
Site Address: 3 Elm Grove, Hayling Island, PO11 9EA
Proposal: Erection of new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre.
Application No: APP/13/00496 Expiry Date: 29/07/2013
Applicant: Mr Simmons Team: Team 2
Agent: D J Green & Associates Case Officer: Rachael McMurray
Ward: Hayling West DMC Lead Member

Reason for Committee Consideration:

Density:

HDS Recommendation: **REFUSE 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.

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 The building would be located in the same place as the existing printworks. It would be

arranged in a 'T' shape with the front elevation facing west towards the car park. There would be two parking spaces in the space of the current garage. The front elevation would feature three roller shutter doors. Above this at first floor would be three, pitched roof dormer windows. However, internally there is no first floor. This section of the building would feature three bays, with the central bay featuring a ramp. 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.

- 3.3 The building would be used for a MOT centre which would carry out minor repairs such as; changing lightbulbs and windowscreen wipers. It would operate between the hours of 0800-1800 Monday - Friday and 0800-1500 on Saturdays.

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

Access Officer:

The MOT centre does not appear to be easily accessible for those with disabilities.

Building Control:

No comments received.

Development Engineer:

This application should be permitted subject to the booking of appointment as outlined in the description within the design and access statement.

Environmental Health:

Several responses have been provided by Environmental Health (EH) and these are summarised below:

Several responses have been provided by Environmental Health (EH) and these are summarised below. Although EH raised no objection to the proposal at pre-application advice stage, closer consideration of the noise assessment information provided during the application stage has led to the following concerns:

1. EH response to original acoustic report submitted with the application:

- Proposal gives rise to concerns about noise from these activities and an increase

in vehicle movements, including customers arriving/departing from the centre and deliveries being received/collected.

- The applicant has tried to negate these concerns by commissioning an acoustical report and stating that vehicle movements will be controlled by a booking system.
- The acoustical report finds that the level of noise expected to the nearest residential property (approx. 40m) is acceptable in terms overall background noise. considers the SPL at the nearest residential property facing the open door of the centre some 40 meters away.
- Whilst this calculation is technically correct, taking account of the “overall” potential noise will not take account of individual, much higher noise making activities, such as the sounding of a car horn, or using noise making equipment such as an air compressor, hammer, angle grinder etc.
- Using the applicants basis for calculation and figures used as an example, the SPL at the property 40 meters away from the following point sources will be:
Car horn: 65.3dB
Angle grinder: 53.1dB
Hand hammer: 53.8dB
Against the background level of 50dB (although no measurements are provided of the background noise level).
- I would further add that these incidents of noise which are audible above the background noise level at the façade of the residential properties are frequent events will take place on a continuous and regular basis throughout the day. Furthermore, the level of noise from within the garden of these properties is likely to be higher. On this basis, I would therefore have to object to this application on the grounds of noise.

Officer note:

Following this response, the applicant was given the opportunity to submit a revised acoustic report which addresses the above concerns. This was received on 12/7/13 and included a further two chapters which looked at the potential impact on the adjacent church and garage noise sources.

2. Environmental Health response to revised acoustic report received on 12/7/13:

- I regret that I am still concerned. Table 7 (on page 20) shows a calculation of the predicted noise level at a property 41m away from the proposed MOT centre. The report predicts that the presumed noise level whilst the centre is operating is 46.9dB (Leq). The next line of the report goes on to state that the noise level whilst the centre is not operating is going to be 57.8dB. It is unlikely that the noise level of the garage will be 10dB quieter at the façade when operating. If the garage is not detectable as the applicant states, then the noise level at the property 41m away will be at the same level as the background.
- I would also question the background level measurements taken. Also in Table 7 there is some discrepancy of 5dB between the background noise level taken 60m away and the residual noise level when the garage is not operating. I can only suggest that these monitoring locations were taken in the middle of the Elm Grove car park where there were vehicle movements and other associated noises (such

as slamming car doors etc). Ideally the ambient noise level or L90 should be provided for comparison, thus giving an indication of the noise level without loud incidents.

- I can only suggest that the presumed noise level of Leq 46.9dB is the presumed noise from the centre over the period of an hour (as stated in Para 3.2 on page 12), whereas Table 2 detailing the likely noise making activities adds up to only 33 minutes. This means there is presumably 23 minutes where the only recorded noise is that of the background. Whilst I accept the methodology, my original objection was on the grounds that providing an MOT station where there isn't one currently will result in a series of regular short duration noise events (such as car horns, tools etc) which over the period of a working day will have an adverse impact on residential properties. Taking the L90 of between 45.5 - 48.5dB (Table 3) there will be a series of events, for example the use of Car horn: 65.3dB, Angle grinder: 53.1dB, Hand hammer: 53.8dB which are louder than this level. The report adds that the primary use of the centre will be for MOTs, however there will be a secondary function of vehicle repair, the level of which is uncertain.
- Whilst the current site is a car park and there will be some noise associated with this, I am concerned that adding an MOT/vehicle repair garage where there currently isn't one will adversely affect the noise climate of the area.

3. Environmental Health Team Leader response to the revised report:

- The report contains a basic flaw in their interpretation of BS4142 and the calculations are not correct.
- When recalculated using the correct formula, the noise emissions expected are approx. 10dB
- Clearly, in the case of the dwellings in Elm Close, the increase in noise level caused by the proposed use is likely to result in complaints. I would add that the consultants carried out their survey on a Thursday which whilst possibly typical for a weekday, may not be representative of a Sunday when the background noise level is likely to be perhaps 1 or 2 dB lower - in which case, the rating level could exceed the background by 10 or 11 dB and I would have to recommend that the application as it stands be refused.
- Regarding the question of what would be the resultant noise level if the angle grinder and gas welder were not used and the hourly L_{Aeq} result is 81.1 dB i.e. a reduction of a mere 0.9 dB and I would have to conclude that complaints are still likely to be made and again.

