
Site Address: Hayling Garage, 2-4 Church Road, Hayling Island
Proposal: Single storey rear extension to create a work shelter.
Application No: APP/21/00667 Expiry Date: 03/08/2021
Applicant: Mr M Gates
 Hayling Garage
Agent: Mr I Murray Case Officer: Selina Donophy
 I J Murray Associates Ltd
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This application site is Hayling Garage which is located on the east side of Church Road, Hayling Island. Hayling garage is located on the junction where Church Road meets Tournembury Lane , with a frontage along Church Road and vehicular access via Tournembury Lane. The site is opposite to a Co-op store and residential properties lie to the north and east.
- 1.2 The application site includes a car showroom forecourt located to the West of the garage building, bordering the public highway along Church Road as well as round to the South, bordering Tournembury Lane. The garage currently has planning consent for the sale of cars and workshop, with office space and a residential flat above.

2 Planning History

10/51526/003 - Single storey side extension (south.), REF,21/06/2010
APP/20/00032 - Retrospective application for single storey side extension to create work shelter., REF,06/03/2020
APP/20/00315 - Single storey side extension to create a work shelter. (Retrospective Application), REF,25/06/2020
APP/21/00507 - Within the last 4 years and without planning permission the erection of a single storey side extension to commercial garage (South elevation), UNK,

3 Proposal

Single storey rear extension to create a work shelter.

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)

CS3 (Skills and Employability)
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)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E1* (High quality design)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling West Ward

No comment

Councillor R Raines - Hayling East

No comment

County Archaeologist

Thank you for your consultation. I am happy to confirm that I would not raise any archaeological issues,

Crime Prevention -Minor Apps

No comment received

Economic Development

No comment received

Environmental Health - Contamination

The proposed extension occupies part of the site where plans indicate two features associated with the previous use of the site for petroleum retail, and which might be associated with fuel contaminants.

Below ground vent pipes previously serving 2 no. 2000 gal. tanks are located close to the Eastern boundary of the site, and a Soakaway was formerly present within the footprint of the proposed extension. It is not known whether this feature might still be in use, and whether alternative provision may need to be made.

The proposed building works might encounter / damage these features, and could encounter contaminants during groundworks.

The development does not represent a material change in the risk profile of the site, and so it would not be proportionate to require a proactive investigation of soils. It would however be appropriate to impose a duty to report and manage any significant contamination where contaminated soils are encountered as works progress.

No objections to the development, subject to the following condition;

Condition 1 - Contamination Watching Brief

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater), fuel or fuel odour is encountered; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,*
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A A) A written statement confirming that no suspected contamination was identified during development, OR;

B B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: *Petroleum storage tanks have previously been present at the site in at least two separate locations. These features may represent a source of contamination which could pose a risk to future occupiers of the site, or to the occupants of neighbouring property that would be considered to be more sensitive to the presence of contamination. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."*

Environmental Health Manager, Community Group

Have perused the documentation and drawings provided by the applicant, and can comment, as follows:

Whilst this office has no objection in principle to the proposed single storey extension, I would ask that the following condition be imposed and that the informatives below, be added to any positive decision notice, if consent were to be granted.

Condition 1:

That the additional proposed extension, continues to only be used for the purpose of servicing of motor vehicles, as currently conducted in this area, and as addressed in the provided Planning statement. Any alternative proposed usage including spraypainting, accident body repair works and so forth, would need to be addressed under an additional planning application.

Reason: To ensure the residential amenity of nearby / adjoining properties is not impacted upon by any additional noise levels, fumes and / or odours.

Informatives :

Regarding Hours of Work:

You are hereby advised to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Bonfires:

You are hereby advised to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke nuisance.

Regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

The methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities.

This is in order to protect the occupants of nearby residential properties from dust nuisance.

Regarding external lighting: You are hereby advised to ensure that if any external floodlighting or other form of external lighting scheme is to be installed in connection with this development, that it shall not cause a light nuisance issue to any neighbouring property. If you should have any queries in this regard you are asked to contact the Environmental Health Pollution team, at Havant Borough Council.

