

## DELEGATED OFFICER REPORT

|                   |                                                                                                                                                                                                    |               |             |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|
| Site Address:     | Tileasy House, Waterberry Drive, Waterlooville, PO7 7UW                                                                                                                                            |               |             |
| Proposal:         | Change of use from B2 General Industry to flexible employment use falling within use class E(g)(iii) Industrial Process, B2 General Industry and B8 Warehouse and Distribution with trade counter. |               |             |
| Application Type: | Change of Use                                                                                                                                                                                      |               |             |
| Application No:   | APP/24/00452                                                                                                                                                                                       | Expiry Date:  | 07/08/2024  |
| Applicant:        | Mr Taylor<br>JH & FW Green                                                                                                                                                                         |               |             |
| Agent:            | Ms Parry<br>Neame Sutton Limited                                                                                                                                                                   | Case Officer: | Tina Pickup |
| Ward:             | Waterloo                                                                                                                                                                                           |               |             |

Recommendation: **GRANT PERMISSION**

## 1 Site Description

- 1.1 Tileasy House is a large industrial unit located on the western side of Waterberry Drive, within an established business area. It is a detached building constructed of pale brick with a mix of grey cladding and dark window panels, set in landscaped grounds. It comprises some 3,196.6sqm floorspace, made up of 1,855 sqm warehousing, 1,147 sqm of office on the ground floor and 193sqm office on the first floor, and there are 136 parking spaces around the building. There are two vehicular access points at the southern end and central frontage, aswell as a pedestrian link at the northern end. The land is owned by Havant Borough Council.
- 1.2 The site was previously occupied by Thomas Sanderson Ltd for bespoke blind and shutter manufacture i.e. a B2 use, making B2 the lawful use of the site, but it is now vacant.
- 1.3 Whilst the site lies in a business/industrial area, there are new houses to the rear, separated by a stream and bank of mature trees.

## 2 Planning History

03/53562/007 - Formation of overspill car park at north elevation., REF,02/12/2003  
98/53562/006 - Erection of externally illuminated freestanding site advertising feature comprising panels within brick wall fronting Waterberry Drive, PERM,17/12/1998  
APP/16/01053 - Crown lift 1No. Oak to 3m from ground by removal of 75mm branch work only; remove all major deadwood; shorten over extended lateral branch work over parking area by a max of 2m; remove any dangerous branches; rebalance crown where necessary; sever Ivy at base, subject to TPO 1671., PERM,11/11/2016  
APP/17/00763 - Proposed car parking alterations, proposed cycle shelter and proposed alterations to security fencing and gates., PERM,06/10/2017

### 3 Proposal

- 3.1 Change of use from B2 General Industry to flexible employment use falling within use class E(g)(iii) Industrial Process, B2 General Industry and B8 Warehouse and Distribution with trade counter.

- 3.2 This application seeks a flexible permission to allow an initial identified user to operate from the site, but to maintain flexibility in the wider market should tenants requirements change, then a mixed commercial use of E(g)(iii) (Industrial Process), B2 (General Industry) and B8 (Storage and Distribution) with trade counter is sought. No internal or external alterations are proposed.
- 3.3 The initial prospective tenant would be 2MV Logistics, a Portsmouth based freight and distribution specialist who work in several sectors including agriculture, automotive supplies, construction, healthcare, electronics, computing and hazardous goods. They currently employ 55 staff and would look to expand and generate about 11 more employment opportunities. They operate 24 hours a day, six days a week, from Sunday night to Saturday morning with a lower level of movements at night.
- 3.4 The supporting D&A statement explains that as a member of the Hazchem Network, 2MV Logistics transport approximately 5,000 tonnes of hazardous goods, of all classes, with the exception of Class 1 (Explosives) and 7 (Radioactive). It is sometimes necessary to store small quantities of hazardous goods for up to 72 hours prior to delivery, where the goods stored can be from any of the Classes (1 to 9) of hazardous goods.
- 3.5 The application is accompanied by a Transport Assessment, and during the course of determining this application an additional Highways Note and Noise Assessment and have been submitted.

