
Site Address: 3 Elm Grove, Hayling Island, PO11 9EA
Proposal: 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).
Application No: APP/13/00982
Applicant: Mr Simmons
Agent: D J Green
Ward: Hayling West

Expiry Date: 26/11/2013
Team: Team 2
Case Officer: Rachael McMurray

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located to the rear of No.3 Elm Grove (a post office) and adjacent to and accessed through a public car park. The site currently comprises of a single storey wooden building occupied by Gridleys Printers. There is also a detached, double garage building. The site is enclosed by a 1.8m high fence. To the immediate south of the site lies the South Hayling United Reform Church. Elm Grove is mixed in character with commercial properties at ground floor level and residential properties above. Elm Close Estate is located to the east of the car park.

2 Planning History

90/52810/001

Replacement of existing single storey print works with a 2 storey building with offices over and associated car parking. Permission granted 01/11/90.

06/52810/004

Erection of a new two storey building to house existing print works with offices over and associated car parking. Permission 11/05/06.

09/52810/005

Erection of 1No. two storey building to house existing print works with offices over, and associated parking renewal of previous consent 06/52810/004. Demolition of existing single storey timber building. Permission - 18/5/2009

APP/11/01191

Removal of Condition 8 of Planning Permission 09/52810/005 in order to allow for light industrial purposes (Class B1c) with ancillary office and storage space. Permission - 28/9/11.

APP/13/00496

Erection of new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre. Refused by the Development Management Committee on 23/8/13.

Reason for refusal:

1. The proposed development would be likely to result in an unacceptable level of noise and disturbance which would adversely affect the amenity of the immediate

locality and nearby residential properties. The proposal is therefore contrary to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

3 Proposal

- 3.1 Erection of a new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre.
- 3.2 Similar to the previous application, the proposed building would be located in the same place as the existing print works. It would be laid out in a 'T' shape with the front elevation facing west towards the car park. The front elevation would feature three roller shutter doors and the front facing roof slope would feature 6no. roof light windows. Internally there would be no first floor accommodation. This main section of the building would feature three vehicle bays. The roof of this section would be pitched, with gable ends facing north and south. The rear section would extend towards Elm Grove and would feature a lower, hipped roof but with a roof lantern at the top section and roof light windows on the rear slope. This section would provide the office space. The north elevation of the main section of the building would include three long windows. The south facing elevation facing onto the Church would feature three recessed timber panels.
- 3.3 The building would be used for a MOT centre which would carry out minor repairs such as; changing light bulbs and window screen wipers. It would operate between the hours of 0800-1800 Monday - Friday and 0800-1500 on Saturdays.
- 3.4 The main amendment from the previously refused scheme to the one now proposed is as follows:
 - The introduction of a lich gate at the entrance to the site. This would comprise acoustic timber boarding extending across the width of the site and along the side elevations up to the proposed building. A pitched canopy roof would be placed over the front section of the site to form an enclosed space with a central courtyard (not covered) between this and the MOT centre. There would be a set of entrance gates within the front boundary which would open inwards. The ridge height of the canopy section would be 4m. The two car park spaces would be underneath the roof canopy of the lich gate.

4 Policy Considerations

National Policies

NPPF

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

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

Building Control:

No public sewer or bin storage provided. Acoustic boarding on the south elevation should be 30mins fire resistant.

Environmental Health:

The acceptability of the proposed use from a noise point of view is likely to hinge on the extent of "associated works" which are carried out supplementary to carrying out MOT tests. Clearly if these works are restricted to topping up washer bottles and changing windscreen wiper blades and defective light bulbs, noise is most unlikely to be a problem. Changing tyres and servicing/replacing brakes would have more impact because it would necessitate the use of air tools and any body work would almost certainly lead to the use of an angle grinder and possibly hammering.

The report does contain some inconsistencies and contradictions however overall the conclusion is that if an angle grinder isn't used and there is no need for hammering (i.e. there are no body work repairs), the "dominant" noise source would be the horn test but this would only add up to perhaps a second or two at most every hour. With such a short interval, and with the extra attenuation achieved by the lych gate/fence arrangement I would not anticipate this leading to complaints. In fact it would be less noticeable than any motorist sounding their car horn in the car park.

