
Site Address:	Sandy Point Convenience Store 50-56 Creek Road, Hayling Island		
Proposal:	Provision of 2No. cold stores to rear		
Application No:	APP/21/00551	Expiry Date:	13/08/2021
Applicant:	Ms Swan		
Agent:	Mr Oliver	Case Officer:	Selina Donophy
	The Town Planning Experts		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site lies to the south east of Hayling Island and to the east of Creek Road. Creek Road itself has a mixed character with commercial and residential properties. With the exception of the application site the northern part of Creek Road (beyond Sandy Point Road junction) is mainly residential in character with terraced, semi-detached and detached houses, chalet bungalows and bungalows. Further south are commercial and residential uses. 50-56 Creek Road is a Premier Express shop 'Sandypoint Convenience Store'. To the frontage with Creek Road is a dropped kerb leading to a parking area. There is a vehicular access to the north of the building and a further vehicular access to the south of the building (through a car parking area). These accesses lead to hardstanding areas to the rear of the retail unit .
- 1.2 To the south of the site is an area of car parking used by the residents of 1-4 Kittiwake Row, with these properties themselves are sited beyond the car park to the south. To the east of the site is Guillemot Place with No. 6 set closest to the application site.
- 1.3 To the north of the site is 58 Creek Road a bungalow and to the west on the far side of Creek Road are two storey terraced and semi-detached houses.

2 Planning History

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

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

APP/19/00236 - Retrospective application for full planning permission for change of use to B2 Classic and specialist car store and restoration workshop., PERM,13/06/2019

3 Proposal

Provision of 2No. cold stores to rear

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)

Havant Borough Local Plan (Allocations) July 2014

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

Environmental Health Manager, Community Group

From my initial review of the noise report, if the application is for the cold stores only, it suggests the chiller plant is unlikely to adversely impact residential amenity subject to suitable acoustic enclosures being fitted to the plant to reduce the noise. It provides a specification for these enclosures, but doesn't actually detail what the applicant intends to install. In this circumstance I would recommend a condition is attached requiring details of the acoustic enclosure to be fitted to be submitted prior to the plant being installed so we can ensure whatever the applicant chooses is fit for purpose.

Case officer comment -Further comment following clarification of condenser units :

Condition proposed is recommended. The applicant is likely to need input from their acoustic consultant to make sure it meets their specification and will sufficiently mitigate the noise.

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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer comment
	comments from 3 representees have been received . 2 in objection 1 in support 1 in objection on behalf of another resident
Regarding the above application that we have spoken about a couple of times at length. I have now read the information from Environmental Health that has been posted on the website. Surely, this application should be denied purely on these grounds. It may be okay for an independent noise impact assessment to be carried out but this surely would be on the db level from the units. Even if they are running at a low db rate this will be 24/7, 365 days a year. As I said before once the shop is closed there is little or no noise in the area, so any noise is amplified, especially in the confines of Kittiwake and Guilemot . Simple conversations come across as loud. Most of the resident's sleep with their windows open, and I will only shut the windows when there is extreme weather or the temperature drops very low.	Please see Environmental Health comments below which respond to the submitted noise report. Please see 'Planning Considerations' section of the report.

It is unacceptable that we should have to close our windows at night to drown out noise from fridge freezer units. (Redacted) Hopefully the council will throw this (redacted) application out. (redacted). The estate of Kittiwake and Guilemot are mostly older retired persons whom this is going to have an adverse effect on over time if it is allowed to go ahead.	
Planning Application Ref: APP/21/00551 I strongly object to this planning application and feel that any further expansion work should be denied. Local residents OUTLOOK has been spoilt enough by the work, or lack of, to the rear of this shop. The rear of the shop is an unkempt area which has had no work afforded to it since the shop opened and any further additions to the rear of the store is just going to add to the current eyesore which local residents have to endure day in and day out. One of my concerns is where is the junk that is stored in the area planned for the 2 cold rooms going to go. Is this just going to be dumped with the other debris that litters the rear of this shop? The shopkeeper shows no pride in the area at the rear of the shop and this is evident by the state that it is kept in. The height of the chiller / freezer is also of concern as this would far exceed the current height of the fence. Why residents should be made to have an OUTLOOK of what is a couple of ugly metal boxes is unacceptable. This is a small back street store, surely the current provisions of chilled storage within the current store is sufficient. If more storage is required a couple more units could be fitted within this outside store.	Please see 'Planning Considerations' section of the report. Please see 'Planning Considerations' section of the report. Please see 'Planning Considerations' section of the report. Please see 'Planning Considerations' section of the report.

