
Site Address: 3 London Road, Purbrook, Waterloooville
Proposal: Variation of Condition No. 2 of Planning Permission APP/20/01120 relating to amendment to approved plans and site entrance.
Application No: APP/21/00916 Expiry Date: 01/10/2021
Applicant: Mr T Ferati
Agent: Mr N Tutton Case Officer: Tina Pickup
Robert Tutton Town Planning
Consultants Ltd
Ward: Purbrook

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to an approved Sui Generis 'drive-though' 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 conditions, a subsequent Sec73 application under APP/20/01120 was submitted and approved on 19 March 2021. Those matters included the repositioning of the pressure washer pumps and vacuum and re-arrangement of the internal vehicle circulation area. An updated acoustic report accompanied that application to reflect the changes on site. Separate to that application the height of the frontage gates were also originally installed too high and the applicant co-operated and lowered them to the correct height.
- 1.2 Ongoing enforcement enquiries at the site have since resulted in two further identified breaches: one relating to the width of the entrance gates, now the subject of this application - see section 3 below. The second related to the omission of a fence in front of the pressure washers which was detailed in the acoustic report. Again the applicant has co-operated and recently installed the fence on site.
- 1.3 The site is located 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. 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.
- 1.4 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.
- 1.5 The surrounding area is generally mixed with both residential properties opposite and behind, as well 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.

- 1.6 There are double yellow lines outside the application site, but there are short stay parking spaces on the eastern side of London Road.

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

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

APP/20/01120 - 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., PERM,19/03/2021

3 Proposal

- 3.1 Variation of Condition No. 2 of Planning Permission APP/20/01120 relating to amendment to approved plans and site entrance.
- 3.2 In determining the recent Sec 73 application, third party comments noted that the revised entrance and gate arrangement opening resulted in cars 'over spilling' onto the highway when being dried. To avoid this occurrence two additional conditions were imposed on APP/20/01120: condition 1 required the northern most gate between points D and C on the plan to remain closed at all times ie become like a fixed fence. And condition 6 required two additional planters to be provided between points D and C.
- 3.3 The planters have been provided and the northern most gate has been kept fixed shut. But it has subsequently been brought to the LPA's attention that the dimensions for the gate on site do not tally with the plans approved under APP/20/01120 - the northern most element between points D and C should have been 3.9m wide but it is currently only 2.63m wide. As a result the northern gate that was conditioned to be kept shut to prevent over spill is 1.27m too narrow.
- 3.4 This application seeks permission for a compromise and proposes the northern most gate between points D and C to measure 3.5m. This would be 40cm less than previously approved under APP/20/01120.

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)

Submission Version Havant Local Plan

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

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

5 Statutory and Non Statutory Consultations

Conservation Officer

None received

Councillor Gary Hughes

I oppose the application until such time that the applicant demonstrates compliance with planning conditions that were imposed to take into account the impact on the locality of the operation.

Officer Note

The site has been subject to third party scrutiny and actively monitored by the Enforcement team with all current identified breaches now addressed. Any future breaches of conditions or plans identified would again be considered for any appropriate action.

Southern Water

No objections - the comments in our response dated 01/04/2020 remain unchanged and valid

Officer Note - *those comments related to advisories re any new soakaways/tree planting/sewer found/requirement for oil trap gullies or oil interceptors and need for a trade effluent discharge licence if vehicle washing area connected to the public foul sewer etc. The business is now fully operational and these ongoing drainage compliance requirements would continue to apply to the operation.*

Engineering Services

None received

Environment Agency

Our previous comments to original application, dated 22 April 2020, still apply to this variation of condition application.

Officer Note - *previously had no objection with Advice given re ground permeability; trade effluent and need for drainage from vehicle wash down areas using detergents should only be discharged to the public foul sewer system. The business is now fully operational and these ongoing drainage advisories still apply to the operation.*

Environmental Health

This application relates to a variation of the condition 2, with regard to a reconfiguration of gate widths and positions. As such this office has no adverse comments to make in this regard.

