

<b>Date of Meeting</b>	16 May 2024
<b>Application Number</b>	PL/2024/00694
<b>Site Address</b>	Rear of Newhaven, Larkhill Road, Durrington
<b>Proposal</b>	Change of use of land and building adjoining Newhaven, Larkhill Road, Durrington from a vehicle repair workshop to a mixed use of a vehicle repair workshop and for the storage and distribution of logs
<b>Applicant</b>	Mr D Hook
<b>Town/Parish Council</b>	Durrington
<b>Electoral Division</b>	Durrington – Cllr Graham Wright
<b>Grid Ref</b>	53.578415, -5.869006
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Hayley Clark

### Reason for the application being considered by Committee

At the request of the elected member Cllr Graham Wright due to the relationship with adjoining properties (Amenity and Public Protection Issues) and environmental/highway issues.

#### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having reached a balanced conclusion, the report recommends that planning permission be **approved subject to conditions**.

#### 2. Report Summary

The main issues to consider are:

1. Principle of development/background
2. Visual Impact
3. Residential amenity
4. Highway issues
5. Other issues raised

#### 3. Site Description

The application site is located on the south side of Larkhill Road within the settlement boundary of Durrington. Durrington is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP4 (Amesbury Community Area).

The application site is located to the rear (south) of a residential dwelling known as Newlands; Newlands is within the same ownership as land to the south of Newlands subject to this current application. To the east the site is bounded by an extended residential dwelling known as Tresses and to west the site is adjacent to a residential dwelling known as Treetops but is separated from Treetops by an existing access tack leading from Larkhill Road to agricultural land which borders the rear of properties along the south side of Larkhill Road. The northern side of Larkhill Road also comprises residential dwellings.

Access to the site is via an existing vehicular access direct from Larkhill Road which serve Newlands and the land to the south of Newlands. The site itself comprises an extended single storey building with a current authorised use as a vehicular repair workshop and associated external yard.

#### **4. Planning History**

S/1995/0285 Extension to Existing Workshop and Demolition of another. Approved 28/04/1995

S/1986/1113 Erection of vehicle repair workshop. Approved 24/09/1986

79/592 Extension to utility room. Approved 14/06/1979

2426 Erection of open fronted garage for storage of lorries used in connection with haulage business. Approved 19/12/1962

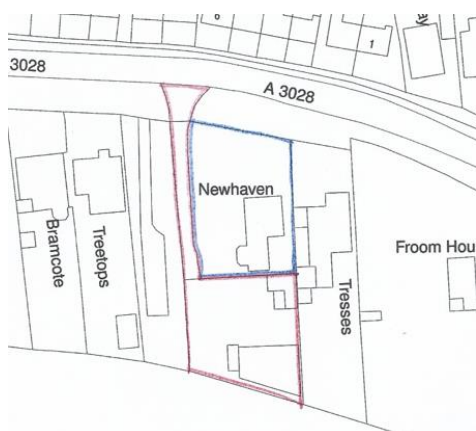
1049 Erection of garage and installation of petrol pumps for private use only. Approved 10/10/56

860 Erection of bungalow. Approved 20/07/55

TP229 Site clearance for erection of garages for storage of commercial vehicles. Approved 20/07/55

#### **5. The Proposal**

The proposal is a full application for the use of the external yard and part of the existing building to form a mixed use development to combine storage and distribution of logs with motor vehicle repairs; the application is retrospective. There are no external works proposed.



Location plan

The application has been submitted following complaints to Public Protection relating to noise and disturbance from the use of the application site.

## **6. Planning Policy**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guidance (Planning practice guidance for beautiful, enduring and successful places)

### **Wiltshire Core Strategy (2015)**

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 3 – Infrastructure Requirements

Core Policy 4 – Spatial Strategy for the Amesbury Community Area

Core Policy 35 – Existing employment site

Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 - Sustainable Transport

Core Policy 61 - Transport and Development

Core Policy 64 - Demand Management

Core Policy 69 - Protection of the River Avon SAC

### **Supplementary Planning Documents:**

Creating Places Design Guide SPG (April 2006)

Wiltshire Design Guide

## **7. Summary of consultation responses**

### ***Durrington Town Council*** – Objection

- Noise from new activity for residents
- Fumes and air pollution from incineration of materials
- Increase in number of HGV's using the site carrying large loads
- Larkhill Road is busy A road in a residential area, extra traffic will put pressure on current road users
- Safety is consideration – flammable materials (logs) in a small space increasing risk of fire.
- Hours of operation in a residential area, allowing residents to enjoy homes at weekends and afternoon/evening is important.