There are no major developments planned for this area so I cannot see after the number of years she has been there where all this extra business is coming from. Local residents and the caravan park must know that this shop is there so I cannot see any further increase in the level of business from this source.	This is not a planning consideration.
Deliveries are constant, so why the need for 2 ugly white metal boxes for more storage? This is further spoiling the OUTLOOK for the local residents.	Please see 'Planning Considerations' section of the report.
Noise would also be of concern. Once these units are accessed the fans will kick in to bring the unit back to the optimum temperature. Are the residents expected to have these fans running 24/7 all year? There surely should be a limitation on the hours these units can run if planning permission is granted. They should not be allowed to before 8.00am and after 8.00pm due to their close proximity to residents.	Please see 'Planning Considerations' section of the report.
The final concern is how these units would be delivered to the rear of the shop. She currently has access only to park to the rear of the shop and there is very limited access width through the private car park. HEALTH & SAFETY concerns need to be raised and also possible damage to property. The car park tarmac was not laid to have large heavy vehicles crossing it and damage has been caused where Lorries have entered the car park in the past. We have now imposed that only cars or light vans can enter the car park.	This is not a planning consideration. This would be a civil matter between the applicant and owners of the car park.
It is UNACCEPTABLE if the residents are expected to move their vehicles whilst the delivery of these units take place, and it is not likely that any request for this will be granted.	Please see above.
For once the council needs to look at this from a resident's point of view and not to keep bowing down to the whims of the shopkeeper who does not live near the shop or have the OUTLOOK that the residents have to put up with.	Please see 'Planning Considerations' section of the report.

Planning Application Ref: APP/21/00551 WRITTEN ON REQUEST AND ON BEHALF OF THE RESIDENTS. WE ALL strongly object to this planning application and feel that any further expansion work should be denied. Local residents OUTLOOK has been spoilt enough by the work, or lack of, to the rear of this shop. The area to the rear of the shop is little more than a dumping ground and is a complete eyesore. What are the provisions for the junk that is being stored where these units are supposed to go? Such large units are going to be well over the height of the fence and we find this unacceptable that the local residents of Kittiwake [redacted] and Guillmot [redacted] will have this as part of the OUTLOOK to what is little more than a dumping ground for the rubbish that is accumulated at the rear of the shop. Is there really sufficient extra business to what is already and established back street shop to warrant such large storage units? We had to put up with the eyesore of the container unit for a number of years, so why now should we be made to put up with 2 ugly metal boxes with fan noise of up to 70db running constantly? It states that these units are constructed of white powder coated metal. Well, as one of the residents has seen, this will only rust with the proximity of these to the sea, so we see these as looking more of an eyesore within a couple of years.	Please see above (This comment is a duplicate of that above however issued on behalf of residents)
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Noise is a concern. These type of units should surely be kept inside, or at least some sort of roofed compound to mask the noise. Are residents expected to put up with these units running 24 hours a day with the fans switching on and off all the time. This is a quiet residential area and noise after the shop has closed is amplified off the surrounding buildings.

Our OUTLOOK is being spoilt with the constant wants from this shopkeeper. Adding 2 metal boxes to what is an area at the rear of the shop that is little more than a slum is unacceptable and this is the OUTLOOK that all 4 properties currently have. If she wants these units at the rear of her shop then a provision should be made by the council that this area should have work carried out to not only the ground, but also to the rear walls of the shop.

