mitigation measures be carried out by the applicant, to ensure no noise nuisance impact is imposed on nearby residential properties.

Additionally noted that object to current noise insulation to compressor which is exacerbating noise heard outside. From outside, near 5 Stakes Road, could hear compressor clearly. As there is potential for noise nuisance an acoustic report should be provided by the applicant advising acoustic mitigation measures .

Planning Policy

Policy Status: The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the borough.

The following policies are of particular relevance:

- CS4 Town, District and Local Centres
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- DM14 Car and Cycle Parking on Development (excluding residential)
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements
- AL3 Town, District and Local Centres

History: The applicant of this proposal (APP/17/00688) originally traded on the land at 38-44 London Road, Purbrook, Waterlooville.

The council received a planning application (under reference APP/15/00896) for the land at 38-44 London Road in September 2015. The application was for the demolition of the existing buildings and the redevelopment of the site to form 42 retirement apartments. The council originally refused the application; however, the applicant of the submission (McCarthy and Stone Retirement Lifestyles Ltd) appealed the decision and on 25th August 2016, the Planning Inspectorate determined and allowed the appeal.

As a consequence of the above, the businesses that were trading on the land at 38-44 London Road now have to relocate.

Principle of Development: The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough.

The site is directly adjacent to the land at 38-44 London Road (please see above) and is thus currently adjacent to the Purbrook Local Centre as defined by Policies CS4 and AL3. It should be highlighted that both Policies CS4 and AL3 aim to support small and independent businesses.

Policy DM2 aims to protect existing community facilities and local shops. The previous and proposed uses of the site are not regarded as community facilities. With regard to local shops, the policy is referring to shops in the identified local centres and small local shops which meet everyday shopping needs (see Paragraph 10.05 of the Local Plan [Core Strategy]). In this instance, the site's previous use (Bridal Shop) and the proposed use are not everyday shopping needs. As such, Policy DM2 does not apply.

Parking: Policy DM14 and the Havant Borough Parking SPD (July 2016) set out the minimum parking standards for new non-residential development in the borough. Nonetheless, the Parking SPD does not cover every use/type of business. In this instance, therefore, the applicant will need to justify that the proposed parking can meet the needs of the business. This will need to be achieved through appropriate evidence (i.e. number of customers, waiting times, previous parking provision from the previous site etc.).

Amenity of Neighbours: Criterion e) of Policy CS16 states that:

"The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking".

As such, appropriate conditions will need to be put in place so that the business does not cause unacceptable harm to the amenity of neighbours.

Flooding: The site is not identified as flood zone 2 and/or 3.

Community Infrastructure Levy: As the application is for a change of use from class A1 to a mix of A1 and Sui Generis with no additional floorspace, the development will not be CIL liable and will not have to pay the Solent Recreation Mitigation Partnership (SRMP) contribution. Therefore, Policies CS21 and DM24 do not apply.

Recommendation: No objection in principle providing that appropriate conditions are put in place for the amenity of surrounding residents. In addition, the applicant will need to justify the parking provision through appropriate evidence

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: 5

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: **3** letters have been received. One a support letter; one was an objection submitted before the use commenced, but after the use was operating the author of the objection wrote withdrawing the original objection

Comment	Officer Comment
I fully support this application. The site has hosted a range of businesses over time, including car breakers, motor cycle repairer, furniture shop and until recently, a bridal wear shop. Purbrook Tyres has been trading for a number of years and is a well established business run by two brothers who have invested in their business and wish to remain in the area. They have seen their previous premises sold by their Landlord for a retirement development. They would appear to haven taken a number of measures to reduce the impact of their trade on adjacent properties. At a time when four businesses have left/been forced to leave Purbrook (Sig Roofing, Bridal Dreams Neil James Motors and PGS Services), the retention of one should be encouraged from an Economic perspective.	
Issue 1 - Waste Management There is no space on the premises to enable the management of wastes associated with the business. This is actually stated in the application. Waste tyres are a considerable fire hazard - they need to be stored safely. Waste tyres are "controlled waste", hence are subject to environmental regulations. Current WRAP guidelines state "storage [of tyres] should be clear in all directions from roof structures and any other combustible materials." It's not at all clear how this guidance can be adhered to, given the lack of storage space on the site. Issue 2 - Noise from Compressor and other associated tools The Application states that the compressor has been insulated with Celotex and a picture is provided. This does not look like a particularly well engineered or practical solution to noise abatement. No "before and after"	

noise readings have been provided to prove the effect of the insulation.

