
Site Address: 2, 2A, 4 and 6 Seagull Lane, Emsworth, PO10 7QH
Proposal: Demolition of 2 & 2a Seagull Lane and warehouses 1, 2 and 4. Existing unit 6 Seagull Lane retained with external amendments including cladding and utility enclosure. Construction of 3 No light industrial buildings split into 8 No units.
Application Type: Full Planning Permission
Application No: APP/22/00155 Expiry Date: 02/06/2022
Applicant: M&M Hall Family Pension Trust
Agent: Mr P Thompson Case Officer: Tina Pickup
PWP Architects
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site amounts to some 0.27 ha and has been compiled from Nos 2, 2A, 4 and 6 Seagull Lane and their associated hard standings and accesses. These are currently vacant light industrial and office buildings falling within use Class E (g). Most are single storey in scale, but number 6 is a converted two storey rendered building with pitched roof, sited centrally. All are old with ad hoc additions.
- 1.2 The existing units are accessed from Seagull Lane, an adopted cul-de-sac which is also a formal footpath linking to Brook Meadow Nature Reserve (a SINC) and the River Ems to the east. There are double yellow lines within Seagull Lane and no turning head.
- 1.3 The application site is located on the south side of Seagull Lane and extends from the rear of Seagull Court flats to the west (and behind their garage block which fronts Seagull Lane), to another large commercial premises, Artec Engineering, to the east. The northern side of Seagull Lane is characterised by residential development, with the rear accesses and garages of the properties fronting Sultan Road directly opposite the site. To the south of the site lies the currently vacant former gas works site, which was allocated for housing in the withdrawn Havant Borough Local Plan, and now included in the Council's Housing Delivery Position Statement. The land slopes slightly down to the east, and generally the site is bounded by approximately 1.5m high brick walls with chain link fence with barbed wire top to 2m high, set above the wall. To the Seagull Lane frontage there is currently an older style flint and brick wall.
- 1.3 The site lies outside current day flood risk and only a small part of the eastern edge of the site lies within the future flood zone. Existing units on the site amount to a floor space of 948.4 sqm.

2 Recent Planning History

Number 2:

95/55248/001 - Renewal of planning permission 90/55248 in order to continue use for motor car body repairs and spray workshop on a permanent basis, PERM, 29/06/1995

90/55248/000 - Renewal of temporary consent (29421/2) for motor car body repairs and spray work shop, ZHIS, 12/09/1990

Number 2A:

APP/20/00692 - Application for change of use from Class B2 (General Industrial) to D2 (Assembly & Leisure) and erection of new building to serve primarily as a boxing gym, Withdrawn - 18/01/2021

Number 6:

APP/18/00902 - Design office, two display buildings, small site office, utility link to workshop and alterations to boundary entrance - Permission 19/12/2018

3 Proposal

- 3.1 Demolition of 2 & 2a Seagull Lane and warehouses 1, 2 and 4. Existing unit 6 Seagull Lane retained with external amendments including cladding and utility enclosure. Construction of 3 No light industrial buildings split into 8 No units.
- 3.2 It is proposed to demolish all buildings on the site except the two storey building, unit 6, which would be refurbished. The main part of the site would be re-developed with two new single storey industrial buildings - one along the southern boundary containing 5 small units; and one to the west containing two units. These would be served with two new vehicular access points forming a one-way route around the central two storey building, with parking spaces against the eastern boundary and centrally.
- 3.3 Further to the west, the former unit 2A backing onto Seagull Court flats would be replaced with a single unit (unit 8) having its own access immediately adjacent the garages serving the flats. All except unit 8 would have some internal mezzanine floor space, such that the total floor space of the new build units amount to 840 sqm. The existing two storey building would be retained as an office and has a floor space of 135 sqm resulting in a proposed total floor space of 975 sqm across the whole site. A total of 35 car parking spaces would be provided on site, 2 of which would be disabled spaces and 1 visitor space. The units would be finished in a mix of grey panelling and cladding beneath grey roof panels with dark grey aluminium windows and doors.