### ***WC Highways*** – Support

- The site is currently authorised for motor vehicle repairs, the use will continue to operate alongside a log distribution business which is the subject of this planning application. The log distribution business appears to be very low key with one delivery per month of logs entering the site and approximately 2 or 3 vehicle loads leaving the site per week, all on a 3.5 tonne truck.

Vehicles gain access to the site via an existing dropped kerb access onto the A3028 Larkhill Road. I am satisfied that acceptable visibility splays exist to meet the requirements set out in Manual for Streets for a road of this nature. Whilst

the proposal may result in a slight increase in vehicle activity, this does not raise any highway safety concerns.

The proposal is supported by the Highway Authority.

**Public protection - Original comments:**

Amenity (Including noise, lighting, odour, smoke.)

This department has investigated a complaint about noise from the wood processing business impacting at a neighbouring property. While it was not appropriate for formal action to be taken at the time because the dwelling was not lived in, our experience of noise from the wood processing business was that it was significant. During our investigation we mainly focused on noise from wood processing such as a generator and movement of individual logs. I understand that this application states there will be no wood processing on site and activities associated with the wood business would be storage and distribution only.

The area is generally residential edging onto rural and the adjacent dwelling has recently been extended under PL/2023/00706. This extension includes a large patio area to the rear and large patio doors across the rear façade. The extension has brought the living area of the property further south than it was before and very close to the active area of the site in question.

Although the wood processing was found to be dominant during our investigation, even with this being removed storage and distribution of logs would be an intensification of use from the vehicle maintenance currently permitted at this location. Associated noise will come from the forklift engine and movement, reversing beepers, banging and crashing of logs and crates. These are sounds that would not be associated with a vehicle maintenance business and the intensity, frequency and duration of noises like this would not be controllable through the planning process should permission be given.

Given the proximity of dwellings nearby I have to recommend against intensification of the business use of this site in regard to wood storage and distribution due to likely unacceptable adverse impacts on residential amenity.

**Comments from Agent in response to Public Protection Objections (and third party comments)**

In general terms the objections to this application – including from Public Protection – relate to matters of noise and disturbance, traffic generation and also matters such as the burning of waste materials on site.

The context against which these comments should be considered is the lawful use of the site as a vehicle repair workshop. Planning permission granted for this use (S/86/1113/TP) allows for vehicles to be repaired and serviced on site between the hours of 8am to 6pm Mondays to Fridays as well as on Saturday morning. Until 2014, the site was rented to Durrington Vehicle Services who used the site for this purpose, repairing vehicles within the hours set out on the planning approval. In more recent years the building has been used less frequently for vehicle repairs by the applicant and his brother, however its commercial use could be reinstated at any time.

The objection from Public Protection gives the impression that the applicant is deliberately making a noise on site (reference to 'banging and crashing of logs on site' is unfortunate). My client does move crates of logs on site, but does not so as to make

excessive noise. Logs are not required to be moved on a daily basis and any noise from a forklift moving is occasional (in this respect, since it was raised Mr Hook has noted when he's used the forklift and this has amounted to around 30 minutes per week although it is accepted that there will be times when it is more than this). It is accepted that when the forklift is being used there will be some noise that is audible within neighbour's gardens, however this is a site that has a lawful commercial use against which this should be considered.

Through having the log storage business on site it is not practical for the buildings to be used for motor vehicle repairs other than on an occasional basis as set out above. Were the log storage business to be elsewhere and the buildings used for commercial vehicle repairs, then it's submitted the potential for noise and disturbance to neighbours would likely be greater than logs being stored and moved within the site. There would be a regular movement of cars, vans or lorries in and out of the buildings; the noise of vehicles being repaired and, in particular, revved or run in to assess the outcome of repairs or tuning. We submit that the comments from Public Protection do not give sufficient weight to the fallback position were the log storage business not to be on site.

Similarly, in respect of comments received relative to traffic movements: these would be far greater were the site to return to full use for motor vehicle repairs which is the alternative to the regularisation of the current storage and distribution use/retention of existing use. Traffic generated by the log storage business and occasional use by the applicant and his brother for servicing vehicles is considerably less than the fallback position of the lawful use of the site. Permission for this lawful commercial use for vehicle repairs was in place when permission was granted for the extension of the neighbouring dwelling referred to by Public Protection

Objections have also been raised over the burning of waste materials on the site. No waste materials have been burnt on site for a number of years. On occasion a woodburning stove has been used in the workshop on a cold day, however the impact of this is no greater than any local resident having a fire at home. An objection has also been made in respect of the height of stacked log cages and Mr Hook has confirmed that they would not be stacked more than 2 high in future.

