


**15/01206/RVC**


**The Workshop at the Boatyard, The Boathouse,  
Sandhills Meadow, Shepperton, TW17 9HY**

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**SPELTHORNE**  
BOROUGH COUNCIL

## Planning Committee

16 December 2015



|                      |  |                    |                      |
|----------------------|--|--------------------|----------------------|
| Application Nos.     | 15/01206/RVC   |                    |                      |
| Site Address         | The workshop at the Boat Yard, Sandhills Meadow, Shepperton  |                    |                      |
| Proposal             | Variation of condition 5 of planning permission ref E/88/767 (referring to the use of the site only for purposes ancillary to the existing boat hire business) to allow for the protective treatment of vehicles within the workshop area.   |                    |                      |
| Applicant            | Mr Michael Cook  |                    |                      |
| Ward                 | Shepperton Town  |                    |                      |
| Call in details      | Called in by Cllr Leighton because of concerns over parking, traffic generation, noise and disturbance and odours.   |                    |                      |
| Application Dates    | Valid: 08.09.2015  | Expiry: 03.11.2015 | Target: over 8 weeks |
| Officer              | Kelly Walker   |                    |                      |
| Executive Summary    | <p>The proposal is for the use of the existing workshop within Site B for the protective treatment of boats and cars, that is not connected to the boat yard use at site A. The permitted use of the site is required to be linked to the boat yard use and the proposed use would be contrary to this condition imposed for the erection of the building ref 88/767 that requires its use to be ancillary to the boat yard use. As such planning permission is required to vary this condition.</p> <p>The proposal is considered to be a use which is comparable to existing uses at the site and is not considered to give rise to any greater impact on amenity to neighbouring residential properties than the existing use. It is considered to have an acceptable impact on highway safety/traffic generation, noise, disturbance and odours.</p> |                    |                      |
| Recommended Decision | This application is recommended for approval.  |                    |                      |

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN11 (Noise and disturbance)
- CC3 ( parking provision)

### 2. Planning history

#### Application site - Site A

|             |  |  |
|-------------|--|--|
| SUN7494     | Temporary storage for small rive craft during winter months  | Approved<br>15/08/1963 (1year)   |
| SUN7494a    | Continued temporary storage  | Approved<br>21/07/1964 (1 year)  |
| E/87/007    | Erection of 4 garages  | Approved<br>01/07/1987 (condition 5 requires garages to be ancillary to existing boat hire business).                  |
| E/88/0767   | Erection of replacement garage block comprising 2 x double garages for private parking and small boat storage                  | Approved<br>14/12/1988 (condition 5 requires the development to be used ancillary to the existing boat hire business). |
| CLD/97/0002 | Certificate of Lawfulness for use of the site as boatyard and car park   | Withdrawn<br>07/10/1999  |
| CLD/99/0012 | Use of land as boatyard/boat storage   | Not Valid  |
| PA/01/0047  | Retention of portacabin for use as office purpose  | Refused<br>25/06/2003 and<br>Enforcement Notice served   |
| 01/0001/CLD | Certificate of Lawfulness (for an existing use) of land for boat sale, storage, commissioning of boats, boat parts and parking | Approved<br>04.02.2004   |

