
Site Address: Howards Car Spares, Mill Rythe Lane, Hayling Island,
PO11 0QQ

Proposal: Variation of Condition No/s 2 and 6 of Planning Permission
APP/14/00455 (Change of use to mixed B1, B2 and B8 from existing Sui Generis use
as scrapyards/metal recycling yard) relating to use of a crane and use of the exterior
yard; and discharge of conditions 7a and 7b.

Application No:	APP/15/00881	Expiry Date:	02/10/2015
Applicant:	Mr Simmons Solent Marine	Team:	Team 1
Agent:	Mr Murray I J Murray Associates	Case Officer:	Sally Smith
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site was previously a yard and building used for car breaking and recycling and retail of vehicle parts. The southern part of the original yard has now been severed to be used for mixed storage and associated portacabin office and lighting to be used with and accessed through Hayling Yacht Company. The whole area is enclosed by a high boundary metal fence, painted green.
- 1.2 Access to the site is from Mill Rythe Lane through the yard to the front. To the west of the compound fence is a band of landscaping previously introduced as a requirement of the original S106 for the building and site uses.
- 1.3 The site is within the AONB boundary and Council's defined Coastal Zone, adjacent to open land used by Brent Geese, with land designated as a site important for nature conservation south east of but not adjoining the site. There is a mixture of buildings at and around the site, which have a wholly commercial, utilitarian appearance of single and two storey scale and a mixture of materials from brick, render and corrugated cladding. The main shed type building on the site is 5.5m to eaves and has a floor area of 800 sq.m. and is visible above the compound fencing. The applicant is occupying the site.

2 Planning History

For site and original larger 'Howards Yard'.

APP/15/00654 - Removal of condition 6 of APP/14/00455 to allow for manufacture in the exterior yard. Withdrawn.

APP/14/00455 - Change of use to mixed B1 B2 B8 from existing Sui Generis use as a scrapyards/metal recycling yard. permit 20.08.14. Conditions included re height of plant not exceeding height of boundary fencing; lighting; preventing manufacturing , assembly, altering and repair outside the building.

APP /14/00204 - Howards Car Spares: County Matters Application for change of use to civil engineering depot with office, materials recycling facility and extension of site into adjacent paddock for use for plant operator training. Withdrawn

APP/13/00981 - Southern part of Howards Yard: Change of use of the southern 4 5% of Howards Yard to use as mixed storage with associated portacabin office and lighting to be used with and accessed through Hayling Yacht Company. Conditionally approved 18.12.2013.

APP/13/01153 - Howards Car Spares: County Matters Application for change of use to civil engineering depot with office, materials recycling facility and extension of site into adjacent paddock for use for plant operator training. Withdrawn 17.12.2013.

APP/13/00055 - Land on south side of. Mill Rythe Lane: Change of use to open boat and jet-ski storage with associated containers and works including fencing. (Revised application.) Withdrawn 18.10.2013.

APP/12/00301 - Land on south side of Mill Rythe Lane. Change of use to open boat storage with associated containers and works including fencing. Withdrawn 31.5.2012.

10/73876/001 - Land on south side of Mill Rythe Lane. Erection of 7No. B1/B2 marine related business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking (revised application). Refused 13.4.2010. Appeal dismissed 24.1.2011.

09/73876/000 - Land on south side of Mill Rythe Lane. Erection of 7No. B1/B2 business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking. Withdrawn 8.9.2009.

08/53376/014 - Howards, Mill Rythe Lane. Change of use of part of building, currently being used in connection with car/plant breaking and the storage and sales of car/plant spares, to M.O.T. testing B2 use. Conditionally approved 3.2.2009.

01/53376/011 - Howards, Mill Rythe Lane. Retrospective application for use of land south east of Howards as open storage associated with the permitted use of the adjacent site for the dismantling of vehicles and plant and retailing of vehicle and plant parts obtained from such processes. Hard surfacing of area in concrete and erection of 3.5m high boundary fence. Conditionally approved 29.4.2004, subject to S.106.

97/53376/009 - Land south of, Mill Rythe Lane. Construction of a workshop/office building within a fenced open storage yard, all for the purpose of vehicle and plant dismantling and recycling (including ancillary retailing) with ancillary customer car parking provision. This was the reserved matters application which followed outline approval 93/53376/007 below. Conditionally approved 19.2.1998.

