

Recommendation: **GRANT PERMISSION**

Erection of new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre. Refused 23 August 2013.

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). Approved 26 November 2013. A condition of this Planning Permission was varied at Appeal on 18 August 2014.

APP/14/00974

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. Refused 17 November 2014.

3 Proposal

The current planning application proposes the creation of a new building following the demolition of the timber workshop and garages, and the change of use of the site from a printer's premises to an MOT Test Centre and offices.

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)
CS3	(Skills and Employability)
CS4	(Town, District and Local Centres)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Hampshire Biodiversity Information Centre: None received.

Building Control: No public sewer. The layout of attached reception and offices would suggest these could be used/converted for habitable use.

Environmental Health Manager (Noise): It appears that the upper part of the building could easily be used as [residential] accommodation, although it states that it will be used as an office. Therefore, in terms of noise, the closest receptor would be that accommodation. The noise levels, mitigation would be inaccurate for protecting this site. I understand that my Colleagues have already commented on noise issues in previous applications and this would still stand and I see no reason to change any of the requirements set out.

Additional comments: Acceptable noise levels are different in offices and residential use, so purely office use [beside the MOT centre] could be allowed, although any type of work requiring concentration may be impacted. However, as the guidance goes currently, it would be allowed as any potential business could 'vote with their feet'. The impact on the residential uses around the site (relating to the acoustic report) should be minimally impacted. Would we be able to grant the application for 6 months and review thereafter the actual impact of the site?

NB: Conditions as recommended subsequently agreed with EHO. Given that the previous consent for an MOT centre was not granted on a temporary basis, it would be unreasonable to introduce that approach now.

Environmental Health Manager (Soil Contamination): Comments are largely unchanged from previous responses (to applications APP/14/00496 and APP/14/00974). Re-revised scheme removes previously proposed residential unit, but leaves the design largely unchanged, and retains reference to a private garden area. Others have pointed out that future conversion to residential use is feasible, and on the basis of previously submitted schemes, considered possible, if not probable. Residential land uses represent increased sensitivity to contamination/pollution than would office space, both being relevant from a ground contamination perspective as an "on-site" receptor, but applicable to different standards of 'significance'. It is appropriate to require an assessment of contamination risk during any comprehensive redevelopment of a site considered likely to be either a source of, or affected by, a degree of contamination. Any future development could potentially mobilise existing contamination and increase exposure at off site locations, facilitate migration, or simply make a source of chronic contamination inaccessible, hampering future treatment that could be required. For these reasons, I had previously recommended, that it was both reasonable and appropriate to take the opportunity to ensure that the site does not constitute a source of contamination that could affect nearby residential properties (APP/14/00496). It should be noted that commercial receptors could also be significant with respect to contamination, albeit that this is unlikely at this site. Conditions are therefore recommended to require that a physical investigation and inspection of the site is undertaken that is of sufficient scope as to enable an appropriate generic or detailed assessment of associated risks to human receptors and/or the built environment, including those off site.

Rationale: Ground Contamination: It 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 (MOT Test centre/Garage services) is similarly considered to be potentially contaminating, however the standard of construction (e.g. integrity of flooring & location of drainage etc.), and the standard of 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, within a building of similar construction date. In consideration of improved standards, and increased awareness of environmental issues, the proposed business would be expected to represent a relatively low risk. However, there remains the potential for failures of either equipment or management (poor housekeeping), and in addition simple accidents would not be unforeseeable with this type of business. As has previously been indicated, I don't consider that a significant risk to the health of future site employees or customers is particularly likely, either in its existing condition or as proposed - largely to the degree of hardstanding proposed, and the reduced sensitivity of the commercial land use class (low duration of exposure for customers, lower sensitivity of adult employees to chemical

contamination when compared with children, for example). The geology is however likely to be porous and the groundwater levels shallow - meaning that the local context is likely to be conducive to the migration of any contamination present. The nearest existing residential properties (rear gardens, considered to be sensitive receptors) are < 20m directly down-(anticipated) hydraulic from the site. Whilst the amended proposals now exclude the on-site residential unit (no sensitive land use on site), it remains appropriate (as previously recommended) to confirm the degree of contamination risk to off site receptors associated with the former print works. I am also mindful of the availability of permitted development rights, and it may be useful to clarify the position of Environmental Health in the event that the right to convert were exercised under the prior notification provisions.