There is also separate planning history for site B

### 3. Description of Current Proposal

- 3.1 The site (site A) is located at the north of Sandhills Meadow which runs towards the south from Russell Road opposite Halliford School. The Boat Yard itself relates to 2 no. irregular shaped plots with site B adjacent to the river to the east side of Sandhills Meadow, consisting of a large 2 storey building with boat storage, sales and hire with offices and show room. The plot opposite at site A, (to which this application is subject to), is used in connection with the boat yard site and consists of a large area of hard standing with boats and cars stored and parked, and a single storey building which has been used ancillary to the boat yard use. There is also a shed type building behind this. Also along Sandhills Meadow are residential properties including Willow Trees to the south of the site which is located on the common boundary with the application site and also 3 dwellings at Falling Waters, Fairview and Dell Quay opposite site A and to the north of site B fronting the River Thames. The site is located within the 1 in 20 functional flood plain and also within the Green Belt.
- 3.2 The current proposal relates to the use of the existing workshop, consisting of a single storey building, measuring approx. 85 sq. m. There is a small office in the corner and the rest of the building is a workshop area that can be segregated into 2 sections with a retractable partitioning wall. There is a doorway for pedestrians to enter on the side of the building and 2 large garage doors for vehicular access to the frontage, facing towards the road.
- 3.3 The proposal seeks to allow the use of the existing workshop for the protective treatment of vehicles of both cars and boats. Permission is required as the use would not directly relate to the boat yard use and as such would be contrary to Condition 5 of planning permission ref 88/0767 for the erection of the subject workshop, requiring the use of the workshop to be ancillary to the boat yard use. This process of treating vehicles would be operated by an independent person representing a company called Ceramic Pro and the applicant has provided a planning statement which outlines the process as follows:-

*'...steam cleaning that is eco-friendly, has no waste water runoff, uses minimal amount of water in comparison to traditional jet wash and is very effective. To provide further service beyond cleaning to preserve the body of the boat/car ... The range of products I use are tested and certified. The product is eco-friendly, it doesn't dissolve or pollute water like other polishing products as it forms a permanent bond with the paint of the boat/car. It also lasts much longer even up to a lifetime. It is self-cleaning and any future cleaning can be less repetitive and much quicker.'*

In terms of applying the treatment he states that, *'...the application does not involve any spraying or polluting. It is applied by use of a sponge and the product is in a liquid form... no smell or air pollution. I am however keen to install a flue to ensure adequate ventilation is in place to comply with planning regulations and health and safety. Application on boat or car is the same..... The procedure is lengthy and I will not be able to get more than 3-4 cars or 2-3 small boats done in one week.'*

### 3.4 Background

In 1988 permission was approved for the subject workshop (ref 88/0767). It was for the erection of a replacement garage block comprising 2 x double garages for private parking and small boat storage. Conditions were imposed on this consent. Condition 3 relates to its use for parking. Condition 4 refers to the use being solely for the garaging of private motor vehicles and/or privately owned boats and no other boats, either for sale or display or repair or other commercial purposes. Condition 5 requires the development to be used ancillary to the existing boat hire business and Condition 6 refers to no industrial processes.

- 3.5 In 2004 a Certificate of Lawful Development application for an existing use was approved (ref 01/00001/CLD) for the use of up to 70% of the site at site A for boat storage and the display of boats for sale, and boat commissioning, with the remainder of the site being used for car parking ancillary to the boatyard. The Officers report, in the analysis of the evidence, states that, *'...It would appear that approximately 60-70% of the site has been used for the storage and possibly the sale of boats during the last 10 years. It is therefore considered reasonable to restrict the amount of site coverage of boat storage in any Certificate of Lawfulness Granted to 70%.'*

In terms of the use of the building and the conditions restricting it to private parking and small boat storage the Officer noted that *'...local residents state that the building has been used for commissioning of boats and boat storage since 1989. In my opinion, it would appear therefore that on the balance of probability, the condition on the permission restricting its use has been breached for more than the relevant 10 year period and its present use as a boat repair workshop/office is also lawful.'*

- 3.6 As such the Certificate of Lawful development overrides a number of the previous conditions imposed on the original consent for the building ref 88/0767 noted above, namely conditions 3, 4 and 6. As such the current proposal is to vary Condition 5 to allow the use of the workshop to be for a use which is not ancillary to the boatyard use at site A. Given the approval of the Certificate of Lawful Development referred to above, the lawful use of the site, including the workshop, is for boat storage, display of boats for sale, boat commissioning and car parking.