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

CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS21	(Developer Requirements)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)
AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_W3 (Change of Use Applications)
ENP_W1 (Employment Premises & Design Quality)
ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)
ENP_D3 (Layout, Form & Density)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Building Regulation consent will be required for this work

Unit 8 Fire Authority access to site will need to comply with Approved Document B Section 5 (unable to scale)

Method of heating unknown so flue pipe outlets not commented upon

Location of roof lights to comply with Approved Document B regarding spread of flame provisions and compartment boundaries

Council's Ecologist

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. Whilst I would not expect the site to be of significant ecological value, the existing buildings may offer potential for protected or notable species, especially roosting bats and nesting birds.

I would recommend that the applicant commissions Preliminary Ecological Appraisal of the site: this should include an assessment of the potential for the site to support protected species, to be provided by a qualified ecologist. The Chartered Institute of Ecology and Environmental Management (CIEEM) (www.cieem.net) holds a database of suitably-qualified ecologists.

A Preliminary Ecological Appraisal will determine whether there is any evidence of protected species or whether the site offers habitat suitable for supporting protected species, and whether the proposed works are likely to result in impacts to those habitats or species. Unless the qualified ecologist is able to conclude that there is no reasonable likelihood of protected species being present (due to negligible potential) or that if present they are not to be impacted by the works, it is likely that further ecological survey work (Phase 2 survey) will be required prior to determination of the application. The results of any further surveys should be used to provide an assessment of the likely ecological impacts of the proposed works and to inform any mitigation, compensation and enhancement measures.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and

it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Following receipt of Ecological Impact Assessment

The application is now accompanied by an Ecological Impact Assessment (ECOSA, August 2022). The site comprises a small light industrial complex containing various modern buildings surrounded by sparsely vegetated hard standing. The initial site survey identified one building (Building 2a) as offering bat roosting potential. Subsequently a single evening emergence survey was carried out. No bats were recorded roosting within the building and it is concluded that bats are not currently present. The site is considered to offer some potential for nesting bird species. A series of standard ecological avoidance, mitigation and enhancement measures are included which are acceptable.

If you are minded to grant permission, can I suggest that the ecological avoidance, mitigation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures detailed in the Ecological Impact Assessment (ECOSA, August 2022) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011

Economic Development

None received

Environment Agency

None received

Environmental Health Manager

Noise & Pollution

I have no objection in principle to the proposed demolition of the specified buildings & the construction of replacement commercial / industrial buildings.

However, as there is no indication at this time as to what Class usage the proposed buildings & yards are to have e.g. B2, B8, E(g) (iii) etc, nor the proposed hours of use / access, it is difficult to understand the potential level of impact of noise or disturbance on nearby residential receptors.

Furthermore, no indication has been provided with this application, that can clarify expected levels of noise and / or vibration on nearest residential receptors, during the proposed demolition process, including breaking up of concrete slabs, mobile crusher units and so forth, earthworks including any possible piling operations, followed by the construction of the new units, and any proposed mitigation methods to manage noise and / or vibration levels. I would expect this then to be provided with the Construction Environmental Management Plan, along with a noise assessment in relation to the above.

Also once the site is occupied, the obvious long term concerns to this office, would centre around any noise generated on the site, potentially from a 24 hour a day, 7 days a week operation involving HGV's, lorries, vans, forklifts, reversing alarms, internal manufacturing plant, and internal and external plant including air moving equipment

such as refrigeration / chiller units, air conditioning units, extract ventilation equipment, fans and so forth, and again the possibility of adverse impact on existing nearby residential receptors.

I would expect an acoustic report / assessment to be provided, with all the necessary mitigation measures included that may be required, to prevent any adverse impact on the above receptors, covering all the aforementioned aspects.

I would however ask that if the Planning authority were to grant permission for these works, that conditions and informatives be added - *see full response on file for details*.

Ground Contamination & Air Quality

Ground Contamination Risk

Several of the prior uses of the site are considered to be potentially contaminating land uses, for example, builders yard, crane hire, plant & vehicle maintenance, fuel / oil storage, engineering and anodizing.

In addition, the adjacent plot was formerly used as a town gas works, and contamination from that site could potentially affect the development land. The original gasometer was located around 15m from the curtilage of the 2A Seagull Lane, and the closest structure associated with the gasworks was around 5m. Whilst the owner / applicant cannot be held responsible for contamination originating from outside the curtilage, it is appropriate to consider the risks posed to users of the proposed development from sources external to the development land.