Where either:

- a) a site investigation were not undertaken under this application, or
 - b) risks identified under an investigation required by this application were only considered acceptable under an on-site commercial land use scenario);
- If future conversion were proposed, Environmental Health would require an appropriate reassessment of contamination risk.

If the applicant considers it possible that conversion of the office space to residential use will be undertaken, I would recommend (as an informative) that any contamination risk assessment accounts for this possibility, and in addition, that sufficient protection is designed in to the structure of the proposed building so as to prevent unacceptable exposures occurring as a result of the garage services land use. In line with the comments above and made previously - the possibility of future conversion of the office space does not alter the recommendation strictly under the proposals presented. If development control are minded to grant consent for this scheme, I request the following conditions:

Condition 1

Prior to the commencement of development approved by this planning permission, a scheme to deal with the risks associated with potential ground contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

- 1. A site investigation scheme appropriate to the scale of the site and to its previous commercial use(s), to provide sufficient information for an appropriate assessment of the risks to all receptors that may be affected, including those off site.*
- 2. The results of the site investigation and risk assessment (1) and if appropriate, a remediation strategy based on these results giving full details of the remediation measures required, and how they are to be undertaken.*
- 3. A verification report shall be prepared on completion of the remediation measures set out in (2) (if any) confirming that measures have been undertaken in accordance with the method statement, and setting out measures for maintenance, further monitoring and reporting. All elements shall be adhered to unless agreed in writing by the Local Planning Authority.*

Reason: Having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Havant Borough Local Plan (Allocations) (2014); Contamination may be present at the site as a result of both previous and current land uses (and/or activities) at the site that could pose a risk to occupiers of nearby residential properties, and future users of the site.

Condition 2

If, during development, contamination not previously identified on site is found to be present (for example solvent odour, stained or discoloured soils or sub-soils), no further development shall be undertaken until a report has been submitted to and approved by the Local Planning Authority detailing how that contamination is to be

dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.

Reason: *Having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Havant Borough Local Plan (Allocations) (2014); Contamination may be present at the site as a result of both previous and current land uses (and/or activities) at the site that could pose a risk to occupiers of nearby residential properties, and future users of the site.*

It is recognised that the scale of the development is relatively small – and for clarity, the anticipated scope is to confirm that no gross contamination arising from the former use of the site as a print works is likely to affect nearby residential property. The scope of the works need only be treated as a ‘preliminary’ investigation, however sampling suites should include VOC/PAH and a general metals suite, and should sample groundwater if encountered. More detailed investigations (and/or risk mitigation measures) may be required in the event that preliminary investigations yield unfavourable results. As a technical note, although this is a small site, it may be beneficial for the applicant to seek to determine the groundwater flow direction by use of levelled window samples (at least 3 trial holes finished as wells) as opposed (or in addition) to trial pits. There is a general lack of sensitive receptors around the site, and in the event that contamination is identified at the site, migration direction may be a critical factor in determining further action.

NB: Informative and Conditions Recommended.

Environmental Health Manager (Air Quality)

Air Quality in the Elm Grove area is known to be good. The proposed activities at this site are considered unlikely to be capable of materially affecting local air quality, and the site is considered to be of insufficient scale to have any material impact on local traffic movements or congestion. I therefore offer no adverse comment on air quality grounds.

Development Engineer - Highways: No adverse comment.

Planning Policy: Given that the proposed use will retain an employment use on the site and given that the principle of the use has already been established, there is no policy objection to this proposal.

Property Services Manager: None received.

Traffic Management Team: None received.

Waste Services Manager: No issues.

Crime Prevention: None 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: 36

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary of comments effectively addressed in Section 7 below:

Although this is a revised application, room names have been changed to offices on plan, but the bathrooms still remain.

It [the proposed layout] looks just like the 2 bed flat that got turned down for so many reasons, In my opinion if this application gets the go ahead that is what it will become as many people do internal alterations without the Council's knowledge.

The MOT station received planning permission with conditions (APP/13/00982). Do they apply to this application? if not can they be reconsidered for it as we residents will be the ones most affected by the noise etc.