Officer Note:

Again, following this response the applicant was given the opportunity to respond and provide revised calculations. A further revised report was received on 8/8/13. The final response from EH as follows:

- The revised report using formulas which are not supported by the BS's.
- I still have concerns about this application as it stands but as I have stated previously noise needn't be an issue provided the front doors are kept closed and the workshop is mechanically ventilated.
- If you are of a mind to grant consent I would ask that various conditions be framed

to cover the following matters:

1. Before any works are commenced a scheme shall be submitted with details of a ventilation/extraction system for prior approval by the LPA such that the main doors and the windows to the workshop can be kept closed.
1. A condition requiring the main doors and the windows to the workshop to be kept closed except for access and egress of vehicles - and needless to say that doesn't mean the doors being kept open all day because vehicles will be coming in and out all day
1. Hours of operation to be restricted to 08.00 to 18.00 hours Monday to Friday, 08.00 to 13.00 hours on Saturday, no works on Sundays or recognised public holidays.
1. No loudspeaker to be operated which is audible outside the curtilage of the building.

Officer Note:

Following this response, the applicant was posed the following questions:

1) Could the business operate with doors closed, using an exhaust extraction and ventilation system?

2) Can you confirm whether or not any mechanical repairs would take place.

3) Would the premises be used only for the following hours: 08.00 to 18.00 hours Monday to Friday, 08.00 to 13.00 hours on Saturday, not on Sundays or recognised public holidays.

4) Would any amplified music such as a radio be in use at the premises?

The applicant provided the following response:

Q1 - Yes

Q - Only minor repairs - light bulbs, windscreen wipers, refilling wiper bottles

Q3 - Yes

Q4 - No.

Planning Policy:

Still awaiting response.

Property Services:

HBC own the land adjoining the northern and western boundaries of the site.

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.

Crime Prevention:

Extral doors should be fitted with locks to the British standard to prevent potential break ins.

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: 30

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 8

Eight letters of objection have been received from 5 different addresses. A summary of the points raised is provided below:

- i. The access to the MOT centre is through the car park via Hollow Lane and the use will encourage more vehicles and therefore wear and tear on the car park surface. A contribution should be made to upkeep the road.
- ii. The MOT centre falls into use class B2 which is not appropriate in a residential area.
- iii. Customers using the MOT centre will park in Elm Close Estate which will exacerbate an already difficult parking problem.
- iv. The originally submitted noise impact report did not consider the Church to the south of the site which is the closest building.
- v. The revised noise impact report still does not consider the overall noise impact on the Church and therefore an objection still stands.

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
- (iii) Access and parking provision

(i) Principle of development

- 7.1 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

- 7.2 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. The introduction of an MOT centre therefore is not unacceptable in principle. 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.
- 7.3 In terms of design, the proposed building 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. However, the design is considered to be attractive in terms of its cohesive elements and would not be inappropriate in its context or appear overly industrial.

(iii) Impact of potential noise emissions arising from the use of the building as an MOT Centre on the immediate locality

- 7.4 To establish and assess the potential noise emissions and impacts from the MOT Centre, an acoustic report was submitted with the application for consideration. The aim was to measure background noise levels at the site and at two further distances from the site; 25m and 60m. The report concluded that the ongoing activities within the MOT centre would not have an impact on the 3 closest residential properties.
- 7.5 Environmental Health disagreed with the finding of the report based on the formulas and calculations used. The applicant then submitted a further two reports which were also found to be unacceptable (see Section 5 above for detailed responses). Using the British Standards formula, Environmental Health concluded that the resulting noise levels would be close to 10dB which means that it triggers 'complaints likely' scenario. As such, Environmental Health mainly object to the application. However, they have advised that mitigation measures could be put in place to reduce the potential noise impacts. These include;

1. operating the business with the doors closed using a ventilation system (apart from bring cars in and out),
 2. limiting mechanical repairs,
 3. limiting the hours of operation to 0800-1800 Monday to Friday and 0800-1500 on Saturdays
 4. limiting amplified music which can be heard externally.
- 7.6 When considering the use of mitigating conditions, it is necessary to be mindful of Circular 11/95 which outlines the six tests for conditions in that they should be i. necessary, ii. relevant to planning, iii. relevant to the development to be permitted, iv. enforceable; v. precise and vi. reasonable in all other respects.
- 7.7 It is considered that first condition suggested above would not meet this test as it would be very difficult to enforce that the three doors on the west elevation remain closed. The reason being that the doors would have to be opened to move cars in and out and with three separate bays, the doors would be opening and closing constantly throughout the day.
- 7.8 As a result of not being able to reasonably enforce such a condition, the proposal would operate with the doors open and therefore cause potential noise disturbance to the immediate locality. This would be contrary to advice laid out in Policy DM10 of the local plan.

(iii) Access and parking provision relating to the MOT Centre

- 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 Concerns have been raised that customers may park on the roads nearby in Hollow Lane or Elm Close Estate. However, the Highways Engineer has responded that so long as the appointments are managed on a booking system, they would raise no objection as there would be unlikely to be a backup of customers waiting. There is also a large car park available for customers if they wish to arrive early and visit the local shops.

8 Conclusion

Based on the concerns raised from Environmental Health and the inability to be able to satisfactorily mitigate the potential noise emissions, the application is to be recommended for refusal.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/13/00496 for the following reason:

- 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.

Appendices:...