
Site Address: 3 Elm Grove, Hayling Island, PO11 9EA
Proposal: Creation of new building following demolition of timber workshop and
garages and change of use from printers to MOT test centre and 1No. 2 bed dwelling.
Application No: APP/14/00974 Expiry Date: 17/11/2014
Applicant: Mrs Simmons Team: Team 2
Agent: D J Green & Assoc Case Officer: Aaron Wright
Ward: Hayling West

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site is located to the rear of No.3 Elm Grove (a post office) and adjacent to and accessed through a public car park. The site is currently derelict with a single storey timber building previously used as a printing workshop and 2 garages, one single and one double. There is a 2m fence to the western and northern boundaries. To the south there is a 1m high wall and to the east there is no boundary between the premises and the patio area of nearby flats. To the south of the site lies the South Hayling United Reform Church. Elm Grove is mixed in character with commercial properties at ground floor level and residential accommodation above. There are residential properties in Elm Close which is located to the west of the public car park.

2 Planning History

90/52810/001

Replacement of existing single storey print works with a 2 storey building with offices over and associated car parking. Permission granted 01/11/90.

06/52810/004

Erection of a new two storey building to house existing print works with offices over and associated car parking. Permission 11/05/06.

09/52810/005

Erection of 1No. two storey building to house existing print works with offices over, and associated parking renewal of previous consent 06/52810/004. Demolition of existing single storey timber building. Permission - 18/5/2009

APP/11/01191

Removal of Condition 8 of Planning Permission 09/52810/005 in order to allow for light industrial purposes (Class B1c) with ancillary office and storage space. Permission - 28/9/11.

APP/13/00496

Erection of new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre. Refused by the Development Management Committee on 23/8/13.

APP/13/00982

Erection of new building and lych gate following demolition of timber building and

garages, and change of use from printers to MOT Test Centre. (Revised Application).
26/11/13 Permission

3 Proposal

The application is for the creation of new building following demolition of timber workshop and garages and change of use from printers to MOT test centre and 1No. 2 bed dwelling.

There is currently an extant planning permission for a replacement two storey MOT centre (APP/13/00982) with three work bays. This application is similar in terms of massing and design, but 1No. bay has been removed and residential accommodation introduced. The Access and Design Statement submitted with the application states that the residential accommodation would be "suitable for starter families or the more mature resident".

The front elevation would face west towards the car park and feature two roller shutter doors and the front facing roof slope would feature 6no. roof light windows. In terms of the MOT centre, it would comprise of two vehicle bays and reception/waiting area at ground floor level. The building would be used for a MOT centre which would carry out minor repairs such as; changing light bulbs and window screen wipers. It would operate between the hours of 0800-1800 Monday - Friday and 0800-1500 on Saturdays. A lynch gate is proposed at the entrance to the site. This would comprise acoustic timber boarding extending across the width of the site and along the side elevations up to the proposed building. A pitched canopy roof would be placed over the front section of the site to form an enclosed space with a central courtyard (not covered) between this and the MOT centre. There would a set of entrance gates within the front boundary which would open inwards. The ridge height of the canopy section would be 4m. The two car park spaces would be underneath the roof canopy of the lich gate.

The residential dwelling would contain a kitchen, bedroom and bathroom at ground floor level and a lounge, bedroom and en-suite at first floor level.

The roof of this section would be pitched, with gable ends facing north and south. The rear section would extend towards Elm Grove and would feature a lower, hipped roof but with a roof lantern at the top section and roof light windows on the rear slope. The north elevation of the main section of the building would include three long windows. The south facing elevation facing onto the Church would feature three recessed timber panels.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS21	(Developer Requirements)
CS3	(Skills and Employability)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)
AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No public sewer. Means of escape issues noted in attached dwelling. All habitable rooms are inner rooms as only escape route is through the kitchen. Solution to this may include means of escape windows.

Environmental Health Manager

Air Quality & Ground Contamination

The revised scheme notably introduces a residential unit in lieu of workshop space, representing a sensitive land use that is relevant from a ground contamination perspective as an “on-site” receptor.

It is understood that the previous use of the site was a print works. In the absence of any specific information, it is assumed that the site has been used for this purpose since its construction sometime around 1970.

Printing activities are considered to be potentially contaminating, and given the period of occupation, is not unreasonable to assume that some degree of contamination is likely at the site. The proposed land use is similarly considered to be potentially contaminating. Environmental management practices, waste handling & containment equipment (etc.) are all expected to be of a higher standard than would be expected for a business operating in the 1970's/80's, yet potential failures of equipment or management (poor housekeeping), or indeed simple accidents would not be unforeseeable with this type of business. I do not consider that there is a likely to be particular risk to site employee's or customers from this site, either in it's existing condition or as proposed. However, the geology is river terrace deposits overlying Portsmouth sands – both porous and capable of facilitating the migration of contamination.