Hampshire Highways

No objection

Local Lead Flood Authority HCC

We have no comments to make for the variation application

Natural England

NE has no comment to make

Portsmouth Water Company

we have no adverse comments to make on these variations from a groundwater quality protection perspective

Traffic Management Team

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: 34

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I am not quite sure looking at the plan what they are wanting to vary under the variation of condition 2. The conditions were put on the site so I trust that they will remain. However the facility on the site has yet to even comply with the conditions let alone ask for them to be changed. If the variation is plan revision L, a new gate width of 6.9m, 'returning gate to approved' then this is not true. In the original proposal and subsequent approval the proposal clearly stated 'the site would continue to be served by the existing access arrangement. To improve access, it is proposed that the existing entrance gates be removed' (May 2020) And the plans SD-2019-01F also clearly showed that the fence was going to remain in place, although as soon as the planning was approved, the applicant removed the fence and replaced it with huge gate, increasing	Noted - see section 7

the entrance size from one set of double gates, app 5m to 2 sets app 10m. They were subsequently told to revert to the size as per plan, put they continue still with an entrance much larger than the approved. On condition 4. mitigation measures, I can let you know that the entrance or screening does not 'protect the amenities of nearby residential properties from noise' in any way what so ever. The noise of the jet wash in operation can be clearly heard not only at the front of my house, but also in the rear garden. As to whether the development plan 'would not detract from the existing street scene, would be in keeping with the character of its surroundings, the Conservation Area and the heritage assets' clearly Robert Tutton Town Planning Consultants have no idea about what constitutes a pleasant neighbourhood or environment.	
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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 of amended plans on the character and appearance of the area, and Conservation Area
- (iii) Impact of amended plans upon residential amenity
- (iv) Impact of amended pans on Highways and parking

(i) Principle of development

7.2 This is a Section 73 application seeking to amend the layout approved under previous Section 73 application APP/20/01120 and if approved, its granting effectively re-issues APP/20/01120 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 Both the gates and fencing comprise green palisade and the width of the gates and resultant opening width does not affect the visual appearance of the site; when closed the site is completely bounded and this does not change according to the siting of the hinge. The planters required under both the original application and APP/20/01120

have been provided. So whilst the width of the opening affects the potential for vehicles to over spill onto the highway, the visual appearance would remain unaltered.

- 7.4 The proposed change to northern gate dimensions from the existing 2.63m to the proposed 3.5m, rather than the 3.9m as approved under APP/20/01120, which in turn is the element that is conditioned to remain closed at all times to prevent over spill, is considered to have minimal impact on the character and appearance of the site and would not be harmful to the area and 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

- 7.5 Third party comments identified the breach in gate width opening which affects the functioning of the site and potential for over spill. As currently erected on site the gate is 1.27m too narrow which enlarges the opening area potentially increasing the risk of some vehicles over spilling onto the pavement whilst being vacuumed. This in turn could affect users of the adjacent pavement if partially blocked by a car. The proposed compromise gate width of 3.5m (only 40cm less than approved) is considered sufficient to still achieve the aim of containing the vacuuming activity located in this northern most area wholly within the site. This would improve the effect on neighbouring amenity and revert to similar expected levels as the approved gate. The site remains an approved car wash facility with conditioned hours of use etc, and it is considered the change to gate width as proposed would have little impact on the overall amenity impacts.

(iv) Impact of amended plans on Highways and parking

- 7.6 The proposed revision to the gate opening width, ultimately by 40cm from the approved layout, would not alter the scale of the business or likely vehicle movements to and from the site. The 3.5m gate width now proposed would continue to adequately prevent vehicle over spill when being vacuumed. 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. No objections have been received to the proposal from either the Highways Authority or Traffic Management Team. 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 APP/20/01120 and must repeat or amend accordingly the relevant conditions unless they have already been discharged. It is noted that the proposed change to gate width has not yet occurred on site and being an existing business operating with a gate of only 2.63m width in breach of previously approved plans, it is important to set a time line for the implementation to occur on site. The agent has indicated that it would be reasonable and achievable to undertake the works within 3 months, therefore it is proposed to amend condition 1 requiring the gate be altered to 3.5m wide by end of March 2022.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00916 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 O, shall be installed on site at the approved width of 3.5m by 31st March 2022. Thereafter it 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:

Site and Location Plans Drawing Number SD-2019-01 Rev O

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 and approved pursuant to Planning Permission APP/20/01120, 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 All the native trees in planters provided at the 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 O 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.