

A planning condition is proposed to emphasise that the use should be appropriate to a residential area

Proposed hours 8.30 to 6.00 Mon to Fri; 8.30 to 1.00 pm Saturdays - but access required for office work

In the light of the applicant's business requirements - detailed above - the conditions of 09/63310/000 would need to be adjusted.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16	(High Quality Design)
CS2	(Employment)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group - no response

Development Engineer - no response

Crime Prevention -Minor Apps - No comments

Regeneration & Development - No objection

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: 11

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: Two

Summary:

- 6.1 Victoria Avenue is difficult to park in and the business will create further difficulties for private and emergency vehicle access if the adjacent road is used by the motor workshop.
- 6.2 A number of companies have used the premises over the years without problems until Hi Flo leased it which resulted in parking and access problems. When Hi Flo gained their permission conditions were imposed re parking, working hours, weekend working

and providing access for residents. These are all conditions that are expected to see in place when a company operates in a residential area. So not opposed to a mobile mechanic but have concerns that the original conditions will not be imposed on the new company.

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 neighbouring properties
- (iii) Highway considerations

(i) Principle of development

In general terms the Core Strategy policies and NPPF are strongly supportive of economic development activities of which this application is one example. The application site lies in a built up area so the development would normally be acceptable subject to its impact on the character of the area, neighbours and the consideration of other development control policies.

(ii) Effect on neighbouring properties

The use is a low key one, being operated by a single mechanic using the unit primarily as a base for his mobile mechanic business but with the provision for some light mechanical work to be undertaken on site and office work which he would like to be able to undertake at weekends. The use falls within a B1(c) light industrial category which by definition should operate acceptably within a residential area. No representations have been made about the impact of the operations within the building. Because of the use of a shared drive and the position of the building at the rear of residential properties the concerns have related historically and currently to the impact of the operation on the use of the access. It is therefore considered that ensuring the operation is undertaken in the building, and that parking, access and hours of operation are controlled by condition are the key matters that need to be addressed to ensure neighbours' amenities are protected. The parking situation differs in that the operator may wish to have vehicles in the building that require work and that over the weekend he would wish to leave his commercial van on the parking area. This will mean the parking conditions are not so restrictive as on the earlier permission for Hi-Flo. The actual operation within the building is not in itself a matter that needs to be controlled - as long as it is a B(c) light industrial use or other uses within Class B1.

The applicant has explained that his operation differs from the previous occupier - with respect to parking, hours and the need to undertake office work at weekends and therefore conditions are 'adjusted' from those on the previous permission to reflect his operation. The conditions could also relate to a further operator without requiring a fresh application for a new occupier.

(iii) Highway considerations

On the basis of a condition regarding parking and keeping access clear the highway

issues should be dealt with as this will be similar to the previous permission. It is considered that the proposal is not detrimental to highway safety or will result in access, parking or turning issues. The submission indicates that the parking is required for the operator and for vehicles he may work on. Over the weekend he wishes to leave his commercial van at the site. The Dev Engineer has not provided a response but notwithstanding this, on the basis of the application details it is not anticipated that this arrangement will prejudice highway safety or local amenity considerations provided suitable safeguarding conditions are imposed.

8 Conclusion

- 8.1 Having regard to the preceding report, the proposal is considered acceptable subject to conditions limiting the nature of the use on the site and car parking/access arrangements.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/13/01139 subject to the following conditions:

- 1 The premises shall be used for Class B1 purposes only and for no other purpose whatsoever including any other purpose in 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 and re-enacting that Order or changes provided by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
Reason: In order to control the nature of the use in the interests of the character of the locality, the amenities of neighbouring 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.
- 2 With the exception of the parking of two vehicles within the areas shown on the approved Site Plan, no vehicles or other articles shall be stored on the site outside of the building without the prior written consent of the Local Planning Authority.
Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 3 No vehicles or articles of any description shall be manufactured, assembled, altered, or repaired on the application site other than within the building.
Reason: In the interests of the amenities of adjacent 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.
- 4 Apart from ancillary office work, the use hereby permitted shall only take place between the hours of 0830 and 1800 hours on Monday to Friday and between the hours of 0830 and 1300 on Saturdays.
Reason: In order to control the nature of the use in the interests of the

character of the locality, the amenities of neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 No more than two vehicles shall be parked on the site, outside of the building, at any one time.

Reason: In order to control the nature of the use in the interests of the character of the locality, the amenities of neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Two parking spaces shall be provided within the curtilage of the site, outside of the building, in accordance with the approved Site Plan and thereafter those spaces shall be kept available for such purposes at all times.

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.

- 7 The vehicular access, shown in the application to be outside of the boundary of site ownership, shall be kept available to provide access at all times.

Reason: In the interests of highway safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

1:1250 Site Location Plan
Site Plan showing Parking 0413 01
Planning Statement

Reason: - To ensure provision of a satisfactory development.