The nearest existing residential properties (rear gardens, considered to be sensitive receptors) are < 20m from the site, and the groundwater is expected to be shallow (relatively close to the surface, possibly 1m below ground level or shallower) at this location. The amended proposals also include a residential unit with a small private garden area on site that is considered to be directly relevant to any contamination that may be associated with the print works. If development control are minded to grant consent for this scheme, it is considered necessary to confirm the risk status of the site, both with respect to the proposed residential unit, and in relation to neighbouring residential properties. I would therefore request that Conditions are imposed.

Noise

Whilst I realise that this application is now for an MOT centre & an attached 2 bedroom house which action should reduce said MOT centre by a 1/3 in size, the current Design & Access statement refers to the previous noise assessment report: "(...the previously commissioned 'Predicted Noise Impact Assessment', which concluded that the proposed MOT centre would cause no noise concerns for nearby residents. The fact that the MOT centre in this application is reducing by 1/3 would benefit residents even more. ...)".

I cannot however find any information in the abovementioned report related to noise impact on the new proposed attached dwelling, other than reference to: "(there does not appear to be any specific activity that is expected to have a significant effect on background noise levels at the façade of any nearby building there would seem to be little need for specifically introducing sound insulation within the proposed building)".

I believe this report is still dealing only with nearby residential facades as dealt with under APP/13/00496 and APP/13/00982. The same Design & Access statement refers to "(...It has a small garden which is surrounded by a 2.4m high acoustic fence. This will provide adequate amenity area for sitting out, tending flowers and hanging washing....)".

Whilst the applicant has provided the necessary acoustic assessments for the previous applications, I do not believe that this same report dated October 2013, has any relevant meaning for the proposed residence on the same site and attached to, the MOT centre. Nor has any report been submitted related to the need, or not, for mechanical ventilation in the dwelling, due to the potential issue of exhaust fumes emanating from the MOT centre, over a period of time, even if only over short periods of time. The Noise impact assessment report is the only reference I can find in this regard: "(...There will however be a need for LEV to remove vehicle exhaust fumes during testing, however extraction fans of this nature generally vent direct to atmosphere and have sound power levels in the region of just 55-66dB (measured at 3m) depending upon size...)".

The above reference is obviously not relating directly to the future proposed residents adjacent, but only to potential noise impact. Until such relevant information is submitted, I would raise objection to the approval of this application.

Development Engineer

No comment.

Planning Policy

No comment.

Crime Prevention Officer

The development is within a car park there is very little natural surveillance of the area. To provide for the security of the dwelling defensible space should be provided about the dwelling. This space should be enclosed by a suitable barrier so as to prevent casual access to the windows and external doors. Given this location I recommend that the external doors and windows are certificated to PAS24:2012. It appears from the plans that access to the property is via the test centre courtyard, this is not ideal. To allow for visitors to the dwelling the courtyard would have to be insecure, this would also allow access for all to the courtyard. To provide for the security of the courtyard it should be secured when the premises is not open for business.

Waste Services Manager

No concerns.

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: 36

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: Three letters of objection have been received raising the following concerns:

- a) Not happy with the MOT station from the beginning, and still don't like it.
- b) Its too close to private property, and would ruin the peace and quiet.
- c) Loss of privacy
- d) If permission is granted, then the same conditions should be attached.
- e) Overdevelopment
- f) Impact on health/
- g) Manouverability of vehicles will be challenging on the site.
- h) Existing issues with sewers.
- i) The windows facing the Church should be fixed lights and obscurely glazed.
- j) Additional traffic.
- k) Wear and tear of the Council car park.

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 on the character of the area
- (iii) Impact on residential amenity of surrounding properties
- (iv) Impact on residential amenity of proposed residential dwelling
- (v) Environmental considerations
- (vi) Access and parking provision
- (vii) Planning obligations

- (i) Principle of development

- 7.2 The site lies within a mixed use area. Although there are residential properties nearby, there are also a number of commercial and retail units in the immediate locality. In addition, there is the Hollow Lane public car park to the rear and the church to the south. There is access into the car park from Hollow Lane and Elm Grove. This results in an area with a relatively high level of activity and through flow of traffic. An existing printers occupies the site and it is already established that the area is a mix of industrial, commercial and residential development. Furthermore, planning permission was granted for the erection of new building and lynch gate following demolition of timber building and garages, and change of use from printers to MOT Test Centre in November 2013. As such the principle of an MOT Centre of

the site has been established. However, this proposal differs from this previous application in that it proposes the addition of a residential flat. What must be considered is the impact of the proposed development on the character of the area, and the residential amenity of the surrounding residential properties and amenity of the future occupants.

