

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 26 November 2015

Present

Councillor Buckley (Chairman)

Councillors Hart, Heard, Keast, Satchwell, Patrick and Guest (Standing Deputy)

57 Apologies for Absence

Apologies for absence were received from Councillor Tarrant.

58 Minutes

The Minutes of the meeting of the Development Management Committee held on 15 October 2015 were agreed as a correct record and signed by the Chairman.

59 Matters Arising

There were no matters arising.

60 Site Viewing Working Party Minutes

The Minutes of the meeting of the Site Viewing Working Party held on 19 October 2015 were agreed as a correct record and signed by the Chairman.

61 Declarations of Interest

There were no declarations of interests.

62 Chairman's Report

The Chairman reported that Sally Smith, after over 30 years service, would be retiring from the Council on 3 December 2015. On behalf of the Council he thanked Sally for her work and support and wished her a happy retirement.

The Chairman also reported that the Council's Planning Public Access system would be going on line from 10 December 2015.

63 Deputations

The Committee received the following deputations/representations:

- (1) Mr Turner (applicant's representative) – Planning Application APP/15/01025 – Unit 1 Industrial Estate, Palmers Road, Emsworth (Minute 64)

- (2) Councillor Cresswell (ward councillor) - Planning Application APP/15/01025 – Unit 1 Industrial Estate, Palmers Road, Emsworth (Minute 64)
- (3) Councillor Gibb-Gray (ward councillor) - Planning Application APP/15/01025 – Unit 1 Industrial Estate, Palmers Road, Emsworth (Minute 64))

64 APP/15/01025 - Unit 1 Industrial Estate, Palmers Road, Emsworth

(The site was viewed by the Site Viewing Working Party)

Proposal: Variation of Condition No. 1 of Planning Permission APP/14/00669 to enable continued change of use of premises from Class B1 to Class B2 use for motorcycle repairs.

The Committee considered the written report and recommendation of the Executive Head of Planning and Economy to grant permission.

In response to the additional information requested by the Site Viewing Working Party, the officers reported that the applicant had advised that:

- (a) The number of motorcycles on the site, which were currently owned by the applicant was 6: 4 were available for loan and the remaining two were normal everyday motorcycles used to travel to and from work.
- (b) The number of motorcycles on the forecourt during the site visit was not representative of the normal occupancy of the forecourt
- (c) It was not possible to provide two separate zones. However it was intended to erect collapsible barriers on the forecourt to delineate the forecourt from the highway.

The Committee was addressed by the following deputies:

- (1) Mr Turner, on behalf of the applicant, supported the proposal for the following reasons:
 - (a) the number and storage of the motorcycles on the site during the site visit was not representative of the normal usage of the site: on most days only 10 to 12 motorcycles were parked on the forecourt;
 - (b) customers had been encouraged not to annoy nearby residents when visiting the application site;
 - (c) a majority of vehicles were tested on the roads and not in the workshop;

- (d) relationships between the nearby residents and the workshop had improved;
 - (e) except in exceptional circumstances, the workshop was only used during the designated working hours; and
 - (f) it was hoped that the testing room would be completed by the end of January 2016 at a cost of £5000.
- (2) Councillor Cresswell, objected to the proposal on behalf of the residents of Palmer Road for the following reasons::
- (g) the noise and fumes generated by a B2 use was unsuitable for this area: the previous B1 use of the site was acceptable;
 - (h) the noise and fumes generated by this current use and the anti-social behaviour of customers congregating outside the business had a detrimental impact on the living conditions of the occupiers of 6-10 Palmers Road, Emsworth;
 - (i) the applicant had been unresponsive to attempts by the residents to seek a solution to the problems associated with this use;
- (3) Councillor Gibb-Gray, with reference to the previous deputations, advised that although he acknowledged the concerns of the objectors, he wished to support the revised proposal for the following reasons:
- (j) the applicant could not be held responsible for the behaviour of customers;
 - (k) there was need for this form of business within Emsworth and the rest of the Borough; and
 - (l) the concerns about noise emanating from the business premises could be overcome by the recommended conditions.