93/53376/007 - Land to the South of Mill Rythe Lane. Outline - for construction on the south side of Mill Rythe Lane of (i) a workshop/office building within a fenced open storage compound, all for the purpose of vehicle and plant dismantling and recycling (including ancillary retailing) with ancillary customer car parking provision and (ii) a house with domestic garage. Conditionally approved 5.6.1997. **This permission had no conditions with respect to hours of work or noise mitigation measures for the site. The use was restricted by condition to that within the description. Landscaping to the west of the site was addressed through a Section 106 clause.** Condition 9 of PP 93/53376/7 limited the use to the dismantling of vehicles

and plant with ancillary recycling and retailing of vehicle and plant parts obtained from such processes and for storage, parking and office usage ancillary thereto. Condition 14 limited storage to 3.5m being the height of the screen fence.

3 Proposal

The proposal is for changes to the recently granted permission for the site (APP/14/00455):

Variation of condition 2 to allow for use of crane that will extend above the height of the fence.

Variation of condition 6 to allow for outside working on the construction of pontoons

Discharge of conditions 7a and 7b in respect of parking provision and the storage and removal of refuse

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS2	(Employment)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - No objection to crane and advised that parking layout is acceptable.

Chichester Harbour Conservancy, The Harbour Office -

Condition 2 - Request that boom is lowered when not in use to limit the visual impact in the AONB

Condition 6 - No objection if items not stored above the height of the boundary fence. pontoons will fit in well for Conservancy's support of marine related industry subject to safeguarding the interests of the AONB. However, a noise performance condition is requested to ensure noise measured outside the site does not exceed reasonable levels and that hours of work for outside the building are limited by condition. Concern about working on Sunday; hours suggested as 07.30 to 19.00 Mon to Fri and 07.30 to 13.00 on Saturdays. All extant conditions to APP/14/00455 are requested to be restated.

Conditions 7a and 7b - No objection

Environmental Health Manager - No objection raised. Further advice provided on review of CHC consultation and representation:

From what I can establish we have never had a noise complaint related to Howards when operational, nor to date in relation to the new occupant.

I visited the area on Tuesday this week and can advise that whilst parked outside the business, I heard what sounded like an angle grinder being used on 4 occasions over a 15 minute period; I was unable to establish if it was being used inside the building or somewhere possibly outside.

I then stood outside No 20 Havant road on the Mill Rytte boundary. I was unable to hear any noise from the site in question, mostly due to the relatively high ambient background noise levels, caused by the traffic. No 20's house is approximately 100 metres from the shed at the Howards site; whilst the one respondent referred to lives at No 32 – approximately 200 metres from this site.

With regard to a noise condition, I would suggest something along the lines of:

Noise generated from any / all work carried on outside of the workshop / industrial unit and taking place only within the green designated area as per the submitted drawing – Site Plan A110, shall conform with the following::

BS4142:2014:

Noise resulting from the use of any / all plant, machinery or equipment used on this site shall not exceed a level of No Observable Adverse Effect Level (NOAEL) when measured according to British Standard BS4142-2014, at the boundary of the nearest sensitive receptor.

Reason: In the interests of protecting the local residents and / or business occupants from unreasonable noise disturbance.

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: One

Summary:

- Installation of large crane can only be precursor to developing the yard into a large scale heavy industrial site.
- Owners do not wish to comply with wishes of local residents to keep the yard for small enterprises for local people.
- There has been no consultation with local residents. *(This is not a requirement placed on the applicant. consultation has been undertaken through the LPA notification).*

- The crane will be a blight on the visual landscape.
- Concern over traffic and accidents on A3023

Comment: Issues addressed in Section 7.

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) Effect on the character and appearance of the area
- (iii) Effect on residential amenity
- (iv) Highway considerations

(i) Principle of development

The previous use of the site was as a car breaker's yard with recycling and ancillary sales of parts and could be carried on without restriction in terms of hours of operation or the manner in which it carried out its activities and the noise that could be generated. It was therefore considered that the principle of changing the yard from a car breakers yard to B1, B2 and B8 within the confines of the existing yard was acceptable and consent given to APP/14/00455. The permission was speculative and therefore as safeguards against unacceptable impact conditions 2 and 6 were applied.

There is now a specific user, Solent Marine, who wish to amend the conditions to relate to their operations. It is considered that in view of the location of the site and the planning history that the main considerations in this case are the effect on the character and appearance of the area and the effect on residential amenity

(ii) Effect on the character and appearance of the area

The existing yard is screened by a 3.8m high fence and the planting to the west of the western boundary. Operations within the yard, especially when compared to previous use of the site, should not be detrimental to the appearance of the locality which is within the AONB and the coastal zone. The operator requires the use of a crane which will project above the fence when in use. It was noticed on a site visit that this would not exceed the height of masts on boats stored to the south of the site by Hayling yacht Company. It is therefore considered the intermittent use of a crane is acceptable subject to it being stored below fence level when not in use. Condition 2 is therefore varied to accommodate the crane.