(ii) Impact on the character of the area

7.3 The site is located in an area which includes both commercial and residential development in the immediate vicinity. The previous use of the site, (the building still remains), was as a print works. This would therefore introduced both light industrial and residential use to the area. To the immediate south of the site there is a church, which adds a community use to the area. Therefore the character of the area could reasonably be described as mixed use. The introduction of an MOT centre and residential dwelling is therefore not unacceptable in principle and the fact that other MOT centres exist on Hayling Island would not prevent an application being made for a similar business.

7.4 In terms of design, the building would be a noticeable increase in scale to the existing single storey timber building. However, an identical building has been granted permission in November 2013 (see history above). This building was only for an MOT Centre and did not include a residential dwelling. The overall design is considered to be attractive in terms of its cohesive elements and would not be inappropriate in its context or appear overly 'industrial' in appearance. It would be more akin to a 'workshop' which given the existing shed on site and the previous permissions allowed, would not be out of context.

(iii) Impact on residential amenity of surrounding properties

7.5 In November 2013, planning permission was granted for the erection of new building and lynch gate following demolition of timber building and garages, and change of use from printers to MOT Test Centre (3No. bays). An Acoustic Report was submitted with that application to address the reason for refusal on Planning Application APP/13/00496 by incorporating further mitigation measures against noise emissions in the form of the lynch gate and acoustic timber fencing along the previous open sided sections of the boundary. The majority of the site would be enclosed and therefore the doors to the main workshop could be open when work is carried out internally, which is a more realistic view of how the business would be carried out. The report also specifically looked at the potential impact on the South Hayling United Reform Church which is next door. It concluded that the impact on this neighbour and those within the immediate locality, with the proposed further mitigations, would be minimal. The report also confirms that only MOT tests could be carried out at the site and not vehicle repairs. It was concluded in November 2013, that a MOT centre in this location would not adversely affect the residential amenity of surrounding properties.

7.6 This application is for a 2No. bay MOT Centre rather than 3No. bays, thus reducing the size of the centre by a third. Given that the Council accepted that a 3No.bay MOT Centre would not adversely affect the residential amenity of surrounding properties, the proposed MOT centre is considered acceptable and would not harm surrounding residential amenity.

(iv) Impact on residential amenity of proposed residential dwelling

- 7.7 The application proposes a new building containing an MOT test centre and 1No. 2 bed dwelling. Access to the proposed dwelling would be via the Council car park through a narrow footpath that is positioned between the garden and courtyard for the MOT Centre. The entrance door leads into the ground floor kitchen and through to a bedroom and bathroom beyond. At first floor level there would be a lounge and bedroom with bathroom beyond. The Access and Design Statement submitted with the application states that the residential accommodation would be "suitable for starter families or the more mature resident".
- 7.8 The overall layout and position of the residential dwelling is considered inadequate and contrived. The bathrooms can only be accessed through private bedrooms, and the Building Control Officer has raised concerns over fire access, as there is only one safe access route in and out of the residential property. A sprinkler system would be required by Building Control to ensure compliance with part M.
- 7.9 The two bedrooms are located at ground and first floor level and share a boundary wall with the proposed MOT Centre. A Predicated Noise Impact Assessment Report dated October 2013, has been submitted with the application however, there appears to be no mention of the noise impact on the new proposed attached dwelling, other than reference to: "(there does not appear to be any specific activity that is expected to have a significant effect on background noise levels at the façade of any nearby building there would seem to be little need for specifically introducing sound insulation within the proposed building)".
- 7.10 The Council's Environmental Officer considers that this statement is still dealing only with nearby residential facades as dealt with under APP/13/00496 and APP/13/00982. It is not considered that the report has any relevant meaning for the proposed residence on the same site and attached to, the MOT centre. Nor has any report been submitted related to the need, or not, for mechanical ventilation in the dwelling, due to the potential issue of exhaust fumes emanating from the MOT centre, over a period of time, even if only over short periods of time. The report is the only reference in this regard: "(...There will however be a need for LEV to remove vehicle exhaust fumes during testing, however extraction fans of this nature generally vent direct to atmosphere and have sound power levels in the region of just 55-66dB (measured at 3m) depending upon size...)". The above reference is obviously not relating directly to the future proposed residents adjacent, but only to potential noise impact on surroundings.
- 7.11 The small private amenity space (garden) is accessed via the patio doors from the kitchen. It is surrounded on all sides by a public car park, adjoining vehicular access and MOT Centre courtyard where vehicles would arrive and leave the centre. The MOT Centre would be open to the public between 08:00 - 18:00 hours on Monday to Friday and 08:00 - 15:00 hours on Saturdays. The hours of operation of the MOT Centre in addition to the proximity of the MOT Centre and public car park to the garden would mean that future residents of the dwelling would be adversely affected by potential noise, fumes and disturbance for a substantial part of the day.
- 7.12 Insufficient information has been provided to satisfy the Council that the proposed residential dwelling would not be adversely affected by the noise, disturbance and fumes from the existing public car park and proposed MOT Centre. The proposed development would constitute an undesirable over-intensive use of site which would not provide satisfactory living conditions for the occupants of the proposed dwelling.