This is in order to protect the occupants of nearby residential properties from light disturbance / nuisance.

Please do not hesitate to contact me if you wish to discuss any of the above matters raised or would like further explanation

Hampshire Highways

Thank you for the consultation for the above application. The Highway Authority would like to make the following comments.

Due to there being no changes to the existing access, the Highway Authority have no objections to this application.

Parking is a matter to be considered by Havant Borough Council as the Local Planning Authority to make sure the proposed parking fall into their adopted standards.

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: 21

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received	

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
- (iv) Parking
- (v) Other matters

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In the applicant's Planning Statement it is also highlighted that the proposal offers some modest employment benefits for local people.

As stated in the site description there have been several relevant recent applications on site following the initial 2010 application which was refused due to harmful impact on the character of the area. The second was submitted in 2020 under APP/20/00032 as a retrospective application which was refused and the third under APP/2100515 which was also refused.

7.3 A planning application was made at this site in 2010 for a side extension to the south elevation under reference 10/51526/003 . This proposal was for an extension to the side , with a shallow sloped roof with a height of 3.2 metres to the highest level, a depth of 7.9 metres and a width of 5 metres. This included a large roller shutter door to the Western elevation and the Eastern elevation. Materials proposed included upvc cladding to match the existing frontage with the side wall covered with white render with metal sheet roofing to be coloured in mid grey. This application was refused.

- 7.4 A side extension was subsequently constructed without the required permission and a retrospective proposal was submitted under application reference APP/20/00032 for a side extension on the South elevation of the main garage building which is used as an additional work space. This application was refused permission due to lack of on site parking allocation and harmful impact on the character of the area.
- 7.5 Following that an amended application was put forward under reference APP/20/00315 whereby there were some minor amendments to the appearance of the workshop and parking layout. This was refused for the same reasons as APP/20/00032 and was subsequently dismissed at appeal. In dismissing the appeal the Inspector did not find harm arising from any lack of parking alleged at the site; rather it was the visual appearance of the proposals and its impact on the character and appearance of the area which was unacceptable.
- 7.6 An Enforcement Appeal was also undertaken in 2021 and dismissed by the inspector.
- 7.7 This current application seeks approval for a workshop of similar scale and design however in a revised siting towards the back of the site. Following its submission the workshop has been reduced in width by approximately 0.5 metres and proposed materials altered from white pvc cladding to cladding with render above. This proposal shall be assessed below:

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

- 7.8 This proposal comprises a workshop located in the north east corner of the site. This would have a flat roof with a false pitch to the north and eastern elevations. It would have dimensions of approximately 3.7 metres height, 6 metres width and 5.8 metres depth. Proposed materials include a clad steel frame with render board and render above in colour white. The workshop would provide internal space for car servicing activities and would internalise some of the servicing activities currently undertaken on the yard which is at present occupied by a hydraulic lifting ramp.
- 7.9 The proposed scale and siting of the workshop building is deemed to be acceptable when judged within the context of the site - the workshop would not appear overbearing or out of keeping, with materials comprising of render in white which is deemed to be acceptable in appearance. The siting would be located back towards the rear and would not be a widely visible feature of the streetscene. On the approach from Tournurbury Lane the workshop would be largely hidden behind the properties on the north side of the road and from Church Lane, it would be screened behind the main building. Overall the structure is deemed to be acceptable in appearance, and its revised siting and design is considered to overcome the harm identified by the Inspector in dismissing previous appeals.
- 7.10 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.11 To the east of the application site is no 1 Tournerbury Lane which has a fairly small rear garden which runs alongside the area proposed for the workshop. There is currently a hydraulic car lift sited on the hard standing at the application site as well as other car workshop related items and the land is raised on site, with land levels dropping towards no 1 . The proposed workshop would be located within close proximity of the boundary shared with no 1 although this has been amended slightly with the workshop reduced by approximately 1.3 metres from this side boundary. The building would be sited just outside of 45 degree line taken from the mid point of the nearest window at no 1 and therefore is deemed acceptable in terms of overshadowing impact . Whilst it is noted the rear garden of no 1 is small and set at lower level than the garage site , the workshop would internalise activities which are currently undertaken immediately adjacent on the courtyard .
- 7.12 To the north of the application site is no 6 Church Road. The rear elevation of the main building on the application site is already located alongside the boundary shared with no 6 which forms the side boundary for no 6 parallel to its rear garden. The workshop building would not result in substantial overshadowing to private amenity spaces, neither would it result in harmful overlooking.
- 7.13 Environmental Health have been consulted in regards to this application and have no objections to make on the proposal subject to a condition on use and informatives regarding pollution (please see informatives).
- 7.14 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Parking .