Doors will be open while working has been mentioned this time, for Health and safety will this not add to the noise, as will the use of air compressors being used, with the doors open. They have mentioned that their working hours will be 08:00 to 18:00 Monday to Saturday, but it was only going to be until 15:00 on Saturdays and not at all on Sundays or Bank Holidays.

Why does the plan outline extend down to the entrance to the car park from Hollow Lane, and HBC named in the documents?

Summary of comments which have effectively been addressed, or could not reasonably be reversed, as a result of consideration of previous schemes:

Entrance to the offices is via the lych gate which means the access for any cars to the MOT centre is somewhat restricted. Could this entrance not be through the perimeter fence allowing a more straight forward access to the MOT part.

Comments made on the previous two applications still stand, namely that the site seems over developed, with almost 100% coverage. Access for vehicles is still challenging. The high percentage of site coverage means that a soakaway will be impractical, and the surface water sewer running east of the property should be used, and noted on the application forms. Rainwater gutters and down pipes should be accessible and fit within the site. In terms of minimising the sound escaping from the site, we would ask for a condition that windows facing the Church should be fixed lights, with obscure glazing part way up.

With regards to the car park not being very busy, it has in fact improved over the last few months with the 20 minute free parking bring people back to Hayling shops.

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 on the application site and locality
- (iii) Impact on neighbouring amenity
- (iv) Access and parking provision

(i) Principle of development

The site lies within a mixed use area. There are residential properties nearby and a number of commercial and retail uses in the immediate locality. In addition, Hollow Lane public car park and the South Hayling United Reform Church lie adjacent to the site. There are accesses into the car park from Hollow Lane and Elm Grove. This overall pattern of development and land use results in a relatively high level of activity and through flow of traffic.

Planning permission has already been granted for the erection of a new building and lych gate following demolition of the existing buildings on the site, and for the change of use of the site from a printer's premises to an MOT Test Centre. As such the principle of an MOT Centre on the site has been established. The Applicant explains that the market suggests this derelict site would be a more attractive prospect if consent was in place for a use that was not solely an MOT Centre. Given the mixed character of the area it is considered that the provision of an element of office use would not be inappropriate in principle.

(ii) Impact on the application site and locality

There is a currently extant planning permission for a replacement two storey MOT Centre on the site, with three work bays (reference APP/13/00982). The current proposal is similar in terms of massing and design, but one work bay would be removed and office accommodation introduced. It is considered that the current proposal would have no significant additional impact over and above what has already been approved.

Furthermore, although a subsequent planning application (reference APP/14/00974) with fundamentally the same external appearance has been refused, the reason for refusal of that proposal was solely concerned with the impact of the MOT Centre on a then proposed residential use within the building. The impact of the building itself on the character and appearance of the site and locality was therefore considered acceptable at that time and, subject to conditions, there is no reason to change this view in connection with the current proposal.

In responding to the consultation on application APP/14/00974, the Environmental Health Officer requested that conditions regarding soil contamination should be imposed in the event of any planning approval. This stance is held in connection with the current application, due to the geology of the area and proximity of existing residential properties, and the potential to convert the currently proposed offices to residential use at a later date. Appropriate conditions and an informative are therefore recommended.

(iii) Impact on neighbouring amenity

The proposal permitted under reference APP/13/00982 was subject to a number of conditions relating specifically to the protection of neighbouring amenities. These conditions are effectively repeated in the recommendation below – with adjustments to reflect the appeal decision pursuant to the original approval and the subsequent changes to the then proposed scheme – and have been agreed with the Environmental Health Officer. Adherence to the conditions should ensure that any impact on nearby amenities would be controlled or mitigated to an acceptable degree.

As noted above, the refusal under reference APP/14/00974 dealt with concerns regarding the impact of the MOT Centre on a then proposed residential use within the building. Given that the layout of the offices would be fundamentally the same as the previously proposed flat, it is considered reasonable to ensure control is retained over the potential future residential use of the building.

(iv) Access and parking provision

The Highway Engineer has no adverse comments on the proposal. Access to the site would be via the adjacent public car park, which is in turn accessed from Hollow Lane, and thus is identified on the submitted drawings. Havant Borough Council (HBC) owns the land adjoining the northern and western boundaries of the site and 3 Elm Grove benefits from a right of way over this HBC land. HBC Estates has previously advised that new development of the site should not encroach onto HBC land and any HBC land affected should be reinstated to HBC satisfaction. HBC Estates has also advised that any vehicles parked on HBC land for the purpose of using the site would be subject to the usual charges. These matters are subject of separate legislation and as such do not require further control by way of planning conditions, although an informative note to any approval is recommended.