Notwithstanding any mitigating effects which may stem from the use of the Celotex as pictured in the application, other tools will be in use which have not been mentioned.

Issue 3 - Suitability Of The Structure

The garage is a flimsy structure with a very thin, un-insulated roof. It is not a structure suited to minimising noise. In any case, in all probability the front entrance of the garage will likely be open at all times and so noise will simply come straight out through the open doors, directly onto the street.

Issue 4 - Proximity to residential homes

The proposal will have an adverse affect upon the amenity of nearby houses and people's ability to enjoy peace and quiet in their homes and gardens.

This will also apply to residents yet to be who will be occupying the flats to be built opposite. These people are not being given the opportunity to comment, since they are not yet residents, yet they will clearly be affected. These people will likely be in their homes all day, during working hours and will be subjected to disturbance for the duration.

Issue 5 - Misleading link to industrial site opposite

The applicant provides an image of the industrial plot opposite. This is rather misleading as it is to be converted into retirement flats, making the area entirely residential.

Issue 6 - Parking

The application states there are three parking spaces on the premises. This is not true. There is a space of one car width with some space behind which theoretically could enable two vehicles to be parked end to end, one blocking in the other. Beyond the garage there

are double yellow lines. Opposite the garage and down to the end of the cul-de-sac there are no double yellow lines. Consequently, this end of Stakes Road (not to mention the remainder) is routinely packed with parked cars. Vehicles being left at the proposed business for tyre fitting, both overnight and during the day will no doubt exacerbate an already highly problematic parking situation.

Issue 7 - Space

Unless all work is either to take place purely in the garage (which could only ever accommodate one vehicle at a time) or a combination of the garage and the parking space adjacent, it's probably fair to assume that the prospective operators intend to use the street outside the garage as part of their working area. This would not be at all appropriate.

Issue 8 - Testimony from Cllr Gary Hughes

With respect to Cllr Hughes, he doesn't live in Stakes Road and does not have to deal with the consequences of a business such as this being established close to where he lives. This business is best located on an industrial estate similar to the locations that all of the other displaced businesses have successfully acquired. It's not in keeping with the residential aspect of the street, especially now that the site opposite has been sold off for development into retirement homes.

Issue 9 - The business is already in operation before the Planning Application has been considered. The doors are open on a daily basis and customers are arriving to have tyres fitted.

I have previously registered my opposition to the application on the basis of noise and detriment to my local area, largely from a perspective of noise, parking difficulties and storage of tyres.

I would like to change my position.

Whilst I'm not happy that the application was made and before the decision was made, the business started trading, in contravention of the current allowed use and Havant BC elected to take no action, I have neither heard or observed anything of concern in terms of impact upon myself since Purbrook Tyres have been operating.

From that perspective I guess it could be argued that the decision to allow the operation in advance of a formal decision enabled residents such as myself to get a feel for the real level of impact as opposed to that imagined.

From what I have observed, Purbrook tyres have been courteous in terms of keeping the parking relatively free of obstruction whenever they can. Noise is also surprisingly limited and sufficiently intermittent not to concern me. I can't speak for others nearer by, but I would not wish to be anything other than honest in regard to the impacts I have noticed which have been minimal.

I always felt sorry for the guys having to uproot themselves from their former premises. My view at the time was however that although they wished to remain in Purbrook, the site they have occupied was not suitable. I still don't think it's particularly in keeping with how the neighbourhood will be once the flats opposite are built but it would be churlish of me to maintain opposition to the business's operation which if forced to relocate again would clearly generate great inconvenience for them.

I therefore withdraw my previous opposition.

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 residential amenity
- (iii) Parking

(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. The site lies adjacent the Purbrook Local Centre as defined by Policies CS4 and AL3. These policies both aim to support small and independent businesses. Furthermore, the former bridal shop did not meet everyday retail needs and hence Policy DM2 that seeks to retain community uses and local shops is not considered relevant.

