



# The Planning Inspectorate

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Miss Karen Wooden  
Havant Borough Council  
Business Development & Support  
Team  
Civic Centre  
Havant  
Hampshire  
PO9 2AX

Your Ref: APP/13/00982  
Our Ref: APP/X1735/A/14/2212109  
Date: 11 March 2014

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Dear Miss Wooden

**Town and Country Planning Act 1990**  
**Appeal by Mr Simmons**  
**Site at 3 Elm Grove, Hayling Island, PO11 9EA**

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely

Neale Oliver

217L(BPR)

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>

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**D.J. Green & Associates**  
*Planning Design Development*

The Planning Inspectorate  
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BRISTOL  
BS1 6PN

5.03.2004

Dear Sir/Madam

Re: 3 Elm Grove, Hayling Island  
REF APP/X1735/A/14/2212109

Further to the LPA's statement of case regarding the above I would comment as follows.

In 6.3 the LPA quotes the comments made by the Environmental Health Officer, which in summary asks that 'suitable conditions could be framed to ensure that the MOT test centre doesn't turn out to be a body workshop or tyre centre, and that the workshop radio isn't audible outside the premises' there is no actual reference to mechanical repairs and therefore not a significant concern. As mentioned previously there are other conditions in place that fulfil the Environmental Health Officers concerns and the removal of the word mechanical would not conflict with this.

In 6.5 the LPA concedes that it has no objection to 'some degree of mechanical work' and it has no wish to make the business unsustainable. However it is our belief that if the word 'mechanical' is kept in the condition in any form it will be detrimental to the business as it's interpretation is subjective. It would leave the business owner open to constant complaints and put pressure on the Enforcement Officer to investigate every grievance presented by the public on their interpretation of the mechanical operations carried out.

In 7.2 the LPA suggests that the wording of the condition could be amended to include 'other mechanical or bodywork repairs not associated with the MOT test' which is unacceptable to the Appellant as it could cause confusion and conflict with the neighbours/ public in justifying mechanical works and MOT association. It would be contrary to business and community harmony if the owner was open to be challenged on all mechanical works. The restriction of tyre/ exhaust changing and body repairs is

*PTD*



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adequately covered by other conditions, therefore for the avoidance of doubt and conflict there should be no mention of mechanical works in condition 3

I therefore respectfully request that you uphold this appeal.

Yours faithfully

A solid black rectangular box used to redact the signature of David J Green.

David J Green BA Arch  
Cc Mr Simmons

G M Simmons  
62 North Lane  
Aldershot  
GU12 4QG

3<sup>rd</sup> March 2014

Ref:-Statement of Havant Borough Council  
(3 Elm Grove, Hayling Island, PO11 9EA)

Dear sir,

my agent has agreed that we both write to you regarding this appeal as I would like add to this statement.

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 this is slightly misleading as it gives the impression of peace and tranquility and fails to mention my immediate neighbours at no.7, a commercial laundry, and no.9, a curry house with a takeaway and home delivery services. At the entrance to the car park there is a social club with bar and a music license. Directly opposite the site is a public convenience. This is a public car park, serving a vibrant town centre, having a derelict printing works situated in the corner.

2.0 PLANNING HISTORY

- 2.5 there was a pre-application for APP/13/00496, with fees paid and documents provided, for an MOT station, which was deemed acceptable, after which we made a full application only for H.B.C. to renege and refuse the application.

5.0 REPRESENTATIONS

- 5.1 the two houses in Elm Close have been protected by our accoustic gating system. As the church has religious services on Sundays we have no effect on their operations as we do not trade on a sunday. As the revd Mary Thomas is no longer at the church, due to the economic climate, and will not be replaced for the considerable future there will be no midweek services. The use of the church halls is solely commercial and are not affected by us as our accoustic report shows.

6.0 PLANNING CONSIDERATIONS

The principal of an MOT centre is to agree with policy DM10, not contrary to it, as it protects the public from gas and noise pollution by motor vehicles in the borough. The site was an agricultural workshop 'til after world war 2 and then was used as a print works until January 2013. Historically this has been a commercial site preceding all neighbouring developments. The new build will be of yellow brick and block under a pantile roof, this with its ecclesiastical windows and lych gate will sit nicely with the backdrop of a 1960's brick built church, this being compliant with policy CS16.

8.0 CONCLUSION

As this application is compliant with policies DM10 and CS16 it would seem reasonable for the word 'mechanical' to be deleted from within the conditions by allowing this appeal.