The final concern is how these units would be delivered to the rear of the shop. She currently has ACCESS ONLY to park to the rear of the shop and there is very limited access width through the private car park. HEALTH & SAFETY concerns need to be raised and also possible damage to property. The car park tarmac was not laid to have large heavy vehicles crossing it and damage has been caused where Lorries have entered the car park in the past. We have now imposed that only cars or light vans can enter the car park.

It is UNACCEPTABLE if the residents are expected to move their vehicles whilst the delivery of these units take place, and it is not likely that any request for this will be granted. The bays, and 2ft to the front are privately owned property of the residents.

For once the council needs to look at this from a resident's point of view and not to keep bowing down to the whims of the shopkeeper who does not live near the shop or have the OUTLOOK that the residents have to put up with.

Said the witness that eleven of the adjacent houses in Guilford street was first largely with negro property that property by the year sitting female only with wife have the means immediately to the white people who would be also significant loss of surplus that property.

This shape factor from the application to the heart of the study must be taken into account to going whether there is a difference in the type of data to be used. state that a

Shed does not have a reason why two of the nearest walls to the OUTLOOK are the ones as residents is a difference of 0.4 meters, or 1.3 feet in old money. That will be at ground level. The council need to take into consideration the OUTLOOK of these from the floors above ground level and also the close proximity of these to the fences which are not owned by the shop.

The width is given as 2.8 meters (9.18 feet) and 2.97 meters long (9.7 feet). THIS WILL be a health and safety issue getting these to the rear of the shops due to the narrow path through the PRIVATE car park for which staff have ACCESS ONLY to access and park at the rear of the shop.

The support regarding this application about how quite these units are is irrelevant. The noise will be constant 24/7 with this being amplified during the quiet times and throughout the night.

Are we all now expected to keep our windows closed to drown out the noise, and keep the blinds shut so we do not have these as an OUTLOOK? There also must be a HEALTH & SAFETY issue with these units being so close to surrounding WOODEN fencing.

As stated, this is an established business and with no major housing planned for the area where is this extra level of business coming from to warrant such large fridge freezers?

If the council take OUTLOOK into consideration then they should see what the OUTLOOK to the rear of the shop currently is without adding 2 ugly metal boxes to the equation. The proximity of properties to the sea is also a problem.

Please see 'Planning Considerations' section of the Planning Considerations' section of the report.

This is a civil matter- the stores are located within the red line of the site boundary.

Please see 'Planning Considerations' section of the report.

We would like the council to take into consideration this information from the WHO. The noise levels from these units have been marked at between 36 to 67db and will be constant 24/7, 365 days a year. Please add this to the objection. 30 to 40 dB A number of effects on sleep are observed from this range: body movements, awakening, self-reported sleep disturbance, arousals. The intensity of the effect depends on the nature of the source and the number of events. Vulnerable groups (for example children, the chronically ill and the elderly) are more susceptible. However, even in the worst cases the effects seem modest. 40 to 55 dB Adverse health effects are observed among the exposed population. Many people have to adapt their lives to cope with the noise at night. Vulnerable groups are more severely affected. Above 55 db The situation is considered increasingly dangerous for public health. Adverse health effects occur frequently, a sizeable proportion of the population is highly annoyed and sleep-disturbed. There is evidence that the risk of cardiovascular disease increases.	Please see 'Planning Considerations' section of the report.
We are writing to object to the proposed application: APP/21/00551 Firstly, a simple google search, (outdoor commercial freezer noise) confirms that these machines will be noisy, a constant drone by day and by night, and this is a real concern to all of us. We will not benefit in any way from having them here. We do not want these freezer/chillers and the constant noise from them, in the area allocated in this application.	Please see 'Planning Considerations' section of the report.

We'd like to suggest the following:
With some careful, creative planning, there is space outside at the front of the shop in the parking (Unit1) area where one freezer/chiller could go, meaning no-one in Kittiwake or Guillemot would be affected.