We are pleased to note that your colleague in highways has no objection to the proposal in terms of the suitability of the access for the proposed use.

In summary, the principle objection to this submission appears to be the potential for noise to be generated by a forklift moving crates of logs. Although a different noise profile to repairing cars or commercial vehicles on site, we don't consider that this alternative use should be considered unacceptable on this basis. My client is happy that this proposed use of the site be restricted to the same hours as that on the planning approval for motor vehicle repairs, so any movement of logs on the site would be during agreed 'working' hours.

**Public protection – Further comments:**

The agents comments are noted. For clarity my comments were not to be interpreted as the applicant would be purposely making banging and crashing noises, some impulsive noise like this would be inherent to storage and distribution of logs as logs are put into crates, crates are stacked and moved around. There is lawful use permitted as a vehicle mechanics, but it is understood the site has not been intensively used for this purpose for some years. There is now an adjacent dwelling with a living area in close proximity so we have to carefully consider the impacts of this change of use.

A matter that also has to be considered here is that Newhaven dwelling is not tied to the commercial use and without a formal tie between the two sites they could be under different ownership in the future. Newhaven would be more impacted by noise from the commercial site than the adjacent dwelling and it is foreseeable that should the occupation of Newhaven not be linked to the commercial use future occupiers would be more sensitive to the noise. Should permission be granted it is recommended that occupation of Newhaven is tied to the commercial site.

The agents comments about the noise having a different noise profile than a mechanic are relevant. Given this change, should permission be given we would look for the hours of use to be more restrictive than they are currently for the vehicle mechanics use. I would suggest restricting the use to normal weekday working hours of 09:00 – 17:00 Monday to Friday may suitably restrict operations and therefore times noise will impact at adjacent dwellings. If residents living nearby know they will not be disturbed outside of these times and at weekends it will likely make them more accepting of noise during working hours should they be impacted.

In regard to burning on site it is alleged there has been burning of waste materials on site which the applicant denies. We have no evidence to support either side but while it may not be the intention of the current owner to burn waste materials or have bonfires future owners/occupants may have different intentions. There are dwellings in close proximity and a ready supply of fuel. Therefore, in addition to more restrictive hours of operation and a tie it is recommended the following condition is attached should planning permission be given:

There shall be no burning undertaken on site at any time other than in the wood burner installed inside of the workshop.

#### **Further comments from Agent in response to Public Protection**

My comments about the proposed use having a different noise profile to the existing are were on the basis that there would be less noise from a mixed use including storage and distribution use than were the site to be used purely for vehicle maintenance and servicing. As such, there would not appear to be a need to reduce the hours during which the site can operate, however my client could work within the 9am to 5pm Monday to Friday timeframe as set out so we can live with this for the mixed use of the site as proposed.

The only issue we have with this restriction is that, on occasion, my client or his brother use the building for servicing a vehicle on a Saturday morning. This is not a regular occurrence, however we would not wish to agree a new time restriction and then fall foul of this over an occasional use of the building. As such, if a new condition limiting hours of operation could allow for the workshop only to be permitted to be used for the servicing of vehicles between 9am and 1pm on a Saturday (in addition to the 9 to 5 weekday restriction on the use of the whole site) that would seem a workable solution. The workshop is already permitted to be used on a Saturday morning so this would not be a change to the present arrangement.

Given the current arrangement with Newhaven and the site, we don't consider that a restriction that they should be tied through a planning condition would be reasonable. The occupation of Newhaven was not restricted to someone also occupying the adjoining site when it was permitted to be used for vehicle maintenance and, as we've previously submitted, the current mixed use proposal is likely to result in less disturbance for adjoining neighbours than were the site to be used as a commercial vehicle repair centre. The imposition of a weekday time restriction as suggested by

Public Protection would create an additional safeguard over the existing permission for occupiers of Newhaven as well as for the other neighbours to the site.

There are lots of houses in Wiltshire that are neighbouring sites which have a commercial use where there are deliveries and traffic movements – often at unsociable hours. By way of example, just near to the site, there are houses on Stonehenge Road which are adjoining the Stonehenge Inn and its car park across the road. Houses on Bulford Road adjoin the garage, petrol station and shops next to the roundabout. Given the hours during which these businesses operate, there would appear to be more potential for disturbance for residents than a use as adjoining Newhaven with restrictions as to the hours of use. My point being, that someone buying Newhaven in the future would be aware that it was next to a site that has a lawful commercial use and decide whether that was appropriate for them. What we don't consider is the case is that the change from the current use of the site to that proposed warrants the site and the occupancy of Newhaven being tied when this is not presently the case.