8 Conclusion

The proposed creation of a new building following the demolition of the timber workshop and garages, and the change of use of the site from a printer's premises to an MOT Test Centre and offices would be acceptable in principle. Subject to appropriate conditions, the proposal would not have a detrimental impact on the local highway network, the character and appearance of the application site and locality or the amenities of occupiers of nearby properties. The planning application should therefore be approved.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01277, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No audio or sound producing equipment shall be used, which when operated is audible outside the premises, without the prior consent of the Local Planning Authority in writing.
Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The 'workshop' area of the building (as identified on the drawing hereby approved) shall be used only for MOT tests and associated minor maintenance and not at any time for any other use including body work repairs not associated with the MOT tests, nor uses/repairs involving panel beating nor the use of any angle grinder, nor shall it be used as a tyre changing or exhaust repair or replacement premises.

Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The 'office' areas of the building (as identified on the drawing hereby approved) shall not be used at any time for any purpose not falling wholly within the scope of Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as now amended.
Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order, no part of the building hereby approved shall at any time be used for any residential purpose.
Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The gates on the western boundary shall remain closed at all times other than when vehicles are entering or leaving the site, and at those times shall open inwards only.
Reason: To protect the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 The premises hereby permitted shall only operate and be open to the public between 08:00 - 18:00 hours on Monday to Friday and 08:00 - 15:00 hours on Saturdays and not at all on Sundays or recognised bank holidays.
Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 8 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 9 Before the use of the premises as an MOT test centre is commenced, the acoustic lych gate and acoustic boundary fencing, as shown on the drawing hereby approved, shall be fully constructed and completed in accordance with detailed specifications which shall first be submitted to and approved in writing by the Local Planning Authority. The lych gate and fencing shall be permanently retained and maintained in good repair so that they provide effective noise attenuation.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 MOT tests and associated minor maintenance shall only take place with the lych gate closed.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 11 Prior to the commencement of the development hereby approved, details of all windows shall be submitted, including specifications as to any double and/or acoustic glazing and which windows are to be fixed and unopenable or openable. The development shall only be carried out in accordance with such plans as have first been approved in writing by the Local Planning Authority. The windows shall be permanently maintained with the type of glazing specified in those details and with unopenable windows remaining permanently unopenable.
Reason: Because details have not yet been submitted; to safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 12 Prior to the commencement of development approved by this planning permission, a scheme to deal with the risks associated with potential ground contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
1. A site investigation scheme appropriate to the scale of the site and to its previous commercial use(s), to provide sufficient information for an appropriate assessment of the risks to all receptors that may be affected, including those off site.
 2. The results of the site investigation and risk assessment (1) and if appropriate, a remediation strategy based on these results giving full details of the remediation measures required, and how they are to be undertaken.
 3. A verification report shall be prepared on completion of the remediation measures set out in (2) (if any) confirming that measures have been undertaken in accordance with the method statement, and setting out measures for maintenance, further monitoring and reporting. All elements shall be adhered to unless agreed in writing by the Local Planning Authority.
- Reason:** Because contamination may be present at the site and details have not yet been submitted; to safeguard the amenities of the locality and/or occupiers of neighbouring property and having regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) (2011) and DM17 of the Havant Borough Local Plan (Allocations) (2014).
- 13 If, during development, contamination not previously identified on site is found to be present (for example solvent odour, stained or discoloured soils or sub-soils), no further development shall be undertaken until a report has been submitted to and approved by the Local Planning Authority detailing how that contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.
Reason: Because contamination may be present at the site and details have not yet been submitted; to safeguard the amenities of the locality and/or

occupiers of neighbouring property and having regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) (2011) and DM17 of the Havant Borough Local Plan (Allocations) (2014).

- 14 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority and this condition shall apply notwithstanding any information contained in the current application. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and to avoid the use of externally exposed blockwork and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 15 The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved drawing. 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.
- 16 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number 3 (30 November 2014)

Reason: - To ensure provision of a satisfactory development.