
Site Address:	Units 1-4, Victoria Road, Waterloooville, PO7 7ET		
Proposal:	Variation of Conditions 5, 6 and 7 of Planning Permission 17055/5 in order to allow continued use of Unit D and associated parking spaces for car valeting.		
Application No:	APP/15/00030	Expiry Date:	03/03/2015
Applicant:	Mr M Todd	Team:	Team 1
Agent:		Case Officer:	Richard Nash
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application sites comprises Unit D and associated land at 1-4 Victoria Road. Unit D and three other Units are contained within a single building located to the rear of commercial premises in London Road (to the north) and accessed via Rockville Drive (to the south). The other units within the site are used in connection with vehicle maintenance and repairs, an MOT Centre and a tyre sales and fitting centre. To the west of the site is a car sales business and to the east a public car park. Although there are some residential properties in the vicinity, the area is predominantly commercial in character and the site lies within Waterloooville Town Centre as defined within the Local Plan.

2 Planning History

17055/5

New garage workshops. Approved (1983) with the following conditions relevant to the current application:

5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1972 no additional plant or machinery other than portable hand tools shall be installed or used without the written consent of the Local Planning Authority.

6. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1972 the building shall be used only for the purposes of effecting welding, crash repairs, re-spraying and mechanical work only, in connection with a vehicle repair business and, no such works shall be carried out on the open areas of the site.

7. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1972, the land (other than the building) shall be used only for the purpose of car sales, access and the parking and turning of vehicles in connection with the garage use.

11/00064/CMP

Alleged unauthorised car wash/valeting business.

APP/11/01505

This application was submitted as a result of the above enforcement investigation: Variation of condition 5, 6 and 7 of Planning Permission 17055/5 to permit the use of plant and machinery, and the use of the open area for purposes in connection with

the uses of the units as set out on the submitted plans. Approved with the following conditions relevant to the current application:

1. The variation of conditions, 5, 6 and 7 of planning permission no. 170555/5, dated 21st June 1984 hereby approved, shall apply only until 1st June 2014, at which time the variation shall cease to have effect.

*2. For the limited period defined in condition 1 above, condition 5 of planning permission no. 170555/5, dated 21st June 1984 shall be varied to read:
Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, as amended, no additional plant or machinery other than portable hand tools and equipment associated with car valeting, shall be installed or used without the written consent of the Local Planning Authority.*

*3. For the limited period defined in condition 1 above, condition 6 of planning permission no. 170555/5, dated 21st June 1984 shall be varied to read:
Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, as amended the building shall be used only for the purposes of effecting welding, crash repairs, re-spraying, mechanical work, in connection with a vehicle repair business and for MOT, tyre sales and fitting and car valeting only. With the exception of car valeting, no such works shall be carried out on the open areas of the site.*

*4 For the limited period defined in condition 1 above, condition 7 of planning permission no. 170555/5, dated 21st June 1984 shall be varied to read:
Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, as amended , the land (other than the building) shall be used only for the purpose of car sales, access and the parking and turning of vehicles in connection with the garage use. However, the spaces numbered 1-5 on plan drawing 121.21.01, submitted with the current application, may also be used for the purposes of car valeting, provided that the hours of use do not exceed 9am - 6pm Monday to Saturday and do not exceed 10am - 4pm on Sundays.*

5 This permission relates to the variation of conditions 5, 6 & 7 of planning permission ref: 17055/5 dated 21st June 1984, which are hereby replaced by conditions 1, 2 and 3 of this permission. All remaining conditions attached to planning permission 17055/5 remain effective and must be complied in perpetuity.

6 The development hereby permitted shall be carried out in accordance with the following approved plans:

121.21.02 Rev B

121.21.01 Rev B

14/00264/CMP

Alleged breach of condition. The current planning application was submitted as a result of this enforcement investigation. The complaint alleged the breach of conditions attached to APP/11/01505 regarding restrictions on the operation of the car valeting business. However, as that temporary consent has now expired, the ongoing use of the site is in itself currently unauthorised.

3 Proposal

The current application proposes a Variation of Conditions 5, 6 and 7 of Planning

Permission 17055/5 in order to allow the continued use of Unit D and associated parking spaces for car valeting.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS2	(Employment)
CS4	()
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

AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Southern Water: No Objections.

Crime Prevention: None received.

Environmental Health Manager: Would ask that the following condition(s): 2,3,4 and 5 as per planning permission dated 1 June 2012 with reference APP/11/01505, be re-imposed on any consent granted.

NB: Subsequently agreed verbally with EHO that any renewal of consent would be likely to be on a permanent basis. Was advised that there have been no public nuisance complaints and therefore no reason to object.

Development Engineer: None received.