- 7.15 Reasons for refusal for previous applications related to the lack of on site parking and lack of evidence showing substantial parking provision. Despite this , the inspector at appeal (APP/20/00315) found the lack of parking allocation not to be of substantial issue to justify a reason for refusal.
- 7.16 Parking plans have been provided with this application and show 9 parking spaces towards the front of the site and 3 towards the rear. The proposed rear extension would add an additional 32.5 m2 (approximately) of floorspace to the existing 165 m2 of floorspace of the existing building, creating a total floorspace of 198 m2 at ground floor level which has B2 use. B2 use parking standards require 1 parking space per 45 m2 of floorspace , creating a need for 4 spaces. In addition to this, the Havant Parking SPD under 'Car sales and garage forecourts and workshops ' requires 3 spaces per service bay, 1 space per full time staff and 1 space per 10 cars on display. Information provided states that there would be 1 full time member of staff , 1 service bay and less than 20 cars on display (9 display cars are shown on the parking plan although it could be possible to fit 10) therefore this would require an additional 5 parking spaces.

- 7.17 The total of 9 spaces proposed are shown on the parking plan plus the 3 to the rear. These spaces meet the 2.4 x 4.8 specifications as outlined in the Havant Parking SPD. The on site parking as shown on the parking plan and following the appeal decision is therefore deemed to be acceptable. The inspector also addressed the issue of on street parking relating to the garage at appeal as this had been raised as an issue previously via objection and there was not judged to be unacceptable impact on highway safety, in addition this application shows additional spaces for parking on site. The parking allocation on site is judged to be acceptable.

(v) Other matters _

- 7.18 Part of the proposal site could be associated with fuel contaminants due to previous use of the site for petroleum retail. The Environmental Health Manager has noted the existence of potential contaminants and has no objection to the proposal subject to conditions which have been applied.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and the character of the area and makes adequate parking provision. It is therefore considered to be appropriate and recommended for approval. Relevant conditions are proposed to be added as requested by consultees; in addition a condition is imposed requiring the new extension not to be constructed prior to removal of the current authorised extension on the site which has been offered by the applicant.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00667 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Planning Statement uploaded on the 23.06.2021

A106 V4 Proposed site and location plan

A107 V4 Proposed floor plans

A108 V4 Proposed elevations

A111 V4 Proposed site sections

A112 V4 Proposed parking plan

Agent correspondence email - materials uploaded on the 18.08.2021

Reason: To ensure provision of a satisfactory development.

- 3 Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater), fuel or fuel odour is encountered; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to, and approved in writing by the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
- 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A) A written statement confirming that no suspected contamination was identified during development, OR;

B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: Petroleum storage tanks have previously been present at the site in at least two separate locations. These features may represent a source of contamination which could pose a risk to future occupiers of the site, or to the occupants of neighbouring property that would be considered to be more sensitive to the presence of contamination. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework.

- 4 The proposed extension shall be used only for the purpose of servicing of motor vehicles, as currently conducted in this area, and as addressed in the provided Planning Statement. Any alternative proposed usage including spray painting, accident body repair works and so forth, shall not take place without the prior written approval of the Local Planning Authority.

Reason: To ensure the residential amenity of nearby / adjoining properties is not impacted upon by any additional noise levels, fumes and / or odours, 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 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the extension hereby permitted being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved the existing side extension/workshop subject to planning enforcement appeal reference APP/X1735/C/21/3272410 shall be permanently removed from the land.

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

- 7 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable; the workshop materials shall comprise of white render to the elevations unless otherwise agreed in writing by the Local Planning Authority.

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