
Site Address:	44 Warfield Crescent, Waterloooville, PO7 7JP		
Proposal:	Change of use from residential to mixed residential and Landscaping business supplying soil and turf. (Retrospective application).		
Application No:	APP/15/00646	Expiry Date:	05/08/2015
Applicant:	Mr J Jarnet	Team:	Team 2
Agent:	Mr D J Boddy	Case Officer:	Rachael McMurray
	The Project Support Practice		
Ward:	Waterloo		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site is located in a residential street close to Waterloooville town centre. The site consists of a detached bungalow, with rooms in the roof, of brick and tile construction with an attached garage to the side elevation. There is an area of hard-standing in the front plot which allows on site parking for up to 3 vehicles. This is screened by a substantial hedge along the front boundary and side boundary with No. 46. The rear plot is laid to lawn and enclosed by a 1.5m high wire mesh fence. The rear plot backs onto open land, which is used a cemetery.

2 Planning History

08/72038/001

Rear extension, rooms in the roof with dormers & new flat roof to garage (revised application). Approved.

07/72038/000

Rear extension, rooms in the roof with dormers & new flat roof to garage and front porch. Approved.

3 Proposal

Change of use from residential to mixed residential and landscaping business supplying soil and turf (retrospective application) and for the continued use of the business for 3 years.

Background to the proposal

Following a complaint made to the Council with regards to the business activity taking place at the site, an application has been made to seek retrospective approval for the business use and also to secure planning permission for a further three years for the business use to continue.

The application includes a statement which advises that the current owners have operated a small business from the property for the last nine years. The business is generally of a landscape nature providing soil and turf to customers who make orders over the phone. Under normal circumstances, the materials are delivered to an industrial unit and loaded onto the applicant's vehicle for onward deliveries. However, the information supplied with the application states that on some occasions turf is

delivered to the application site and is stored temporarily over a short time before being redelivered to customers. A forklift truck is sometimes used to unload and load materials for onward delivery. This is stored in the applicant's garage.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - Highways:

The Highway Authority has no adverse comment subject to the permission being made personal to the applicant

Environmental Health Manager, Community Group:

This office has no adverse comments to make on the current application, other than to state that it would be prudent to restrict any approval to the current owner and level of business only.

Economic Development -

From an economic growth perspective this would not be advisable to use the front garden for this particular type of business in a quiet residential area. The impact to the locality is more significant than the impact to the business as alternative commercial premises would be much better suited. This is particularly important should the business grow and the usage increases.

From my experience there are a significant number of businesses that do run from residential premises but none that are of this nature.

I therefore could not support this change of use on the grounds it would have a negative economic impact.

Crime Prevention -Minor Apps:

No response received

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 21

18no. of these representations were supporting the application and include one petition which state that the business use has not adversely affected them over the nine years of operation. There are 3no. objections to the application. The various points raised in these objections are summarised below:

- i. Delivery vehicles already park in a narrow road with the possibility of preventing emergency vehicles access.
- ii. Excess noise of vehicles to and from the business premises loading and un-loading.
- iii. The front hard standing is open to the south side of the property which means that the adjacent neighbour at No. 42 suffers the full impact of visibility, noise and fumes generated by the business.
- iv. The use of the front garden as a delivery and storage area for materials and a forklift truck is not in keeping with the quiet residential area.
- v. It has become busier in the last year and operates during evening, weekends and bank holidays.
- vi. Large delivery trucks have caused damage to the vergeways and block the pedestrian footpath.
- vii. The materials delivered require the regular use of the forklift truck.
- viii. It will set a precedent for other properties to start up similar operations from home.

7 Planning Considerations

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 residential amenity
- (iii) Parking

- (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 residential amenity _

Planning permission is not always required for a home based business. The key test is whether the overall character of the dwelling will change as a result of the business. For example will the home still be used mainly as a private residence, would it result in a marked rise in traffic or people calling, would the business result involve any activities unusual in a residential area, would the business disturb neighbours at unreasonable hours or create other forms of nuisance such as noise or smells. Once the business ceases to be ancillary to its use as a single dwelling house because, for example, the business has grown and the use of the dwelling for which the activities

related to the business has intensified, then a material change of use which planning is required is likely to have taken place.

The applicant claims the business has been carried out at the property for nine years. In theory therefore a Certificate of Lawful Use could have been applied for. However, it appears that the business use has intensified at the property which has prompted a complaint to the Council. As such, the applicant has now made an application to seek retrospective approval for the business use and also request permission for it be carried out for a further three years. This enables the Local Planning Authority to consider to what extent the material change of use at the property impacts on the residential amenity.

The application has received a number of letters of support which highlight that the business use has not raised any issues. However, concerns have been raised from the immediate neighbour at No. 42 and two other neighbouring properties, in that the business which has been carried out at the application site has resulted in excessive noise and disruption from both delivery vehicles unloading turf and soil and also the forklift truck being used to reload the materials onto another delivery vehicle for onward delivery. Also the delivery of the materials on large vehicles has been reported to cause obstructions on the highway and also for users of the pedestrian footpath. There is a concern that this type of operation is not in keeping within a residential area and that it will set a precedent for other similar developments to potentially start up. The front boundary between No. 42 and 44 is low brick wall which means that any activity carried out on the front hard standing area is clearly visible from front outlook of No. 42. The front hard standing area is enclosed by a brick wall and fairly high hedgerow along the front and side boundary with No. 46 and therefore is well screened from these angles.

Policy DM10 (Pollution) of the Local Plan advises that development which may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat radiation or other pollutants will only be permitted where the health and safety of existing and future users of the sites, or nearby occupiers and residents is not put at risk (along with other criteria relating to air quality, water environment and lighting etc). This policy is a consideration of this planning application when judging the impact on the residential amenity.

The business use has apparently intensified and is now operating in its current form, comprising orders being taken (via telephone), deliveries to the site of materials (15No. to date when the application was submitted in June), the manoeuvring of a forklift truck on the front hard standing to unload and reload materials and then the onward delivery of the materials, is considered to be above and beyond what is considered to be appropriate in a predominantly residential area. The fact that this has raised concern from neighbouring properties raises the issue that the operations described above are causing undue noise and disturbance which is contrary to local planning policy. Whilst it is expected that on occasions, large delivery vehicles would need to visit the street, this would not normally be on a regular basis, particularly just to one property. It would be unreasonable to control the number of and times of deliveries via a planning condition as firstly this would be difficult to monitor and enforce against, and also the demand in the business fluctuates which is clear from the submitted delivery records, so there is a need for deliveries to increase at certain times of the year. It would also be too difficult to monitor the use of the forklift truck on the site and therefore a condition would not be reasonable to control its use. Overall therefore it is considered that the application should be recommended for refusal on the grounds of resulting in excessive noise and general disturbance, inappropriate for

a residential area.

8 Conclusion

The refusal of the application would have the ongoing implication of taking further enforcement action however, overall it is considered that the business in its current form is inappropriate for a residential area.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00646 for the following reasons:

- 1 The ongoing business activity generated at the site is above and beyond a level considered to be acceptable in a residential area and results in an unacceptable level of general disturbance and noise to neighbouring properties. The proposal is therefore contrary to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.