(v) Environmental Considerations

- 7.13 This revised scheme introduces a residential unit in lieu of workshop space, representing a sensitive land use that is relevant from a ground contamination perspective as an “on-site” receptor. The previous use of the site was a print works and in the absence of any specific information, it is assumed that the site has been used for this purpose since its construction sometime around 1970.
- 7.14 Printing activities are considered to be potentially contaminating, and given the period of occupation, is not unreasonable to assume that some degree of contamination is likely at the site. The proposed land use is similarly considered to be potentially contaminating. Environmental management practices, waste handling & containment equipment (etc.) are all expected to be of a higher standard than would be expected for a business operating in the 1970’s/80’s, yet potential failures of equipment or management (poor housekeeping), or indeed simple accidents would not be unforeseeable with this type of business. It is not considered that there is a likely to be particular risk to site employee’s or customers from this site, either in its existing condition or as proposed. However, the geology is river terrace deposits overlying Portsmouth sands – both porous and capable of facilitating the migration of contamination.
- 7.15 The nearest existing residential properties (rear gardens, considered to be sensitive receptors) are < 20m from the site, and the groundwater is expected to be shallow (relatively close to the surface, possibly 1m below ground level or shallower) at this location. The amended proposals also include a residential unit with a small private garden area on site that is considered to be directly relevant to any contamination that may be associated with the print works. If permission were to be granted then the Council’s Environmental Officer would have requested that conditions were imposed to identify the risk status of the site, both with respect to the proposed residential unit, and in relation to neighbouring residential properties.

(vi) Access and parking provision

- 7.16 Access to the MOT centre would be via the public car park which is accessed from Hollow Lane. Havant Borough Council (HBC) own the land adjoining the northern and western boundaries of the site however, No. 3 Elm Grove benefits from a right of way over the Council’s land to Hollow Lane. The Estates department have advised that new development of the site should not encroach onto HBC land and any Council land affected should be reinstated to our satisfaction. They have also advised that any cars parked on Council land for the purpose using of the MOT centre or visiting the residential flat would be subject to the usual Council’s Car Parking charges.
- 7.17 The Traffic Manager has confirmed that the disabled spaces which are located next to the site in the public car park, could be moved to a different section of the car park if it is deemed that the business operation in terms of cars leaving and entering the site cause an obstruction to users of the disabled spaces.

(vii) Planning obligations

- 7.18 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The

Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged in pounds (£) per square metre on new residential floorspace (measured as gross internal area).

- 7.19 The Additional Information Requirement Form submitted with the application confirms that the additional net internal floorspace to be used as residential is 42 sqm. The CIL Charging Schedule states that new residential development in Hayling island is £100 per sqm. The CIL charge is therefore approximately £4,200.
- 7.20 The proposal would result in a new dwelling and in accordance with the adopted Havant Borough Council Local Plan (Core Strategy) Policies CS11 and CS21 together with Havant Borough Local Plan(Allocations) 2013 policy DM24 provision should be made for the mitigation of the development impact on the Special Protection Area (SPA). Given the scale of the proposal, the Council (in consultation with Natural England) is prepared to accept a financial contribution toward the cost of mitigation of the developments impact on the SPA. The contribution amount for mitigating the developments impacts on the SPA is £172, calculated from a fixed fee of £172 per additional dwelling. The form has been completed by the applicant and a cheque was received by the council on 21 November 2014. However, given that the scheme is to be refused, the Council will refund the amount if an appeal is not lodged.

8 Conclusion

- 8.1 The proposed development would constitute an undesirable over-intensive use of site which would not provide satisfactory living conditions for the occupants of the proposed dwelling by virtue of potential noise, disturbance from the adjoining vehicular access, public car park and access to the attached MOT Centre. Furthermore, from the basis of information submitted, the Local Planning Authority is not satisfied that the proposed dwelling would not be adversely affected by noise and fumes from the attached MOT Centre. The proposal is therefore contrary to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM17 of the Havant Borough Local Plan (Allocations) July 2014 and the National Planning Policy Framework 2012.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/14/00974 for the following reason:

- 1 The proposed development would constitute an undesirable over-intensive use of site which would not provide satisfactory living conditions for the occupants of the proposed dwelling by virtue of potential noise, disturbance from the adjoining vehicular access, public car park and access to the attached MOT Centre. Furthermore, from the basis of information submitted, the Local Planning Authority is not satisfied that the proposed dwelling would not be adversely affected by noise and fumes from the attached MOT Centre. The proposal is therefore contrary to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM17 of the Havant

Borough Local Plan (Allocations) July 2014 and the National Planning Policy Framework 2012.