The unit could be built into a brick enclosure or similar, which could be locked.

This would be easily accessible to the fire brigade in the event of a fire.

The shop has many security cameras front and back, and therefore it would be safe at night.

Or Put a smaller, freezer/chiller inside the shop and not in our backyard!

We believe the shop already has freezers within the outdoor storage building. Why do they need to add two huge outdoor units?

Since its refurbishment, the freezer/chiller units within the shop itself, are always well stocked, and it appears their system with frozen and chilled goods, has been working very well as it is.

Is the plan to shut down the freezers within the outdoor storage room, using that space for stock then adding the outdoor units to maintain the chillers inside the shop? If this is the case, this really isn't fair on everyone. The units are large and unsightly.

The ugly, noisy compressors mounted on the wall will be awful to look at and visible to all of us, and then there's the noise! Again, ours is a private, residential area!

Our outlook: We'll all be affected by this. One couple in particular, will be seriously affected in several ways by the installation of these units. The fridges and compressor fans will be literally right next to their house and their front garden that they so enjoy relaxing in. They have already lost sunlight in their kitchen, due to the

Please see 'Planning Considerations' section of the report.

height of the storage room. Fencing: No way to access the fencing in the proposed sight or in Guillemot {redacted}, should it need repairs in the future. Fire Risk If a fire broke out from the fridges, (we all know this can happen and, with tragic consequences,) this could easily spread. The whole area is surrounded by wooden fencing. Properties closest to it would be at risk too. With the last planning application APP/19/00279, we feel our voices were not heard. There was no mention in the decision report, of the many objections sent in. The Development Management Committee decision itself was decided by 7 Councillors, all of them except one were Conservatives, so we feel this decision was biased. Our objections must be taken into account and recorded in the decision report for these applications. End	
We will not be opposing the application, we have spoken to the proprietor of the shop whose advised where they will be placed, we've looked at the models of coolers on line and they seem to be one of the quietest. Unfortunately the proprietor seems to be between a rock and a hard place , she is moaned at because of the amount is deliveries so the coolers would make it hem Less but it's still wrong. Everyone uses the shop because it's very well stocked and we will continue to use and support!	Noted.
We are writing to you because we strongly object to this application for the following reasons: NOISE DISTURBANCE AND	Please see 'Planning Considerations' section of the report.

OUTLOOK

1) The noise and the unsightly view is our main concern. [redacted for General Data Protection Regulations reasons]

2) We like to leave our bedroom windows open at night especially in the summer months.

These freezers will be running constantly, creating noise around us, especially at night and this is unacceptable and we don't want it.

3) We enjoy the peace and quiet here [redacted], it is a unique, private estate.

4) When the initial store room was put in, we were assured by Miss Swan that it wouldn't go above fence height. This didn't happen and the store is approximately 30 inches above the fence! This has already impacted on the light, sunshine and outlook we initially had [redacted] and was misleading, now this.

5) Adding these unsightly fridges will impact on us again! The plans show they will be above fence height. We don't want to have to look at or hear these horrible machines, [redacted]

This is a residential area, not an industrial estate!

REPAIRS

Putting machinery here would make it impossible to do any repairs to the fencing [redacted]

I was told originally that the owner might put up a brick wall when the storage room was built, but this never happened.

To summarize: [redacted] We are a community [redacted] and we regularly enjoy coffee and chats in our front gardens, with our neighbours. It is a private, peaceful place that we all enjoy.

Please see 'Planning Considerations' section of the report.

Please see 'Planning Considerations' section of the report.

This is a civil issue.

Please see 'Planning Considerations' section of the report.

We really don't want this application to go ahead. Our objection was sent in on our behalf by a neighbour. Thank you for taking our concerns into consideration.	
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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.