### 3.7 Current proposal

In July 2015 complaints were received in relation to the workshop having changed use and also the installation of advertisements. The Council's Enforcement Officer investigated and it was established that advertisement consent was not required for the display of the advertisement, but because the use was not associated with the boat yard use, it would require planning permission to vary the planning condition. The applicants were invited to submit an application of this nature.

- 3.8 Copies of the proposed site layout are attached as an appendix.

#### 4. Consultations

4.1 The following table shows those bodies consulted and their response.

| Consultee                               | Comment                              |
|---|--------------------------------------|
| County Highway Authority                | No objection.                        |
| Environmental Health Department (odour) | No objection –recommends conditions  |
| Environmental Health Department (noise) | No objection –recommends conditions. |

#### 5. Public Consultation

There have been 5 letters of objection received raising the following points:-

- traffic and parking
- noise from power washing and machinery
- company should be operating on industrial estate and not a private road
- now a retail unit selling services to car owners, previous workshop for the boatyard
- chemicals use and disposal – impact on environmental and neighbours
- health and safety issues
- working at unsociable hours
- building has been divided so no boats can be treated in building other than small ones
- no toilet/wash facilities
- makes use of garden adjacent at Willow Trees virtually impossible when cleaning. – loss of amenity
- flooding
- if cars are allowed in the workshop then won't be long before mechanical and bodyworks start which the Council will then need to deal with
- main boat house has already been partially let to a marketing company
- visual impact - building has been painted black with signage now visually obtrusive.
- road partially blocked by vehicles/machinery encroaching on road
- concerns about the type of application submitted and that it should be a change of use

#### 6. Planning Issues

- Principle of use
- Traffic generation and parking
- Impact on neighbouring properties (noise and disturbance)

#### 7. Planning Considerations

##### Principle of development – use

7.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to *'contribute to the achievement of sustainable*

*development*, identifying the three elements of sustainable development as economic, social and environmental. It goes on to say that *'these roles should not be taken in isolation, because they are mutually dependant. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities.* It explains further that one of the core planning principles is to *'proactively drive and support sustainable economic development to deliver homes, business and industrial units infrastructure and thriving local places that the country needs.'* .

- 7.2 The lawful use of the subject workshop is for a boat repair workshop/office, as noted above. If the current proposal was carried out on boats associated with the boat yard use, it would not be contrary to Condition 5 and would not require planning permission. The proposal is not considered to be a change of use, but does require the variation of Condition 5 imposed on the workshop, as the proposed use will not be ancillary to the boat yard.
- 7.3 The applicant has specified that he will carry out the protective treatment on cars and boats. As noted above the treatment of boats would be considered to be ancillary to the boat yard use, but works on cars would not. Therefore, it is considered that a condition should be imposed to limit the amount of cars being treated, to not exceed 50% of the work hours. This would result in at least 50% of the work hours being carried out on boats, ancillary to the boat yard use. It is also considered necessary for a condition restricting works on cars to be limited to the protective treatment and associated works only. The imposition of these conditions will restrict the amount and type of work carried out that is not ancillary to the boat yard use, and allow some control over the intensity of this use.

#### Traffic generation

- 7.4 The workshop already exists and is of limited size. The owner of the site has indicated that the use is limited to a small number of vehicles per week. As such it is not considered that the proposal will have a significant impact in terms of traffic generation. The proposed service would be booked by customers and as such the number of vehicles on the site could be controlled and limited due to capacity of the workshop.
- 7.5 The County Highway Authority have raised no objection to the proposal in terms of highway safety and parking provision and it conforms to policy CC3.

#### Impact on Neighbouring Properties

- 7.6 Policy EN11 of the CS & P DPD sets out the Councils general approach to minimising the adverse impact of noise by reducing noise levels from noise generating activities and requiring developments that generate unacceptable level of noise to include measures to reduce noise to an acceptable level.