## **8. Publicity**

The application was publicised by neighbour notification to properties immediately adjacent to the site. Representations from four third parties have been received in objection to the proposal at the time of writing the report. Comments are summarised as follows:

From occupier of Tresses

- Logs have been processed at Newhaven since we started renovating our property at Tresses before January 2023.
- Were informed by Mr Hook that the log processing business planning permission was legitimate but research showed it was illegally being carried out in Newhavens garden/garage area
- Informed applicant a noise complaint was to be lodged. This included diaries and evidence of noise starting back to January 2023. There is a contravention notice currently placed on Newhaven for the log processing business.
- Welcome that cutting/splitting or any processing of logs will no longer take place in Newhaven's rear garden/garage area, however, this business has increased from a few IBC cages to approx. 100 now stored at Newhaven and anticipating a further uplift if change of use is approved.
- The noise from logs being loaded and unloaded has been continuously documented in the noise complaint diaries to Wiltshire council. This impacts our ability to enjoy our garden, patio area and home.
- The cages for storing logs are stacked well above the boundary wall between Tresses and Newhaven. This is not only unsightly and an invasion of our privacy but will cause loss of afternoon/evening natural daylight and sunlight to the garden of Tresses.
- The continual running of a motor engine when waiting to or loading/unloading logs has also been documented in the noise diaries to Wiltshire Council; engines are at times left running for hours with total disregard for the noise and pollution nuisance imposed on neighbours.
- The incineration of materials has been evidenced and takes place on the property causing a stench across Tresses and the surrounding area. There is clear evidence of the incinerator in photo 3 of the planning application provided by Newhaven.

- Newhaven has knowingly breached their current business planning permission both for use business and for the hours permitted. These have been documented by ourselves since January 2023 as advised by Wiltshire Council Noise and Nuisance department.
- Breaches include working past 18.00 pm Monday to Friday and past 13.00pm on Saturdays and even operating on Sundays.
- The disregard for neighbours and planning permission appears both current and historic as can be seen in the comment from 1986 and 1995 by Tresses previous owners and the current noise diaries.
- 1986 – Complaint relates to the building of an extension to include existing workshop and demolition of another. From Tresses. 1995 – Complaint relates to HGV use and working outside the permitted hours. Planning officers on both occasions expressed concern for Newhaven stretching the limits of planning permission which, with supporting evidence match our own concerns.
- The use of Newhaven for a log storage and delivery business with “flexibility” of use matching business hours from previous planning permission, in our opinion seeks to mislead the planner as the application clearly states operating a part time business only. The vehicle maintenance business is neither innovative nor required at present, as can be evidenced by its absence of use for many years.
- There is a floodlight attached high up on the garages casting intermittent unwanted and unnatural light indirectly to our garden and dining area.
- If planning permission is granted, further assurance that only vehicles used for the log storage and delivery service would be maintained at Newhaven should be considered as there are established vehicle maintenance businesses in the local area on industrial rather than residential sites.
- The person applying for planning permission for the log storage and distribution business does not live or work on the premises regularly and is not the same person who has been processing/delivering logs.
- There are both established vehicle repair workshops and log processing businesses in the local area on appropriate industrial and farming sites. Neither business at Newhaven is innovative nor environmentally aligned with The National Planning Policy Framework supported by the Wiltshire Core Strategy 2015 or the Green/Blue Infrastructure policy for Wiltshire’s Natural environment plan for 2022-2030. "Planning policies and decisions should consider suitable locations for storage and distribution operations at a variety of scales." (National Planning Policy Framework (paragraph 87). 4.2 "The challenge is to plan for growth whilst maintaining people’s quality of life and protecting Wiltshire’s high value environment " (Wiltshire Core Strategy).
- We support the upstart of new businesses and have renovated our house using professional local tradesmen. We purchased our house in October 2022 with no idea that we may eventually be living next door to a log processing plant/storage area.
- This is a residential area with young families and children in beautiful surroundings and wildlife, we therefore question whether this is the right place for a business such as this.
- A more suitable industrial site may be that which the Hooks already operate another business from approx. 500m from Newhaven.