#### **4 Policy Considerations**

National Planning Policy Framework  
 Havant Borough Council Borough Design Guide SPD December 2011  
 Havant Borough Council Parking SPD July 2016

##### Havant Borough Local Plan (Core Strategy) March 2011

|      |                                                                        |
|------|------------------------------------------------------------------------|
| CS16 | (High Quality Design)                                                  |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS2  | (Employment)                                                           |
| CS20 | (Transport and Access Strategy)                                        |
| DM10 | (Pollution)                                                            |
| DM14 | (Car and Cycle Parking on Development (excluding residential))         |
| DM16 | (Freight Transport)                                                    |

##### Havant Borough Local Plan (Allocations) July 2014

|     |                                                                  |
|-----|------------------------------------------------------------------|
| AL1 | (Presumption in Favour of Sustainable Development)               |
| AL2 | (Urban Area Boundaries and Undeveloped Gaps between Settlements) |

Listed Building Grade: Not applicable.  
 Conservation Area: Not applicable.

## **5     Statutory and Non Statutory Consultations**

### **Councillor Gwen Robinson**

None received

### **Councillor Peter Wade**

None received

### **Councillor Ryan Brent**

None received

### **Environment Agency**

None received

### **Environmental Health**

Whilst I understand that there are no planning restrictions related to times of usage for this particular site, I have concerns related to the generation of noise on this site, especially since the proposed operation will be over 24 hour periods. It has not been demonstrated in the submissions and responses to date, that there will be no noise impact on nearest residential receptors, especially in the early morning hours, when background noise levels are predictably at their lowest level. It is questionable whether this site could be operated 24-hours day without having any impact on residential neighbours, and I cannot see that any consideration has been given to what the cumulative noise impact would be from all noise sources, when the site is in full operation.

From what is understood at present, delivery / collection vehicles will be loaded / unloaded by use of forklift trucks. Therefore, reversing alarms on heavy goods vehicles / lorries and the like, and similarly on the forklift trucks, are a noise source. Included with FLT usage is noise from the forks when the trucks are used on a rough surface, other associated impact noises, use of metal cages and so forth.

Furthermore, in regard to the air conditioning units situated along the rear of this building, there is no clarity that these units were ever used on a 24 hour basis and could potentially have an impact on the nearest residential receptors, especially during the warmer summer months.

An acoustic assessment should be carried out by a suitably qualified acoustic consultant /engineer in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Background levels shall be established at nearest residential receptors, especially during the period 23:00 to 07:00. LAFmax occurrences, especially during the night time period, must also be considered and factored in to any proposed mitigation measures.

The typical and worst case scenarios should be considered and where mitigation measures are required these should be clearly stated and supported by calculations. Equally the prediction of noise levels at the nearest noise sensitive facades should be supported by calculations and included in the report.

As there has been no adequate acoustic submitted with this application, I would recommend refusal of this application at this time.

**Comments following submission of Noise Assessment:**

I have read the additional documentation now provided by the applicant, namely the Clement Acoustics Noise Impact assessment dated 14 October 2024.

In said report it is recorded that the ex. air conditioning units situated along the NW facing facade of the building are to be decommissioned and removed. Based on this I am satisfied that this potential noise source can now be disregarded. Should any other air moving equipment be considered for installation along this facade at a future date, I would expect a similar noise assessment to be provided for consideration at that point.

The report goes on to indicate that potential noise levels originating in the service yard area, based on using previously measured levels taken from similar operational yard areas to predict the noise levels during loading / unloading operations, should not reach the threshold of an adverse impact on nearby residential receptors, even when considering a worst case scenario. A noise management plan has been included in the assessment which it is advised, if followed should ensure the calculated noise levels at nearby residential receptors are not exceeded.