The site is close to relevant environmental receptors (River Ems, <50m East Boundary), and risks to this surface water should also be considered.

There are commercial landuse standards for human exposures, which adopt a relatively risk tolerant approach. Standards for surfacewaters will be much lower, and so the local surface water is likely to represent the principal risk-driver. Given the potential for adjacent land to represent a source of contamination, the assessment should take care to describe the site conceptual model. The minimum standard under national planning policy is to ensure that following redevelopment, the site should not be capable of being determined to be contaminated land within the meaning of Part 2A of the Environmental Protection Act 1990, but it is worth noting that the source of contamination may be relevant to this consideration.

I do not believe the viability of the development delivery to be at risk in the event that consideration of contamination risk is deferred & secured by means of a Grampian condition. As such, an objection to the determination of this application without the support of a ground contamination survey would not be justified.

Recommend Grampian contamination condition, excluding demolition and site clearance; and verification prior to occupation condition - see file

Air Quality

The Quantum of development is lower than emerging policy E23 (Air Quality) aims to address. However, I have reviewed the scheme and would note in particular the following;

- Parking provision for private vehicles appears to be in excess of SPD. Environmental Health would be able to support a lower quantum of vehicle parking on the basis of the availability of sustainable public transport options.
- Cycle parking exceeds the minimum SPD requirement, which is welcome.
- The scheme makes no mention of providing for EV charging. Whilst emerging

policy IN3 does not yet carry full weight, and interim policy does not specifically cover commercial development, I would highlight that NPPF 2021 para. 112 e) is adopted policy, and some provision for charging (or preparation for future installations-) should be included.

- The scheme will deliver a marginal net gain in ecosystem (air quality) services relative to the existing site.
- The form of development includes mono-pitched roofs, in respect to units 1-5, sloping due south. It would appear that the pitch & orientation of the roof to these units would be suitable for direct solar or solar PV installation. It may be appropriate to consider exploiting this opportunity under sustainability, climate / carbon, energy efficiency & design quality policies. An installation would deliver air quality improvements (through local emissions reduction) as an ancillary benefit.

No objections arise, and no specific requirements are justified on air quality grounds alone.

Hampshire Constabulary

None received

Hampshire Highways

In order to assess the impact of the above proposals, a Transport Statement will need to be submitted. In particular, this should include trip rates for the current use and the proposed use as well as the number of proposed HGV movements that the site will generate.

Hampshire Highways - following submission of Transport Statement

Full and detailed response received - see file for details. Summary points:

The Highway Authority require the following further information requested before a formal recommendation can be made:

- ☐ Clarity regarding the access point is existing or a new access is to be provided for unit 8;
- ☐ Visibility splays to be provided in accordance with HCC TG3 with no obstructions within the splay;
- ☐ Visibility splays to be provided for the unit 8 access if this is a new access point;
- ☐ Revised tracking should be provided for the 16.5m articulated vehicle along with tracking speed for consideration;
- ☐ Drawing 2022-6442-006 should be updated using the correct dimensions for a large family car;
- ☐ Access for unit 8 should be widened to a minimum of 4.8m to allow two vehicles to pass and to allow vehicles to access the unit without conflicting with a wall and other boundary features;
- ☐ Drawing 2022-6442-007 should also be revised using the correct dimensions for a large family car; and
- ☐ Applicant should explore the scope to provide sheltered cycle parking to increase the attractiveness of a sustainable travel mode

Hampshire Highways - following receipt of additional information

Unit 8 access - light trafficked nature of the access noted, making narrow width possibly acceptable, subject to adequate visibility splays and condition that no lorries or articulated vehicles access unit 8.

Visibility - revised visibility splays still required in accordance with Technical Guide TG3 for a 20mph design speed for main egress of the site and unit 8; unit 8's must clarify any boundary treatment obscuring visibility and levels;

Articulated Vehicle - tracking speeds and dimensions still required;
Cycle Parking - agreed covered cycle storage can be subject to condition
Car parking - updated drawing 2022-6442-007 acceptable
Site access reconfiguration - further info required to ascertain under which license works to be constructed

Hampshire Highways - *following further revised plans*

Tracking speeds confirmed and agreed as 5mph
Boundary feature obstructing achievable visibility to unit 8 has been reduced to a max of 600mm in accordance with HCC TG3 guidance - this is agreed and to be secured with appropriate planning condition

No Objection to revised scheme subject to conditions re access construction timing; and construction method statement;

Local Lead Flood Authority HCC

As this application relates to a site which is a commercial application less than 1 hectare in size and less than 1000m² floor space, we would consider this as a minor application and outside of our remit. However, please direct the applicant to our website

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> for further information on recommended surface water drainage techniques.