(iii) Effect on residential amenity

The visual impact has been discussed above. The Conservancy has made requests over hours of operation and impact of noise. The representation expresses more general concern over impact. The applicant has advised that the outside process is for the completion of manufacture, repair and storage of the manufactured product which is pontoons. The process will involve pouring concrete into steel moulds with limited steel cutting and welding when repairs/alterations are required to the pontoons. The applicant has proposed working hours for the outside area of 08.00 to 20.00 hours. It is considered that as the previous use was not controlled at all by condition that this is acceptable Monday to Saturday but shorter hours are proposed for Sundays. This has been discussed with the agent. This is not so restrictive as requested by the Conservancy but it is considered that the business should not be

unduly hampered in its operation in view of the historic planning position. Noise details are provided of the tools but this does not measure it in use. Advice from Environmental Health was sought and in view of the findings of a site visit and the previous unrestricted use on the site a condition has been proposed that should provide safeguards whilst not restricting the operation. In practice, environmental health legislation will be the means by which any nuisance arising from the uses can be tackled.

(iv) Highway considerations

The Development Engineer finds the parking layout acceptable and so finds it acceptable for condition 7a to be discharged. The refuse area is also at the front of the site behind the fencing so is in an acceptable position. However, as a fresh permission is to be issued it can be drafted to exclude the previous condition 7 as the relevant matters have now been addressed. With respect to traffic movements the use of the site is established by the current permission and there is no justification in the argument that outside working will result in more traffic movements. When the original application for the use of the site for B1, B2 and B8 uses was considered the report stated:

There is no formal record of the movements from the site as a car breaker's yard but the statement by the previous employee on the earlier County Matter application detailed that there were quite a lot of movements from the yard each day - receiving 20-30 cars a day for MOTs and part collection. and 15-20 trucks for the scrap metal weighbridge. Weekly there were also 10-20 skip trucks and around 10-15 visits from a large vehicle carrier. The sites own vehicle collection lorry could carry 2 vehicles and was in and out of the yard about 7-12 times daily. There were also 10 members of staff who each used a vehicle. The Development Engineer considers this is likely to exceed the amount of traffic likely to be generated from a combination of the proposed uses, and the effect on the highway network is therefore considered acceptable.

8 Conclusion

It is considered acceptable to amend conditions 2 and 6 subject to the proposed rewording of the conditions. Whilst the previous use was not restricted in respect of hours and noise the applicant is willing to accept a certain level of restriction in respect of hours for the outside working; the noise condition only acts as a reminder of the BS requirement. The submission also meets the requirements for parking and refuse so conditions are not reimposed for these matters.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00881 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from 20 August, 2014, the date on which planning permission APP/14/00455 was granted.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 At no time, except when a crane is in use, shall the height above ground level of any vehicle, plant, equipment, goods or items stored on the site exceed the height of the boundary fencing. When the crane is not in use it shall be stored so it does not exceed the height of the boundary fencing.

Reason: In the interests of the visual character of the area and having due regard to policies CS11, CS12, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The lighting fitments hereby approved shall not be displayed at a height exceeding 3m and shall be installed such as to achieve full horizontal cut off, and shall be retained in that condition at all times.

Reason: In the interests of the visual character of the area and having due regard to policies CS11, CS12, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Between the hours of 20.00 and 06.00 hours the lighting within the yard shall be subject to movement sensors and no lighting fitments shall be continuously lit.

Reason: In the interests of the visual character of the area and having due regard to policy CS11, CS12, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The premises shall be used only for purposes falling wholly within the scope of Use Classes B1(c) and/or B2 and/or B8 and for no other purpose whatsoever including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

Reason: To provide uses that are appropriate to the locality and the nature of the site and in the interests of the level of traffic generated by the development and having due regard to Policy CS2 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The manufacture, assembly, alteration or repair of any article outside the building shall only take place in the area edged green on plan A110 dated 23.6.13 and between the hours of 0800 to 2000 Monday to Saturday and 0800 to 1400 on Sundays.

Reason: In the interests of the amenity of the area and having due regard to policies CS12, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 7 The development shall not be brought into use until space for the loading, unloading and parking of vehicles has been provided within the site, in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Noise resulting from the use of any plant, machinery or equipment used outside a building, shall not exceed a level of No Observable Adverse Effect Level (NOAEL) when measured according to British Standard BS4142-2014, at the boundary of the nearest sensitive receptor.
Reason: In the interests of the amenity of the area and having due regard to policies CS12, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

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

Plans from APP/14/00455:

Planning Design and Access Statement
Flood Risk Assessment Tamllite Lighting Specification
Views A103 V4.2
Location Plans A101 V4.2
Elevations A106 V4.2

Plan from APP/15/00881:

Site Plan A110

Reason: - To ensure provision of a satisfactory development.