I would advise that the noise management plan, as recommended in the aforementioned noise assessment, be conditioned as such if the LPA is minded to approve this application.

Should perchance any noise complaints linked to this site, arise in the future, this office would investigate these in conjunction with site management.

**Hampshire Highways - initial comments**

see full document on file - summarised as additional information required with regard to:

Trip Generation - queries existing HGV movements and daily trips for the extant consents; notes TRICS data includes a site from Covid which should be removed from the assessment; trip generation should include E(g)(iii)/B2 uses; queries floorspace for E(g)(i) office uses;

Net Traffic Impact - need above points clarified first

Sensitivity Test - trade counters are ancillary and TA assumes 196.6sqm which would need conditioning;

Sustainable Access - WCHAR assessment required to audit the pedestrian and cycling infrastructure; need for a Northern Brambles link is in the S106 Old Park Farm MDA and land in this application site should be safeguarded for such provision;

Bus routes in TA challenged

Local Facilities and Services - Local provisions noted

Personal Injury Accidents (PIA) - Crashmap data used out of date and unacceptable - HCC records should be used

Site Access - visibility needs demonstrating; swept path analysis required

Internal Layout Design - clarification on HGV servicing and loading; delivery management plan required; Refuse arrangements should be confirmed;

Parking Provision - 136 existing spaces; if whole site in B1(a) use then 107 spaces required and agree that site can accommodate the greatest parking demand; space sizes should be confirmed; 21 long stay (secure and covered) and 6 short stay cycle parking spaces required;

**Comments on Additional Highway Note:**

Notes that no general E(g)(i) office space is proposed; appropriate parameters now used for TRICS; will be overall reduction in trips, but increase in LGV and HGV movements; even with trade counter there will still be a net reduction in car trips compared to existing use; visibility of 2.4m x 90m adequately shown; swept path analysis acceptable; no accidents over last 5 years; understood that due to leasehold agreements land can't be safeguarded for a Northern Bramble link at the moment; an excess of 64 car parking spaces; given scale of development and overall net reduction in trips then no longer consider that a travel plan is necessary.

**Recommendations**

Having regard to these detailed comments (see file) the Highway Authority provide no objections to this planning application subject to the following conditions:

- Prior to first occupation, 21 long stay and 6 short stay cycle parking spaces are to be provided in accordance with plans to be submitted to, and approved by, the local planning authority. Thereafter, the spaces shall be always provided and made available for use.

Reason: In the interests of encouraging sustainable travel

- Use of trade counter to be restricted to 196.96sqm

Reason: In the interests of highway safety

- The southern access into the site for the B8 use shall be restricted to the use of HGVs only

Reason: In the interests of safe and suitable operation of the site access and highway safety

**Property Services**

None received

**Winchester City Council**

None received

**6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 49

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Officer Comment                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <p>The planning will be changing to a 24 hour operation which looks likely to involve the loading/unloading of large haulage vehicles, vehicle engines running, forklift trucks, reversing alarms, vocal instructions, warehouse door opening and stacking within warehouses. Presumably the Warehouse will also have generators or AC running overnight if hazardous items are to be stored. This is likely to cause noise pollution to the houses that are directly behind the facility which currently have silence overnight. It would be preferential for residents if hours of operation could be restricted to avoid noise pollution overnight.</p> | <p>Noted - see section 7 below</p> |

## 7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and Parking
- (v) BNG

(i) Principle of development

7.2 The application site is located on the western edge of the Borough and within the defined urban area where further development is considered acceptable subject to the usual development control criteria. The site is located within a well established business and commercial area and as such the continued use of the site for either E(g)(iii) Industrial Process, B2 General Industry or B8 Warehouse and Distribution uses, with trade counter, would remain a generally compatible use.

7.3 The land is owned by Havant Borough Council and it is understood leased since 1990 for B1 (now Class E), B2 and B8 purposes. This indicates a flexible approach to intended occupiers by the Property Services team, which this planning application also seeks to achieve.