No doubt if you are of a mind to recommend consent, suitable conditions could be framed to ensure that the MOT test centre doesn't turn out to be a body work shop or tyre centre, and that the workshop radio isn't audible outside the premises.

Development Engineer:

There are concerns over the practicality of the design of the Lych Gate as the doors would open out onto the car park over HBC owned land. In order for the gates not to hit the car it will have to be a gate length away from the entrance, which could result in the gates opening for cars passing the unit to access the car park. The Design and access statement state that two cars could be internally parked in the Lych gate but these are not indicated and the required turning movements are not indicated within the application. Further clarification required.

Officer Note: The agent provided information which proves that No. 3 Elm Grove has rights of way over part of the car park. They have also submitted amended plans which show the gates now opening internally and two parking spaces shown at either end of the courtyard beneath the canopy structure.

Property Services Manager:

Any gates opening out on to the Council's land would require HBC agreement prior to any development. Any new development of the site should not encroach onto HBC land and any Council land affected should be reinstated to our satisfaction.

Development works should be confined to 3 Elm Grove. If temporary access to our land is required during construction then HBC's consent would be required prior to access being taken.

Any cars parked on Council land for the purpose using of the MOT centre would be subject to the usual Council's Car Parking charges.

According to our deeds 3 Elm Grove benefits from a right of way over the Council's

land to Hollow Lane.

Officer Note: *The agent provided information which proves that No. 3 Elm Grove has rights of way over part of the car park. They have also submitted amended plans which show the gates now opening internally and two parking spaces shown at either end of the courtyard beneath the canopy structure.*

Traffic Management Team:

Regarding the concerns over the accessibility to the disabled parking bays which are adjacent to the site in the Elm Grove car park, it would be possible to relocate either one or two of these.

Crime Prevention:

The location is a fairly isolated, which increases the vulnerability of the building to crime. To mitigate this to some extent I recommend that the external doors are certificated to PAS24 standard (or better) and the windows are certificated to PAS24:2012 standard (or better).

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: 35

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4 x objections have been received from 3 separate addresses. A summary of the points raised is provided below:

- i. Despite the 'lich gate' now proposed, this will provide more hard surfaces for the sound and noise to bounce off, and will actually make the access to the main building more complicated. It will not necessarily contain the noise, when the sliding shutters are open it will allow the noise to reverberate around before setting off towards the residential properties and our meeting rooms at first floor level.
- ii. The existing soak away will not be very effective in the small yard now created.
- iii. The canopy will not prevent noise emissions escaping.
- iv. There are already too many MOT centres on Hayling Island and another one is not required.
- v. Three disabled spaces would be affected by the new entrance to the site which is the centre of the front boundary.

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) Impact on the character of the area
- (iii) Impact of potential noise emissions
- (iv) Access and parking provision

(i) Principle of development

7.2 The site lies within a mixed use area. Although there are residential properties nearby, there are also a number of commercial and retail units in the immediate locality. In addition, there is the Hollow Lane public car park to the rear and the church to the south. There is access into the car park from Hollow Lane and Elm Grove. This results in an area with a relatively high level of activity and through flow of traffic. An existing printers occupies the site and it is already established that the area is a mix of industrial, commercial and residential development. What must be considered is the impact of the proposed development on the character of the area, in particular the nearby residential amenity.

(ii) Impact on the character of the area

7.3 The site is located in an area which includes both commercial and residential development in the immediate vicinity. The previous use of the site, (the building still remains), was as a print works. This therefore introduced a further, light industrial use to the mix. To the immediate south of the site there is a church, which adds a community use to the area. Therefore the character of the area could reasonably be described as mixed use. The introduction of an MOT centre therefore is not unacceptable in principle and the fact that other MOT centres exist on Hayling Island would not prevent an application being made for a similar business.

7.4 However, an MOT centre does fall under Class B2 use (General Industrial) and therefore would introduce an intensified industrial use into the site. Furthermore, this would be open to the public and therefore would have more impact on the surrounding area by way of customers travelling to and from the site and utilising the access to and provision of the public car park. So whilst the proposal would not be wholly out of character to the area, its potential impact in terms of noise and disturbance should be carefully considered and this is discussed in the next section.

