

**HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 25 September 2014

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Heard, Hilton, Keast and Turner

**39 Apologies for Absence**

There were no apologies for absence.

**40 Minutes**

RESOLVED that:

- (a) the Minutes of the meeting of the Development Management Committee held on 4 September 2014 were agreed as a correct record and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 17 September 2014 were received.

**41 Matters Arising**

There were no matters arising.

**42 Declarations of Interest**

There were no declarations of interests.

**43 Chairman's Report**

The Chairman had nothing to report.

**44 Matters to be Considered for Site Viewing and Deferment**

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

**45 Deputations**

The Committee received the following deputations/representations:

- (1) Mr Smith (objector) – Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)

- (2) Mr Turner (applicant's representative) – Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)
- (3) Councillor Galloway (ward councillor) - Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)
- (4) Councillor Mackey (ward councillor) - Application APP/14/00669 – Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth (Minute 46)

**46 APP/14/00669 - Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth**

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

Proposal: Unit 1 Palmers Road Industrial Estate, Palmers Road, Emsworth.

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment to grant permission and to take enforcement action.

The Committee also considered additional information, circulated prior to the meeting which:

- included information requested by the Site Viewing Working Party relating to the previous use of the application site and the responses of the applicant to moving the working area to the rear yard;
- gave details of representations received since the agenda was published;
- gave details of an amended plan and further information submitted by the applicant; and
- gave details of the comments of Economic Development.

The Committee was addressed by the following deputies:

- (1) Mr Smith, who objected, on behalf of the residents of the residential properties in Palmers Road, to the proposal and supported enforcement action for the following reasons:
  - (a) the noise and fumes generated by a B2 use was unsuitable for this area: the previous B1 use of the site was acceptable;

- (b) the noise and fumes generated by this current use had a detrimental impact on the living conditions of the occupiers of 1-6 Palmers Road, Emsworth;
  - (c) the applicant had, in the past, agreed to make changes and introduce equipment to alleviate the problems but non of these improvements had been made;
- (2) Mr Turner, the applicant's representative, supported the proposal and objected to the enforcement action for the following reasons:
- (f) changes and equipment had been introduced to overcome the Residents' concerns as shown during the visit by the Site Viewing Working Party;
  - (g) the applicant was willing to make changes set out in the supplementary information referred to above and had already covered the compressor with sound deadening board;
  - (h) the applicant was not originally aware of the restrictions on hours of working and now complied with these restrictions;
  - (i) The business provided much need employment and had accumulated 300 customers, who would suffer if the business was forced to close. The business would like to remain and be an integral part of the community;
- (3) Councillor Galloway, agreed in principle to the views of Economic Development as set in the supplementary information referred to above. However, he, on behalf of the residents of 1 – 6 Palmers Road ("the residents") objected to the proposal and supported enforcement action for the following reasons:
- (j) the Council had restricted the units to light industrial use and the hours machinery could be worked to protect the amenities of the residents: these conditions were still required;
  - (k) the change of use to B2 for this unit would create a precedent which would have a detrimental impact on the residents;
  - (l) the needs of a business should not override the need to protect the amenities of nearby residents
- (4) Councillor Mackey, ward councillor, supported the application and objected to enforcement action for the following reasons:
- (o) there were other units in Palmers Road that were B2 use. Therefore this application did not create a precedent;

- (p) the applicant had proposed and already commenced changes to overcome the concerns of the residents. Despite the concerns raised in the submitted report, it was not impossible to impose conditions to protect the amenities of the residents. A temporary permission of nine months would give the applicant an opportunity to introduce changes to the workshop and working practices and for the council to monitor to see if changes introduced reduced the impact on neighbouring residents;
- (q) it was questionable whether this was a B2 use