(ii) Impact upon the character and appearance of the area

7.4 This is a change of use application only, with no associated operational development. As such the external design and appearance of the building and site would not change, and would continue to be appropriate to this commercial area. The use of the building would also remain in employment/commercial use, which would continue to be appropriate to the context of the site.

- 7.5 Therefore the principle of the proposed change of use from B2 to a more flexible B2/Light industry/B8 use is considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.6 An investigation into the planning history of the site reveals that the building was granted permission in January 1994 under 93/53562/3 for B2 purposes but there were no hours of use condition imposed, presumably because at that time the houses to the north did not exist. Therefore the unit can currently be used for 24 hour operations for B2 purposes without planning permission. Regard must be had to this fallback position in assessing this current application for a more flexible use. It is however noted that the site context has altered since 1994 with the addition of new houses to the north, and it is acknowledged that a 24 hour general industrial use could have some noise and disturbance issues to the closest residential properties, which would have to be investigated by Environmental Health under their separate Environmental Protection legislation.
- 7.7 The proposed alternative E(g)(iii) light industrial use that requires planning permission, by definition, can be carried out in residential areas without detriment to its amenity and would likely be a less onerous a use. The alternative B8 storage and distribution use sought could have some adverse impacts from the comings and goings of vehicles, particularly lorries, and forklift trucks etc associated with the loading and unloading of goods, particularly overnight as a 24 hour operation is requested. The initial prospective user would be a B8 use and the submitted noise report considers the impacts of increased use of the loading/unloading operations being undertaken overnight on the nearest residential receptors in Angus Way to the north.
- 7.8 The noise assessment confirms that the existing row of air conditioning condenser units on the west elevation of the building, as a potential noise source themselves, would be decommissioned and removed from site. Predicted noise from the loading and unloading bay was found to constitute only a negligible/moderate increase relative to existing background noise levels, and not enough to reach the threshold of an adverse impact. Some noise management actions have been included in the assessment and Environmental Health raise no objection, but suggest the management plan is conditioned.
- 7.9 On this basis it is considered that it has been adequately demonstrated that the proposed B8 use would not adversely impact the closest residential properties from noise overnight. As such it is considered unnecessary and unreasonable to impose any hours condition on the flexible uses sought, especially given the lawful use of the site is an unrestricted 24 hour B2 use.
- 7.10 The separation between the Angus Way and the rear of the site includes some mature tree screening, but it is considered that any outdoor lighting in the loading area should be provided with downlighters fitted with movement sensors, to avoid causing unnecessary light pollution and light disturbance to neighbours.
- 7.11 Overall it is considered that the flexible use proposed will not result in any significant harm to neighbouring amenity and would have limited and acceptable impact on the nearest residential properties, meeting the requirements of Policies CS16 and DM10 of the HBLP (Core Strategy).

