
Site Address:	Howards Car Spares, Mill Rythe Lane, Hayling Island, PO11 0QQ		
Proposal:	Change of use to mixed B1 B2 and B8 from existing Sui Generis use as scrapyards/metal recycling yard.		
Application No:	APP/14/00455	Expiry Date:	14/07/2014
Applicant:	Mr Marples Brenchley Civil Engineering	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.

2 Planning History

For site and original larger 'Howards Yard'.

A P P / 1 3/00981 - Southern part of Howards Yard: Change of use of the southern 45% 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.

A P P / 1 4 / 0 0204 - 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 Withdrawn

A P P / 1 3 / 0 1 1 5 3 - 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 Withdrawn 17.12.2013.

A P P / 1 3 / 0 0 0 5 5 - 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.

A P P / 1 2 / 0 0 3 0 1 - 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.

1 0 / 7 3 8 7 6 / 0 0 1 - 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.

0 9 / 7 3 8 7 6 / 0 0 0 - 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.

0 8 / 5 3 3 7 6 / 0 1 4 - 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.

0 1 / 5 3 3 7 6 / 0 1 1 - 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.

9 7 / 5 3 3 7 6 / 0 0 9 - 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.

9 3 / 5 3 3 7 6 / 0 0 7 - 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

- 3.1 The proposal is for a mixture of B1,B2 and B8 uses. No new buildings are proposed. The application form details that there are 24 spaces for cars and 23 for light goods vehicles. Access is to be via the existing entrance. No additional landscaping is proposed. Submitted with the application are lighting details and a Flood Risk Assessment

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Natural England Government Team - Views as on APP/13/00981 when no objection raised.

Chichester Harbour Conservancy -

No objection is raised to the proposed mixed B1/B2/B8 usage, subject to conditions securing:-

- (a) Controlling the height of storage in open yard to no higher than boundary;

(b) require scheme of hedge planting to highway frontage, its implementation and subsequent maintenance to 1.8m height ;

(c) require external light fittings to achieve full horizontal cut-off to avoid light spillage;

(d) the control hours of working to safeguard tranquillity of AONB

Officer comment: See Section 7 for comments on these suggested conditions

Environment Agency, Planning Liaison - South Downs

No objection to the proposed change of use as the vulnerability classification of the site will remain the same.

County Minerals

The proposed development is not expected to have any impact on the nearby safeguarded waste site; therefore no objection raised to the application.

Crime Prevention -Minor Apps

No comments received

Regeneration & Development

No comments received

Development Engineer - No adverse comment as the potential generation from the existing use exceeds the amount of traffic that could be generated from any combination of the proposed uses.

Environmental Health Manager, Community Group

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: 7

Number of site notices:One

Statutory advertisement: Not applicable.

Number of representations received: One

Summary:

1. In favour of the site being developed as a small scale 'start up' business enterprise zone which would benefit the local community of Hayling Island.

2. Would wish to see the operating hours of the site restricted (Monday to Friday 08.00 to 18.00 and Saturday 08.00 to 13.00 so as to prevent annoyance and loss of amenity to the local residents in Havant Road. C

Officer comment: The previous car breaking use had no hours of use restrictions; nor do the adjacent units.

3. Vehicular access statement required due to narrowness of Lane and poor junction of Mill Rythe and the A3023. With increased usage there is potential for increased road traffic incidents.

Officer comment: The junction was approved under s106 requirements when the permission was given for the original development of the site as car breaker's yard. The level of traffic associated with the proposed range of uses is not considered to exceed that associated with the lawful use of the site. See further at 7.4 below.

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) Transport considerations
- (iv) Effect on residential amenity
- (v) Other environmental considerations

(i) Principle of development

7.2 The current lawful planning use of the site is as a car breaker's yard with recycling and ancillary sales of parts. It is presently vacant as the site was purchased by Brenchley who wanted it for a depot but decided not to proceed after all the opposition their proposal received. The current use can be carried on without restriction in terms of hours of operation or the manner in which it carries out its activities and the noise that could be generated. The proposal is confined within the main yard (but for the area to the south that is now associated with Hayling Yachts for open storage use). Car parking is proposed outside the yard on the frontage of Mill Rythe lane. This area is already concreted and has been used for parking for the site. There is a palisade fence/gates on the frontage to the Lane. Whilst this area is in the AONB no part of the proposal extends beyond the existing compound and the yard and the hard surfaced area to the front. It is 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 is acceptable. However, in view of the location and nature of the building it is considered the B1 use should be restricted to B1c (light industrial).

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

7.3 The area of the operations and the existing building the subject of this application are within the existing yard which is screened by the existing 3.8m high fence and the planting undertaken to the west of the western boundary. It is not considered that the operations within the yard associated with a B1, B2 or B8 use, as compared with the lawful use of the site, will be detrimental visually to the appearance of the locality which is within the AONB and coastal zone on the basis that storage does not extend above the existing fencing. Car parking is proposed to the north of the existing yard, adjacent to Mill Rythe Lane. This is an area of existing car parking. Lighting is proposed but a condition is proposed, as on the recent change of use of the southern part of the site now in Hayling Yacht Company's operation, to ensure horizontal cut off. Chichester Harbour Conservancy requested the introduction of hedging on the

frontage but this area is within the Mill Rythe employment complex and has operated as a car park without screening under the current usage. It does not have a direct visual relationship with the open area of the adjacent AONB; as a result it is not considered that the Conservancy's request could be reasonably required as part of this application.

(iii) Transport considerations

- 7.4 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.

(iv) Effect on Residential Amenity

- 7.5 The visual impact has been discussed in 7.3 above and on the basis that storage and lighting is controlled as discussed it is considered the visual impact of the proposed uses will be acceptable. The Conservancy and the representation have sought to have the hours of operation restricted. It is not considered that this is justified when the previous car breaking use was not so restricted; nor the adjacent users. In practice, environmental health legislation was, and will remain, the means by which any nuisance arising from the previous and proposed uses can be tackled.

(v) Other environmental considerations

- 7.6 There is no objection from Natural England or the EA.

8 Conclusion

- 8.1 The proposal, especially in view of the history of the site is considered acceptable subject to the conditions proposed. It is considered to accord with policies CS11, CS12, CS16 and DM9 of the Core Strategy and the re-use of an otherwise vacant brownfield site would accord with the general thrust of the NPPF.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00455 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 At no time 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.

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 6.00 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 No article of any description shall be manufactured, assembled, altered or repaired outside the building on the site.

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 No use hereby permitted shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same have been submitted to and approved in writing by the Local Planning Authority.

(a) The provision to be made for the parking, turning, loading and unloading of vehicles;

(b) The provision to be made for the storage and removal of refuse from the premises;

Reason: To secure orderly development.

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

Planning Design and Access Statement
Flood Risk Assessment TamLite Lighting Specification
Views A103 V4.2

Location Plans A101 V4.2
Main Site/Floor Plan A102 V4.2
Elevations A102 V4.2
Full Site Plan A104 V4.3

Reason: - To ensure provision of a satisfactory development.