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

7.2 The proposal would see the installation of two new cold stores and condenser units to serve them located to the rear of the application site (east of the convenience store) on the yard area within the site curtilage. The condenser units would be fixed to the side elevation of the store building which is located to the rear of the site. The cold stores would have dimensions of approximately 3 metres wide, 2.5 metres height and 3 metres depth and would be formed from white powder coated steel. The units would have doors opening to the front. One of the refrigeration units located on the rear wall of the shop would also be removed. In terms of impact on the character of the area, the cold stores and associated condenser units would be located to the rear of the site and not highly visible from the public realm. The powder coated steel has been raised as an issue via an objection - whilst it is noted that exposure to the elements in coastal environments would likely lead to some corrosion over time, this would be up to the applicant to repair if and when this occurs and would not amount to

reason for refusal given the limited scale and visual impact of the cold stores. The proposed store additions would be regarded as minimal changes to the existing character of the rear of the building and would not cause harm to the character of the streetscene. It is also noted this area is essentially an enclosed yard serving a commercial premises whereby units such as this are not out of keeping given the context of the site.

(iii) Impact upon residential amenity

- 7.3 There are residential properties within close proximity of the proposal site located to the east and south of the site. Immediately adjacent to the store site to the east is no 9 Guillemot Place. The stores would be located forward of the front door of this property . To the south are properties located along Kittiwake Row , the closest of which is no 4 which is separated by approximately 18 metres from the site.
- 7.4 Issues that have been raised by objections include the potential harm to outlook from nearby properties. Whilst it is noted the cold stores would be partially visible from the first/ second floor windows along Kittiwake Row , they would largely be screened by the existing fencing. The existing outlook is that of a yard and a garage to the rear . Whilst the stores would come above the fence line adjacent to 9 Guillemot Place, this would be adjacent to a front door and car parking area whereby overshadowing to windows or private amenity spaces would not be an issue.
- 7.5 Noise impacts of the proposal have been assessed as part of this application and , following consultation with Environmental Health, a Noise Report was requested by the Environmental Health Officer and this report has subsequently been provided by the applicant. The report concluded that the chiller plant is unlikely to adversely impact residential amenity subject to suitable acoustic enclosures being fitted to the plant to reduce the noise. It provides a specification for these enclosures, but doesn't actually detail what the applicant intends to install. The Environmental Health Officer therefore recommends a condition is attached requiring details of the acoustic enclosure to be fitted to be submitted prior to the plant being installed so we can ensure whatever the applicant chooses is fit for purpose. This condition shall be applied. Following this , if the units were to cause a noise issue, Environmental Health deals with noise pollution issues and therefore should be notified of any concerns.
- 7.6 It is noted that there are concerns raised in relation to rubbish/refuse being left to the rear of the shop. Whilst undertaking a site visit the area did not appear littered however if this were to be an ongoing issue, Environmental Health should be contacted and alerted to the issue.
- 7.7 In conclusion to this section, the proposed cold stores and condenser units are not judged to result in harm to neighbour amenity pending submission of further details of suitable acoustic enclosures being submitted and agreed with the Local Planning Authority . This is to ensure the installation of the cold stores and condenser units would not unduly impact on the amenity of nearby occupiers and so comply with DM10 and CS16 of the Havant Borough Local Plan.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact

on the neighbours and the character and appearance of the area and is therefore considered to be appropriate and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00551 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:

Noise report uploaded on the 06.09.2021

01 Proposed floor and roof

02 Proposed elevations

03 Proposed parking

04 Block plan

05 Site plan

06 Location plan

10 Proposed ground floor shop plan

11 Proposed roof shop plan

12 Proposed side and rear shop elevation

13 Existing and proposed storage floor

14 Existing and proposed storage elevation

Manufacturers spec uploaded on the 06.07.2021

Appendix A cold room condenser uploaded on the 28.05.2021

Planning statement uploaded 21.09.2021

Reason: To ensure provision of a satisfactory development.

- 3 Prior to the installation of the plant, details of the acoustic enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of nearby residential properties in terms of noise pollution and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.