(iv) Highways and Parking

- 7.12 Following updates to the submitted transport assessment in response to queries from Hampshire County Council, no objection to the proposal is raised from HCC. It is noted that total trips associated with the B8 use compared to the previous B2 use would be reduced, but that within that summary trips by LGVs and HGVs would increase. A trade counter is proposed and the assessment work based this on being 196.6sqm in size, which had minimal trip generation that still resulted in a net reduction in car trips. HCC wanted the size of the trade counter to be conditioned to 196.6sqm but a subsequent note from the agent provides further trip counts for a trade counter of 220sqm, demonstrating that a trade counter up to 220sqm would not impact trip rates. As such it is considered appropriate to condition this at 220sqm.
- 7.13 With respect to on site parking, the site has 136 spaces. Using the adopted Parking Standards SPD, if the whole floorspace was used for B2 or E(g)(iii) purposes then 72 spaces would be required; if used for B8 purposes then 36 spaces would be required. Therefore the site has sufficient on site parking to meet the parking demands of the proposed flexible use with trade counter. However there is currently no cycle storage provision on site and in the interests of encouraging sustainable alternative modes of transport it is considered that 21 long stay and 6 short stay cycle racks should be provided on site. Details of covered stands and a plan showing their location has been provided within the Conditions Response Note - which can be conditioned.
- 7.14 Due to the increased number of HGV movements associated with the proposed B8 use, HCC also wanted a condition imposed requiring the southern access into the site to be restricted to HGV use only, with cars directed to the northern access, to minimise potential conflicts. However a response from the agent notes that the HGV movements are likely to occur during the interpeak period, which in itself reduces the risk of conflict, and that many cars and HGV's on the estate share accesses and the accident records do not indicate this to have had any detrimental impact on highway safety. It is considered that the layout of the site is such that most HGV's would naturally use the southern access to access the loading bay at the southern end of the site, and most cars would use the northern access to access the car parking area, naturally limiting conflict. Given that enforcing such a condition would be difficult, it is considered unnecessary to impose.
- 7.15 Overall it is considered that the impact on the highway network arising from the flexible use proposed with trade counter, would be acceptable and not result in any adverse highway safety issues, in accordance with policies CS20, CS16 and DM14 of the HBLP (Core Strategy) and the NPPF.

(v) BNG

- 7.16 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024. In this case the applicants have claimed an exemption from the BNG requirements due to the development proposals falling below the applicable thresholds of 25sqm of on-site habitat or 5m of on-site linear habitats.
- 7.17 As a change of use application, with no associated operational development, it is clear that no habitat will be lost as a result of the proposal. On this basis it is agreed that the development is exempt from BNG requirements.

## 8 **Conclusion**

- 8.1 It is considered that the proposed flexible use of the former unrestricted B2 premises for either class E(g)(iii) Industrial Process, B2 General Industry and B8 Warehouse and Distribution with trade counter would be an appropriate use for the site in this industrial area, whilst not resulting in any significant harm to the nearest residential properties or highway network. On this basis it is recommended for approval.
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## 9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00452 subject to 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing and Proposed Plans - KAD 01 A LP  
Elevations and Unit Details by Vail Williams  
Planning Statement by Sutton Neame June 2024 Rev A  
Transport Assessment by i-Transport Ref DS/SG/ITS19395-001 dated 31 May 2014 as updated by Highways Response Note dated 25 September 2024  
Conditions Response Note by i-Transport Ref DS/SG/ITS19395-003 dated 5 December 2024  
Noise Impact Assessment by Clement Acoustics report 19521-NIA-01.docx dated 14th October 2024.

**Reason:** To ensure provision of a satisfactory development.

- 3 The covered cycle stands providing at least 21 long stay and 6 short stay cycle parking spaces, as shown on Drawing Number ITS19395-GA-003 within the Conditions Response Note by i-Transport dated 5th December 2024, shall be provided on site and made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policies CS20 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning General Development Order, the hereby approved ancillary trade counter shall not exceed 220sqm in floor space.

**Reason:** To ensure no adverse impact on highway safety from increased trips, having due regard to policies CS20 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted shall be carried out at all times in full accordance with the Noise Management Plan at paragraph 6.5 of the Noise Impact Assessment by Clement Acoustics, report 19521-NIA-01.docx dated 14th October 2024.

**Reason:** In the interests of the amenity of the occupiers of the nearest residential properties, having regard to policies CS16 and DM10 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 6 Any external lighting in the loading bay area shall be installed as down lighters with movement sensors to be illuminated when needed only, and shall not be left on continuously overnight.

**Reason:** To prevent light pollution in the interests of the amenity of the occupiers of the nearest residential properties, having regard to policies CS16 and DM10 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 7 No externally visible or audible plant, machinery or structures required for refrigeration, ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of the nearest residential properties, having regard to policies CS16 and DM10 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.