Economic Development: 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: 55

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: Impact on Residents' Amenity: The 'Hand Car Wash' is not a bucket and sponge operation. Industrial pressure washers and vacuum cleaners are in constant use and generate a significant level of noise. 'With the exception of car valeting, no...works shall be carried out on the open areas of the site': This clause is currently not being complied with. The most deleterious aspect of this is the revving of unsilenced 'Stock-car racer' engines on Sunday mornings - predominantly during the summer months. The large advertising signs at the carwash clearly state 'Opening Hours 9am – 6pm 7 Days a Week'. They may, on the whole, finish working on customers vehicles earlier on Sundays but quite often they will then work on their own vehicles long after 4pm, often playing loud esoteric music at the same time. I believe that **all** work and intrusive noise should cease by 4pm. Although generally, but not exclusively, in summer, the operatives have the habit of opening the car doors and hatch backs and wind up the 'In car entertainment systems' to a level which is extremely intrusive to the adjoining residential properties impacting negatively on their amenity. This is also in contravention of PRS licensing requirements. Should they apply for a PRS licence I would object most strongly. In summary, I do not have any specific objections to the Application as written. My points relate to those aspects where the applicants are not complying with the conditions set. I merely ask that they conduct their business in a manner which is not deleterious to residents enjoying the amenity of their properties and comply by the most reasonable restrictions placed upon them.

Comment:

See Section 7 of Report.

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 amenity and neighbouring properties
- (iii) Highway Issues

(i) Principle of development

The application site comprises a group of established commercial premises located in the southern part of Waterloo Town Centre. The application proposes the variation of restrictive conditions on businesses that have a lawful planning use.

Although there are some residential properties in reasonably close proximity to the site, the character of the area is almost exclusively commercial. Subject to the application meeting all other relevant development plan criteria, it is considered that there are no 'in principle' issues that would automatically preclude any modification or enhancement of the scale of commercial activity taking place in this predominantly commercial area.

It is also relevant that the conditions subject of the requested variation were imposed 'in the interests of amenity'. It is therefore considered that the reason for imposing these conditions was not as a result of any fundamental planning policy principle.

(ii) Impact on amenity and neighbouring properties

Concerns raised in connection with the application relate to noise generated from the site through inappropriate use of machinery, audio equipment and hours of operation. It is acknowledged that these impacts exist and consideration has to be given as to whether they could be controlled at an acceptable level within the context of a predominantly commercial area, and on a site that has a lawful use within certain parameters.

A temporary permission for the variation of conditions as now applied for was previously granted. This was in order to allow the Council the opportunity to monitor and assess the impact of the use of the site on the surrounding area. The current application allows reconsideration of this in the light of how the actual use of the site has impacted upon the area in the intervening period.

The Environmental Health Officer has raised no objection to the application, provided conditions applied to the previous variation consent are maintained. The single local resident's representation received in response to the application is explicit in stating there is no objection to the Application as submitted, provided that the business were to be conducted in compliance with the conditions applied to the previous consent. There is therefore no sustainable basis on which to resist the current proposal on the grounds of impact on neighbouring amenity.

(iii) Highway Issues

The Development Engineer has not commented on this application. During the previous application process, a plan clarifying the spaces required for parking and valeting was submitted and a planning condition imposed accordingly. This plan has also been submitted with the current application.

8 Conclusion

The proposed Variation of Conditions would be acceptable in principle and, subject to conditions, would not have an unacceptable degree of impact on the highway network or the amenities of occupiers of neighbouring properties. The application should therefore be approved. Given the lack of evidence of unacceptable impact (i.e. from that use which would arise within the conditioned limits) during the lifetime of the previous consent, there is no justification for limiting the operation of the business for a further temporary period.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00030, subject to the following conditions:

- 1 Condition 5 of planning permission 170555/5, dated 21 June 1984, shall be varied to read: Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, as amended, no additional plant or machinery other than portable hand tools and equipment associated with car valeting, shall be installed or used without the written consent of the Local Planning Authority.
Reason: In the interest of amenity and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework.

- 2 Condition 6 of planning permission 170555/5, dated 21 June 1984 shall be varied to read: Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, as amended the building shall be used only for the purposes of effecting welding, crash repairs, re-spraying, mechanical work, in connection with a vehicle repair business and for MOT, tyre sales and fitting and car valeting only. With the exception of car valeting, no such works shall be carried out on the open areas of the site.
Reason: In the interest of amenity and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework.
- 3 Condition 7 of planning permission 170555/5, dated 21 June 1984, shall be varied to read: Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, as amended, the land (other than the building) shall be used only for the purpose of car sales, access and the parking and turning of vehicles in connection with the garage use. However, the spaces numbered 1-5 on plan drawing 121.21.01 (revision b), submitted with the current application, may also be used for the purposes of car valeting, provided that the hours of use do not exceed 9am - 6pm Monday to Saturday and do not exceed 10am - 4pm on Sundays.
Reason: In the interest of amenity and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework.
- 4 This permission relates to the variation of conditions 5, 6 & 7 of planning permission 17055/5 dated 21 June 1984, which are hereby replaced by conditions 1, 2 and 3 of this permission. All remaining conditions attached to planning permission 17055/5 remain effective and must be complied in perpetuity.
Reason: In the interest of amenity and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework.
- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

121.21.01 revision b (Site Plan)
121.21.02 revision b (Location Plan)

Reason: - To ensure provision of a satisfactory development.