7.5 In terms of design, the proposed development including the MOT centre, lych gate and acoustic timber fencing enclosing the site, would be a noticeable increase in scale to the existing single storey timber building. However, a larger, two-storey building was approved under Planning Permission 09/52810/00. When comparing that to the proposal, the current proposal is larger as it includes the rear section and would also be wider in footprint within the plot. On balance, even with the inclusion of the Lych gate and acoustic fencing, the overall design is considered to be attractive in terms of its cohesive elements and would not be inappropriate in its context or appear overly 'industrial' in appearance. It would be more akin to a 'workshop' which given the existing shed on site and the previous permissions allowed, would not be out of context.

(iii) Impact of potential noise emissions

- 7.6 The amended application has sought to address the reason for refusal on Planning Application APP/13/00496 by incorporating further mitigation measures against noise emissions in the form of the lych gate and acoustic timber fencing along the previous open sided sections of the boundary. The design would mean that the majority of the site would be enclosed and therefore the doors to the main workshop could be open when work is carried out internally, which is a more realistic view of how the business would be carried out. This seeks to address the previous concern that even if a condition were placed on a planning approval to keep the doors closed, this would be difficult to enforce.
- 7.7 An updated acoustic report has been submitted with the application which specifically looks at the potential impact on the South Hayling United Reform Church which is next door. It concludes that the impact on this neighbour and those within the immediate locality, with the proposed further mitigations, would be minimal. The report also confirms that only MOT tests could be carried out at the site and not vehicle repairs.
- 7.8 Concerns have been raised that the attenuation measures would not address the potential for noise emissions and have an impact on the neighbouring church and wider area. However, Environmental Health have been consulted on the amended scheme and acoustic report. Whilst they raised a concern with some of the technical findings in the report, overall they advised that provided no body work repairs are carried out, then the dominant noise source would be the horn test. However, this would be very short - up to two seconds every hour. With such a short interval and with the extra attenuation achieved by the lych gate/fence arrangement, they do not anticipate the business leading to complaints about noise. If the application is recommended for approval then suitable conditions should be attached which prevent the MOT test centre from carrying out body work repairs or changing tyres and that the workshop radio isn't audible outside the premises.

(iv) Access and parking provision

- 7.9 Access to the MOT centre would be via the public car park which is accessed from Hollow Lane. Havant Borough Council (HBC) own the land adjoining the northern and western boundaries of the site however, No. 3 Elm Grove benefits from a right of way over the Council's land to Hollow Lane. The Estates department have advised that new development of the site should not encroach onto HBC land and any Council land affected should be reinstated to our satisfaction. They have also advised that any cars parked on Council land for the purpose using of the MOT centre would be subject to the usual Council's Car Parking charges.
- 7.10 The Traffic Manager has confirmed that the disabled spaces which are located next to the site in the public car park, could be moved to a different section of the car park if it is deemed that the business operation in terms of cars leaving and entering the site cause an obstruction to users of the disabled spaces.

8 Conclusion

With the introduction of the acoustic attenuation measures, it is considered that the amended application has satisfactorily addressed the previous reasons for concern and the proposal is therefore recommended for permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00982 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 building shall be used only for MOT tests and associated minor maintenance and not at anytime for any other use including mechanical or body work repairs nor uses 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 front 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.
- 5 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.
- 6 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.

- 7 Before the use of the premises as an MOT test centre is commenced, the acoustic lych gate and acoustic boundary fencing, as shown in the untitled drawing showing the site survey and elevations with annotated details of the acoustic lych gate and fencing, 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.
- 8 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.
- 9 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.
- 10 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.
- 11 [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 plans. 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 DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drwg No. 1 (7/11/13) - existing site plan, proposed block plan, site survey,
proposed elevations and floor plans, proposed section plan.
Drwg No. 617-1 - existing elevations and floor plans
Design and access statement - 30/9/13

Reason: - To ensure provision of a satisfactory development.