### From Occupier of Treetops

- Noise and pollution. We have lived here for the last 9 years and the vehicle workshop causes very little inconvenience just the odd movement of vehicles. For the last six months the storage of logs has been on going, severely impacted on our quality of life. The noise is not just in the garden but also in the house.
- The forklift truck continuously clanking and rattling as it moves across the uneven ground stacking the metal cages is piercing.
- Add to this the Diesel fumes from the forklift truck that drifts into our garden on a still day or when the wind blows from the east, makes the garden virtually unusable. We've had to bring the grandchildren in out of the garden when this happens as one of them has asthma.
- The industrial unit is in the middle of a residential area. The vehicle repair workshop, repairs vehicles in an enclosed garage. So causes minimum noise pollution and disruption. The proposed log distribution and storage is carried out outside next to residential properties causing maximum noise, pollution and disruption.
- The storage of huge amounts of firewood on the site within feet of residential properties including Newhaven itself, must surely be a danger. If this was to catch fire there would be a huge risk to life and property, including the vehicle workshop with its combustible materials. Has the risk been assessed by the fire authority.
- The photo in the design and access statement, doesn't do the access to the site justice. To the right of Newhaven is a bend with restricted visibility and a mini roundabout further along. The speed of the vehicles coming off the roundabout can make this part of the road quite dangerous, add to the fact vehicles are sometimes parked on the grass verge restricting visibility further, can make exiting the site especially with slow large vehicles dangerous. We have trouble exiting our drive and our access is a further 20 metres up from Newhaven.
- The design and access statement states that only one delivery of logs by a 3.5-ton truck will take place per month, with 2/3 loads delivered out per week. I don't see how a 3.5-ton truck which can only carry 1.245 tons maximum per load can amass such a huge quantity of logs that are stored on this site, with just 12 trips per year. Up until now the delivery of wood to site has been by large HGV lorries that have had to reverse down the site off the road causing traffic to be stopped and inconvenience to all.
- industrial unit is in the middle of a residential area and the proposed new planning is detrimental to the health and mental wellbeing of the surrounding residents who would be unable to enjoy the use of their homes and gardens till after 6pm at night and 1pm on Saturday.

### From Occupier of Bramcote

- Object due to sheer volume of noise and pollution coming from the site. The continual hum of an engine and the stench of diesel fumes, has on countless occasions driven us inside and prevented us from enjoying our garden, which has regularly occurred outside of their permitted hours. We are in the middle of a residential area and just cannot fathom why the applicant(s) can't use their unit further up the road that is part of an industrial area.
- Welcome the statement that this application proposes that there will be no processing of any logs on site.

- Furthermore allowing a log storage facility will still cause the neighbouring properties considerable disturbance due to the crashing and stacking of crates, revving of a forklift engine and toxic fumes from the continual running of diesel vehicles.
- 6.2 of 'Access' states that there is good driver visibility for access and egress. The A3028 (Larkhill Road) is a main arterial route through Durrington. This road is extremely busy at times. There is a plausible likelihood that an increase of slow delivery vehicles emerging from, and turning into the Newhaven property will pose an additional risk to highway safety without adequate control measures in place.
- Likely to be a substantial amount of combustible material (logs) stored in situ for long periods of time. Would like reassurance there are suitable control measures in place to manage this risk, and for them to be supported by the necessary authorities.
- CP55 of the Wiltshire Core Strategy (2015) relates to Air Quality. The proposal will likely be detrimental to the immediate area's 'air quality' with an increase of vehicle movements as mentioned in multiple points above.
- We embrace the National Planning Policy Framework, and promote the development of businesses but not at the detriment of others and their enjoyment of properties. We hold concerns that an industrial site situated so close to residential properties is disruptive on day-to-day activities.

From occupier of Tresses (responding direct to submitted design and access statement)

- Submitted Design and Access statement (DAS) has misleading information
- The log storage business has far out grown the scale described in part 5 (of the DAS) before being granted permission to proceed on the smaller scale described.
- There is no clear evidence the vehicle repair workshop has been used by the family business since we purchased Tresses and as such we would have no objection to this element so long as the use was strictly for Hooks Haulage vehicles only and not an attempt to circumnavigate rules to start a new vehicle repair business next door to our home.
- Site is Newhavens garages, not a separate piece of land, and it should not be regarded as anything but the garages to the rear of Newhaven
- The rear corner of Tresses sits approx. 2.5 meters from the eastern edge of the storage area.
- Application site appears unused for vehicle maintenance other than personal use or Log Cutting/Log Storage/Burning Materials
- Picture 2 of DAS does not represent the elevated view from the rear of Tresses which looks across the top of the boundary wall with Newhaven and is now impeded by IBCs stacked 3 high
- Picture 3 of DAS Incinerator clearly evident which has been used to burn greenery casting a stench across the southern edge of Durrington
- S/1986/1113 No current evidence of trees being planted between properties at the adjoining wall or surface finish to breeze block construction being agreed or applied as part of the planning process.
- Does this allow other vehicles not within the haulage business to be serviced on site? This is of great concern as this would increase commercial use considerably?
- A Storage Yard already exists on Larkhill Road and is described in Durrington and Larkhill Design Statement 2012. Coincidentally this is where the Hooks currently operate another business from and could be an ideal location to store Logs rather than in the middle of residential housing.