In response to questions raised by members of the Committee, the officers advised that:

- (1) allegations of non-compliance with the planning conditions would be investigated by the planning enforcement team. Complaints relating to noise would be investigated by Environmental Health;
- (2) the provision of a testing room was not required under the temporary planning permission;
- (3) in response to complaints, the enforcement team had visited the site, which had led to a reduction in the level of noise emanating from the site;

- (4) the introduction of Traffic Regulation Orders to control on street parking near the site were not within the control of this Committee;
- (5) the government advised against the granting of a second temporary permission following an initial "trial period"

The Committee discussed this application in detail together with the views raised by the deputees. Although one member of the Committee expressed opposition to the application, the majority of the Committee considered that the proposal would be acceptable subject to condition 4 being amended to restrict the number of vehicles that could park on the forecourt to 10. It was therefore

RESOLVED that Application APP/15/01025 be granted permission subject to:

- (A) condition 4 being amended so as to restrict the number of vehicles that can park on the forecourt to 10 to protect the amenities of nearby residential properties. The wording of this condition to be determined by the Executive Head of Planning and Economy under delegated powers; and

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- (B) the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission shall enure for the benefit of JCB Motorcycle Services only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when JCB Motorcycle Services cease to occupy the land.

Reason: To maintain control of a wider Class B2 use of the site in the interests of neighbouring residential amenity and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .

- 3 Machinery shall only be worked between 0830 and 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays; and not at all on Sundays or 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.

- 4 The forecourt area shall be used for the parking of motormotorcycles and customer vehicles only. At no time shall motormotorcycles or other vehicles be examined or worked on within the forecourt area.

Reason: To avoid noise and activity on the forecourt in the interests of neighbouring residential amenity having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Only the rear yard area shall be used for any outside testing and examining of motormotorcycles.

Reason: To ensure all outside activity takes place away from residential dwellings in Palmers Road, in the interests of neighbouring residential amenity and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .

- 6 The recommended noise mitigation measures as proposed within the submitted Acoustic Testing Report, (section 9), and as detailed on the proposed layout plan received on the 10 November 2015, shall be implemented in full within 2 months of the date of this permission. Thereafter the business shall be operated in full accordance at all times with the mitigation measures proposed within these documents.

Reason: To provide a noise buffer in the interests of neighbouring residential amenity and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Site Location Plan OS Licence No 100047474 received 27 July 2014

Block Plan OS Licence No 100035409 received 27 July 2014

Proposed elevations and revised layout plan detailing insulation of acoustic room received 10 November 2015

Covering letter submitted with the application received 25 September 2015

BS4142 Acoustic Testing Report prepared by Airtight &

Noisecheck Acoustic Testing dated 23 October 2015 and received 4 November 2015

Reason: - To ensure provision of a satisfactory development.

There were no matters to be considered for site viewing and deferment.

66 APP/15/00716 - St Johns Ambulance Station, Hulbert Road, Waterlooville

Proposal: St Johns Ambulance Station, Hulbert Road, Waterlooville

The Committee considered the written report and recommendation of the Executive Head of Planning and Economy to grant permission.

In response to a question raised by a member of the Committee, the officers advised that details of the marketing of the site was not a matter for consideration:

RESOLVED that Application APP/15/00716 be granted permission 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Covering letter dated 30 July 2015
Photos of the site received 30 July 2015
Site Location Plan received 30 July 2015
Block Plan received 30 July 2015

Reason: - To ensure provision of a satisfactory development.

- 3 The use of the premises hereby permitted shall not commence before 09:00 hours or continue after 22:00 hours on any day.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The meeting commenced at 5.00 pm and concluded at 6.18 pm

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Chairman