The proposed tyre use is a Sui Generis use operated as a small family business. It is considered that the bringing of this site back into employment use would contribute to the economic regeneration of the Borough as supported by Policy CS6 and the economic role of the NPPF. Furthermore it would also provide a service to the wider community, supported by the social role of the NPPF.

(ii) Impact upon residential amenity

The key consideration in the determination of this application is the impact on neighbouring residents from noise generated by the tyre fitting use. The compressor is used periodically resulting in bursts of noise. It is sited within the north-west corner of the garage and boxed in. Originally the boxing and lid was lined/insulated with celotex which is a thermal insulator not a noise absorption material. Following advice given to the applicants the insulation has been changed on site to a foam style soundproofing sheet. This is now an appropriate noise mitigation that will reduce the impact of the use of the compressor.

The compressor is located within the garage where vehicles are operated on and although only single skin, the garage itself also helps to contain the noise from the process of changing tyres. Given that the use of the site is during standard office hours and much of the business takes place off site as part of the mobile tyre service, then the actual time the compressor is in use is relatively minor. One neighbour has written confirming that the "Noise is also surprisingly limited and sufficiently intermittent not to concern me." Therefore, on balance the use of the compressor is not considered to result in any material harm to the quiet residential amenity of the area.

It is considered that the small size of the application site limits the scale of the business and as such minimises any impacts on neighbouring amenity. However, the fact that vehicles are only operated on within the garage further contains the associated noise and it is recommended that this is conditioned to prevent the works spreading to the hardstanding area which would have a greater impact on neighbours.

(iii) Parking

The site includes the hardstanding between the main building and the garage which can provide parking for 2 vehicles in a tandem style. One of these spaces should serve the first floor flat. Therefore only 1 space plus the garage is available to the tyre business. Staff levels are only the 2 brothers and it is understood that one lives in the first floor flat. Their vehicle includes the mobile van and hence alternative/additional car parking requirements for staff is unnecessary in this instance.

Being a small family firm customers also tend to book in advance rather than just turn up. The customers car being worked on would be in the garage. Much of the business also takes place off site as part of the mobile tyre service offered. This reduces parking issues on site. It is also noted that the head of the cul-de-sac is not restricted by yellow lines so there is inevitably some overflow of customer cars onto the highway. However as public highway there is no restriction to parking on this highway.

On balance, the small scale way the business is operated is unlikely to result in any significant parking congestion or loss of highway amenity for nearby residents. The proposal is therefore considered compliant with policy DM14. As a sui generis use then any different use in the future would have to be the subject of a further planning application.

8 **Conclusion**

The tyre fitting business is a local business to be supported provided the environmental harm caused does not outweigh the economic and social benefits. It is considered that the small scale and limited site area naturally contains the activity at the site. The replacement insulation around the compressor is now of an appropriate sound insulating material and provided vehicles are only operated on within the garage then, on balance, it is considered the harm to residential amenity of the tyre fitting business to be limited and acceptable. The proposal is therefore recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00688

(A) subject to the following conditions

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

1:1250 Site Location Plan

Site Photos

Photograph of Compressor Insulation dated 18th January 2018

Reason: - To ensure provision of a satisfactory development.

- 2 The sound insulation fitted to the compressor boxing, as shown in photographs dated 18th January 2018, shall be retained and maintained in perpetuity to the satisfaction of the Local Planning Authority.

Reason - To ensure adequate noise mitigation, in the interest of neighbouring residential amenity, 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 outside hardstanding/parking area shall be used for the parking of vehicles only and at no time shall vehicles be worked on or tyres changed within this hardstanding/parking area.

Reason: To avoid noise and activity on the outside hardsurfaced/parking area in the interests of neighbouring residential amenity having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 This permission shall enure for the benefit of Purbrook Tyres only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Purbrook Tyres cease to occupy the land.

Reason: To maintain control of alternative tyre uses of the site in the interests of neighbouring residential amenity 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 Machinery shall only be worked between 0800 and 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays; 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.