- Is potential for noise increase from the site. Existing motor vehicle workshop does not appear to be of practical use, however there is concern a vehicle maintenance facility could grow from any relaxation in current limitations even though there are established facilities in the local community within 50m of Newhaven and again next to the Hook family haulage yard approx. 500m from Newhaven.
- Current stockholdings do not match the scale presented – site has approx. 100 cages on site, stacked 2 or 3 cages high, blocking light, lack of privacy and is an eyesore.
- Flexible use means no limitations to the more regular clattering of cages, opening and shutting of garage doors or forklift operations within the yard. Not to mention the repair of cages through grinding and cutting in the garages generating more noise and disturbance
- if approval were granted that cages were not allowed to be stored within 10m of the boundary wall with Tresses to ensure our garden remains a private space and cages be stacked to a maximum height of 2 cages in line with the boundary wall and no-one be allowed to clamber on top of invade Tresses privacy? Could the quantity of cages also be limited to a maximum full year supply of 24 cages to maintain the size of business in line with the Design and Access statement
- A boundary hedge/tree line on the Newhaven side would reduce noise. An appropriate surface finish could be agreed and applied to the garages.
- In terms of vehicle movements, with larger number of crates on site than outlined in DAS, scale of business not what is described in DAS.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

### 9.1 Principle and background

- The application site relates to land and buildings to the rear of Newlands, Newlands is a residential property with the land and buildings to the rear benefiting from an existing extant permitted use as a motor vehicle repair shop (use class B2).
- Existing permitted hours of use are : -  
  
Mondays to Fridays 8am to 6pm  
Saturdays 8am to 1pm  
Sundays and Bank Holidays No use.
- The use of the site as commercial was established in the 1950's and has been an existing small scale employment site since.
- The extant permission is not tied via a specific personal/named persons use condition. It is also not tied by condition to a specific B2 use.

- The principle of continued commercial use is therefore acceptable subject to compliance with other relevant national and local policies and having regard to the detailed consideration of the site-specific constraints and impacts, in this case the access and highway safety, the visual impact of the proposed development and relationship with the existing residential properties.

## 9.2 Visual Impact

The proposal is for the change of use of land and part of the existing building to create a mixed use for motor vehicle repair and for storage and distribution of logs. The motor vehicle repair is an existing use, the log storage and distribution is new and has been undertaken as an unauthorised use for a number of months. This application seeks to regularise the unauthorised use. There are no proposed physical works, extensions or alterations.

Newhaven is set back from Larkhill Road with a mature hedge forming the boundary at the back of the road side verge. The application site is located to the rear (south of Newhaven, with a metal fence and gates located approx. 48m from Larkhill Road. The site to the rear of Newhaven is not visually prominent within the streetscene as can be seen from the photos below

Image below taken from Google maps showing entrance and boundary hedge to Newhaven along Larkhill Road.



Photo below taken from north side of Larkhill Road looking direct down the driveway of Newhaven towards the application site.





Photo below taken from entrance to Newhaven looking south



Photo below showing gates, boundary to application site, existing building and crates of logs on site.



The applicant has confirmed that the crates the logs are stored in are 1.20m in height, a double stack is therefore 2.40m in height.

It is not considered that the proposed use will have significant visual impacts on the locality due to its siting and scale. Any approval can include a condition to restrict the height of crates stacked to two crates only to limit the height to 2.40m.

The comments noted from third parties relating to the existing building as unfinished blockwork which is unsightly. The application is however only seeking consent for change of use and not for any physical works. Whilst the existing buildings themselves are not visually pleasing, the buildings are existing and therefore works to these are not part of the consideration of this application.

### 9.3 Residential Amenity

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to "...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)".

Perhaps the main issue for the current proposals relate to impact on neighbour amenity. There have been a number of core issues raised by third parties which are essentially

- Noise concerns from fork lift, crates being moved, vehicles, logs being unloaded/uploaded
- Pollution for vehicle fumes,
- Visible over neighbours boundary – unsightly
- Privacy issues with people climbing on crates
- Loss of sunlight due to height of crates along boundary
- Burning of materials
- Flood lighting
- Fire hazard

The application site is located adjacent to residential properties but benefits from an existing use as a motor vehicle repair workshop. Whilst it is understood the recent use for these purposes has been limited, this use does exist and could be used for such purposes in line with the current permission. The existing use has associated noise and also possible pollution from fumes from vehicles due to the nature of vehicles repairs. There are also no restrictions on the user(s) of the business which is not tied to the applicant or adjacent dwelling (Newhaven) which is under the same ownership as the application site.