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

- (1) a majority of the other units in Palmers Road were B2 units;
- (2) the relationship and proximity of Unit 1 to the residential properties in Palmers Road differed from the other units in this road and a B2 use in this unit would have a greater impact on the residential impact on the residents;
- (3) the Council could grant a temporary permission and make the permission personal to JCB Motorcycle Services;
- (4) the Officers did not consider that it would be possible to impose conditions that would satisfactorily overcome the noise nuisance issue and meet the tests for precise, reasonable, enforceable conditions as set in the National Policy Planning Framework
- (5) the date when the photographs shown as part of the officer's presentation were not known; and
- (6) the Council understood that the applicant had apologised to neighbours and was now discussing ideas with them;
- (7) the vehicle parked in the rear yard during the visit by the Site Viewing Working Party belonged to the adjoining unit; and
- (8) a business which serviced motor vehicles (including motorcycles) was considered a B2 use.

The Committee discussed this application and use in detail together with the issues raised by the deputies. On balance the Committee considered the applicant should be given temporary permission to enable him to make changes to overcome the concerns of the residents and to enable the Council to monitor the effectiveness of these changes after a period of time.

In response to a debate on the length of the trial period, the officers advised that this period should be long enough to enable the Council to establish whether or not a permanent permission was acceptable: a period of 6 months would not enable the Council to monitor the operation of the business during the summer months when the impact on the residents would be greatest. It was suggested that if the Committee was minded to grant temporary permission, it should set a trial period of 12 months. Although two members considered that 9 months would be a more appropriate trial period, a majority of the Committee considered that a 12 months temporary permission was acceptable.

It was also recommended that if the Committee was minded to grant permission, additional conditions to cover the following matters should be imposed to protect the amenities of the residents

- (A) A personal condition restricting the permission to the benefit of JCB Motorcycle Services only;
- (B) An hours condition – Machinery shall only be worked between 08.30am – 18.00pm Monday to Friday and 08.00am – 13.00pm Saturdays; none on Sundays or Bank Holidays;
- (C) A condition prohibiting testing and working on vehicles on the forecourt of the unit;
- (D) A condition limiting the only outside testing of vehicles to be undertaken in the rear yard of Unit 1;
- (E) A condition requiring that a bi fold door/partition be installed after details had been submitted and approved by the Council;
- (F) A standard condition requiring that the development be carried in accordance with the submitted plans.

RESOLVED that

- A That application APP/14/00669 be granted temporary permission for 12 months subject to additional conditions to cover:
  - 1 a personal condition restriction the permission to the benefit of JCB Motorcycle Services only
  - 2 Machinery should only be worked between 08.30am – 18.00pm Monday to Friday and 08.00am – 13.00pm Saturdays; none on Sundays or Bank Holidays;;
  - 3 The forecourt area shall be used for the parking of motorbikes and customer vehicles only. At no time shall motorbikes or other vehicles be examined or worked on within the forecourt area;

- 4 Only the rear yard should be used for any outside testing and examining of motorbikes;
- 5 The internal bi fold doors shown on the submitted plans should be installed to meet acoustic standards to be first agreed with the council;
- 6 a standard condition requiring that the development be carried in accordance with the submitted plans.

Such conditions to be imposed to protect the amenities of the residents of 1-6 Palmers Road

- B the wording of the conditions set out in A above be agreed by the Executive Head of Planning and Built Environment.

#### **47 APP/14/00794 - Stoke Farm, Northwood Lane, Hayling Island**

Proposal: Remove epicormic growth from main stem and large scaffold limbs to eastern, north eastern and south eastern aspects of 1No. Black Poplar (T1), the tree subject to TPO 1893.

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

RESOLVED that Application APP/14/00794 be granted consent subject to the following conditions:

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010) Recommendation for Tree Works.

**Reason:** In the interests of tree health and safety.

- 2 The tree works for which consent is hereby given shall not exceed: Removal of epicormic growth on eastern, south eastern and north eastern sectors of tree up to a height of 5 metres.

**Reason:** To safeguard the health and well being of the tree and its importance in the local landscape.

- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than 30th September 2015.

**Reason:** To control the timing of the works.

**The meeting commenced at 5.00 pm and concluded at 6.04 pm**

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**Chairman**

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