The Councils Environmental Health Officer in regards to noise has carried out a site visit and spoken with applicant. He notes that *'...the application process for the treatment applied to both boats and cars was explained and there are no fumes produced. However, I understand that the operator is going to*

*purchase portable ventilation equipment. I have no concerns with this application; all the issues can be addressed through conditions.'* He has recommended conditions to restrict noise, including one in relation to the hours of operation which he suggests should be restricted to 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday.

- 7.7 The Council's Environmental Health Officer, in relation to odour, makes no objection to the proposal, commenting that '*...The applicant is proposing to locate ducting on the north east corner of the building. Neighbouring properties are residential and are the following distances from the proposed duct location: Willow Trees (16m); Falling Waters and Beau Rivage (12m); Dell Quay (16m). These properties are all considered close as they are within 20m of the duct. The proposal is to vent 1m above the roof ridge of the workshop. They are also proposing to install carbon filtration to abate odour from the workshop.'* and as such recommends a condition for the submission of extraction details to be agreed.

### Conclusion

- 7.8 It is not considered that the proposal is for a change of use of the site; the processes proposed could be carried out at the workshop without further permission if they were used ancillary to the boat yard use if solely carried out on boats. However the current use of the site for boat commissioning, storage and sales and car parking, which has been established by the Certificate of Lawful Development application, is not subject to planning controls such as hours of operation. As such this planning permission which can involve the imposition of conditions for the intensity and hours of use of the operation hereby approved could in fact have a tighter control of the use within the building and thereby reduce the impact on the amenity of neighbouring properties compared to the current authorised use.
- 7.9 It is considered that the application will have an acceptable impact on the amenity of neighbouring properties and is recommended for approval subject to conditions.

### **8. Recommendation**

GRANT planning permission subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans no. site location plan and workshop block plan rec on 08.09.2015.

Reason:-.For the avoidance of doubt and in the interest of proper planning.

2. That the premises are not used for the purposes hereby permitted before 08.00 or after 18.00 on Monday to Fridays or before 08.00 and 1300 on Saturdays and not on Sundays or Bank holidays.

Reason:- To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with



policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

3. All noisy works are to be undertaken within the workshop with the doors closed.

Reason:- To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009

4. Should any plant be installed in the future, then the noise from the plant must be 5 dB below background at the nearest noise sensitive premises

Reason:- To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties in accordance with policies SP6, EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. 1. Prior to the commencement of the development hereby permitted:

- a) Details of suitable ventilation and filtration equipment to be installed shall be submitted to and approved by the Local Planning Authority. This should comprise odour abatement and sound attenuation measures (so that the noise levels are 5 dBA below background).
- b) The specific maintenance schedule for the approved abatement system shall be submitted to and approved by the Local Planning Authority. This must be based on the manufacturer's recommendations, taking hours of operation into account.
- c) The approved details shall be installed prior to the occupation of the premises for the use hereby permitted. Proof of correct installation and correct function shall be submitted.

2. The installed ventilation and filtration equipment shall thereafter be operated and maintained to the satisfaction of the Local Planning Authority. Maintenance records should be kept for a period of two years. These should include receipts for consumables, and staff records of changing filters.

Reason: - In the interests of the amenities of the area and the amenities of the occupiers of nearby premises.

6. That the use hereby approved, in regards to works on motor vehicles, shall be limited to the protective treatment and associated works only.

Reason: - To protect the amenities of the local area.

7. That the use hereby approved for the protective treatment of vehicles shall be limited to no more than 50% of the hours worked on motor vehicles and the additional hours worked shall be on boats.

Reason: - To ensure at least 50% of the hours worked are carried out on boats which would be ancillary to the boat yard use.

**Informatives:**

1. The applicant is advised that the details of the ventilation and filtration equipment to be submitted should include (but not limited to): Dimensions of ducting; model, type, and residence time of carbon filtration or other suitable odour suppressing technology; efflux velocity; type of chemical odour to be abated, hours of operation. Receipts will be required for proof of installation; a flow check report will be required for proof of correct function. For further advice and information, the applicant is advised to contact Environmental Health on 01784 446251.