Consultation has been undertaken with the Council's Public Protection Officer who has not raised any objection to the proposed development subject to conditions.

It is acknowledged that commercial use in close proximity to residential dwellings can cause conflict for such reasons as noise disturbance. In this instance the issues relate to whether the intensification of the use of the site for the log storage and distribution will significantly affect neighbour amenity over the existing use. The applicant has confirmed there will be no burning of materials on site, a condition can be added to any approval regarding this.

Regarding fire hazard, the business would be required to meet safety regulations which are separate from planning issues, Public Protection have raised no concerns regarding this.

The scale of business as described within the application and on which the planning assessment has been made is considered to be small scale with limited deliveries of logs to be stored and resultant limited vehicular movements to distribute the logs from site to customers. Any approval could be conditioned regarding operating hours for the log business which have been suggested as 9am to 5pm Monday to Friday only. There may be some noise from the moving of crates and vehicles such as fork lift trucks within these hours however, the limited hours which are less than the existing permitted hours for the vehicle repairs will mean that there should be no noise and disturbance outside of these hours. The reduction in reduced hours on weekdays from 8am to 6pm to 9am

to 5pm is an improvement on the existing situation. The applicant does however wish to retain the use of the vehicular repairs on a Saturday between 8am and 1pm, this does not include the use for log storage and distribution.

The proposed crates may be visible above the boundary wall. The photo below taken from the rear garden at Tresses to the east of the site shows a tall block wall forming the boundary with the application site. The applicant confirmed that the crates are 1.20m tall so a double stack will be 2.40m high; a boundary wall can be up to 2m without consent, therefore technically the crates will project 0.40m above a permitted boundary wall. Whilst the additional 0.40m will be visible, given the existing view of the existing buildings and wall, it is not considered that this will significantly alter the existing situation and that the outlook from Tresses towards the application site will not be significantly affected. Officers also note that there is no right to a view in planning terms. Any approval can be conditioned regarding the number of crates stacked and resultant height.



Officers note the concerns regarding privacy from workers climbing on crates and looking over the wall. The comment received suggesting no crates to be stacked within 10m of the above boundary are noted however, this would be unreasonable as the site has a width of approx. 27m, thus over one third of the site would not be consented to allow storage. It is however considered that the area seen above between the front of the garage on the left and south elevation of the low shed on the right should be left clear for a distance of 5m to minimise opportunity for overlooking. This area to remain clear is indicated with a blue circle on the aerial photo below. This is in essence a small area which will still allow movement of forklifts but will aim to remove direct overlooking alongside the boundary wall should a person climb on top of the crates,



In terms of the flood lighting being used on the site, lighting is existing on site and therefore is not something Officers can reasonably comment on. In terms of the proposed use. The permitted hours of use, which would be conditioned on an approval are mainly daylight only so lighting would be limited anyway.

Officers have concerns regarding the impact of the business on future occupiers of Newhaven should the dwelling be sold separately from the commercial land to the south. Officers suggested to the applicant that the proposed use could be tied to Newhaven so that it could only be used by occupiers of Newhaven. The applicants declined to agree the imposition of this condition stating that any future occupiers would be aware of the business next door and would purchase/move to Newhaven with full knowledge of this. The Council's Public Protection Officer agreed that this condition could be omitted from any approval.

On balance, the concerns raised by third parties are noted and understood however it is considered that due to the scale of proposed use and existing permitted use, that the impact on neighbour amenity is unlikely to be significant enough to warrant a refusal in this instance. It is considered that appropriate conditions can be added to any approval to minimise conflict.

#### **9.4 Highways issues**

The application site is accessed via an existing established access, there are no changes proposed to the existing access. The existing access is located on the south side of Larkhill Road, grass verges are located either side of the access with front boundaries for the property set back from the roadside by approx. 8m.

The site has an existing commercial use and is a small scale site which is limited to a degree for expanded use by the size of site and lack of available adjoining land for further increase.

The accompanying statement details the expected additional vehicular movement as below : -

*As proposed there would be one delivery of logs per month with a 3.5ton truck and deliveries of logs to customer (generally in the winter months) using the same size vehicle being 2 or 3 loads per week leaving the site. The only other vehicle movement would be a forklift stacking crates of logs on the site.*

Consultation has been undertaken with the Council's Highways Officer who has not raised any objection to the proposed development given the limited additional vehicles expected and no alterations proposed to an existing access.

The third party concerns regarding restricted visibility, speed of traffic, conflict with other road users, obstruction due to reversing lorries are acknowledged.

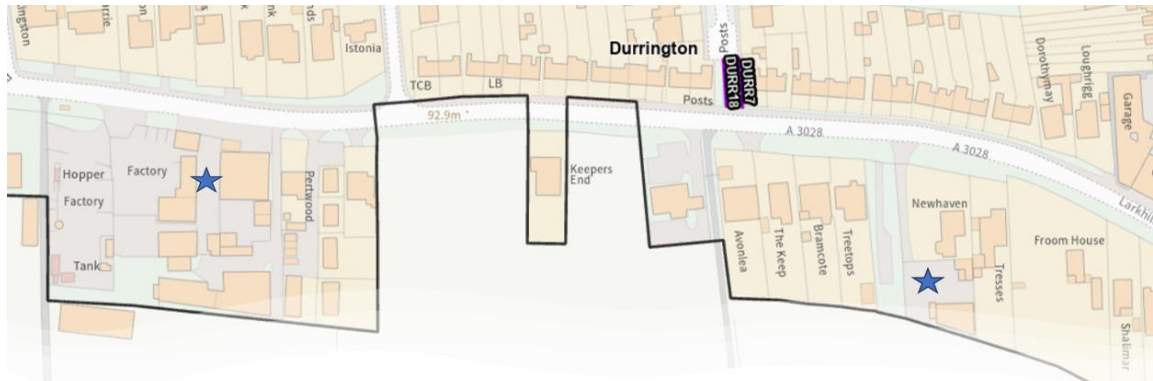
However, in view of the Highways Officer raising no objection in principle on highway safety grounds and the issues raised being capable of being addressed by condition, officers conclude that a reason for refusal on highway grounds would not be sustainable.

#### **9.5 Other considerations**



Comments have been received regarding the applicants running a business on another site on Larkhill Road which is considered more appropriate for the proposed log storage and distribution business.

Officers note the location of this alternative site approx. 300m to the west of Newhaven. The two sites shown with blue stars on the map extract below. Whilst this other site is acknowledged, officers can only assess the impact of the proposed development submitted as part of the application and the acceptability of this. Whether or not there may or may not be a more appropriate site nearby is not a consideration as to whether the proposed site is acceptable in planning terms.



## 10. Conclusion (The Planning Balance)

The application site relates to an existing small commercial site, within the settlement boundary of Durrington, served by an existing access. The use of an existing site to provide a more flexible use to include log storage and distribution in the yard and part of the existing garage with one delivery of longs per month via a 3.5 ton truck with resultant deliveries to customers from site at 2 or 3 loads a week is not considered to be a significant intensification of the use of the site in this context. The site benefits from an existing B2 use which is not tied/limited to vehicle repairs only, this new consent is a betterment on the existing situation and allows further restrictions to be placed on the use of the site. The site is set back from the road with limited views from Larkhill Road, the resultant visual impacts are considered negligible in this respect. The impacts on neighbour amenity is a concern however it is considered that the use of appropriate conditions given the permitted use of the site are sufficient to minimise significant harm to neighbour amenity in accordance with core policy 57. On balance Officers considered that proposed use accords with the above listed policies within the Core Strategy and the aims of the NPPF.

### RECOMMENDATION

Approval is recommended subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Location plan received 23/01/2024

Design and access statement received 31/01/2024

Plan showing area of log storage received 07/05/2024

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the approved plans the log storage and distribution use hereby permitted shall only take place between the hours of 9am and 5pm from Mondays to Fridays and shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays. The motor vehicle repair use shall only take place between the hours of 9am and 5pm from Mondays to Fridays and 8am to 1pm on a Saturday and shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area

4. Notwithstanding the approved plans, the use as log storage and delivery shall be limited to a single delivery of new logs to the site per calendar month from a vehicle not exceeding 3.5 tons gross loaded weight. The delivery and despatch of goods to and from the site shall be limited to the hours of 9am and 5pm on Mondays to Fridays only.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

5. The crates of logs to be stored within the outside yard area hereby permitted shall be stacked no more than two crates high (a maximum of 2.40metres above ground level) and shall not be stored within 5 metres of the eastern boundary of the site as shown on the submitted plan received 07/05/2024.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

6. There shall be no burning undertaken on site at any time other than in the wood burner installed inside of the workshop.

REASON: In the interests of the amenity of the area.

7. External lighting shall only be in operation within the application site as defined by the red line shown on the submitted location plan during the agreed hours of use set out in condition 3 of this consent.

REASON: In the interests of the amenity of the area.

8. The mixed use hereby permitted shall for Class B2 use for Motor repairs only and Class B8 use class for log storage and distribution only, and for no other uses within Use Class B2 and Class B8, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended 2020).

REASON: In the interests of the amenity of the area.