Planning Policy

Principle of Development:

Policy CS2 of the Core Strategy prioritises the use of previously developed land for the provision of new employment floor space, whilst Policy DM2 seeks to safeguard existing employment sites from development proposals for non-employment uses. The former gas site bounds the site immediately to the south, and is one of the housing sites that was previously identified for housing development in the now withdrawn HBLP but identified by the Council's Housing Delivery Position Statement.

The application proposals would result in a small net increase in employment floor space overall, which would principally result from the construction of 3 new buildings to provide 8 separate units following the demolition of the current industrial units.

Design

Both the adopted local plan and ENP require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- D1 – General Design Policy
- D2 – Height, Mass & Materials
- D3 – Layout, Form & Density

In particular it is noted that development proposals should have regard to the Design Checklist in ENP and use the Design and Access Statement to demonstrate how the checklist has influenced the proposal. It is also noted that Policy W1 of the ENP expects new employment and industrial proposals to demonstrate how they respect the character and appearance of the neighbourhood area.

Low carbon design:

Non-residential development over 500 sq. m is expected to meet the BREEAM 'Very Good' standard, unless proven to be financially or technically unviable in line with Policy CS14 of the adopted Core Strategy. No such assessment has been submitted with the application proposals, as such the applicant is invited to submit a

pre-assessment calculator to demonstrate how the application proposals would comply with this requirement.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, and the Council's Parking SPD.

Summary:

The development proposals would secure the redevelopment of an existing employment site. As such, the proposals are supported in policy terms, subject to the submission of an appropriate BREEAM Pre-Assessment calculator which demonstrates how the 'Very Good' standard would be achieved.

Southern Gas Network

None received

Traffic Management

The Traffic team have no adverse comment to make.

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: 48

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 5

Comment	Officer Comment
<u>Policy</u> Overall welcomed as complies with ENP policy W3 to retain employment space	Noted
<u>Access & Traffic</u> Seagull Lane narrow and single at its entrance; unsuitable for industrial and commercial vehicles; lorry traffic will increase significantly and any articulated vehicles will hold up traffic with turning difficulties in and out of North Street; increased traffic a danger to pedestrians; if site fulfills its potential traffic generated will lead to congestion; Where Seagull Lane joins North Street opposite Victoria Road is a dangerous black spot, and busy at school times,	Site an existing industrial site with potential for similar traffic movements - see section 7 below Noted

can't believe the Traffic Team had no adverse comments 30 employees estimated so 30 cars in the morning and evening, plus deliveries and collection vehicles equals noise and air pollution Turn into unit very sharp & narrow with risk of damage to end garage; where will vans and deliveries for unit 8 park? limited spaces for unit 8; concerned garage block will get blocked; need existing double yellow lines to be renewed; concerned shortcut might be taken to unit 8 via private driveway of Seagull Court - please confirm a fence or wall will be built between units 6 & 8 to prevent this; No proper footpath for pedestrians to access Brook Meadows Nature Reserve	Noted but not dissimilar to existing site potential - see section 7 Double yellow lines would remain making it illegal and a police matter if garages blocked Seagull Court not part of application site, no access proposed that way; boundary detail plan ensures this. Noted - no change to existing in this respect
<u>Noise & Pollution</u> Unit 8 very close to Seagull Court flats which is occupied by elderly & noise would be a concern; increased traffic result in noise & pollution, day & night	Use and hours can be controlled via condition to minimise impacts
<u>Privacy & Outlook</u> Privacy & outlook for houses in Sultan Road and Malvern Mews will be lost	Scale of development remains low and separation distances significant
<u>Boundaries & Landscaping</u> Currently a gap to rear of Seagull Court garages for maintenance - please confirm gap will be retained with new fence or wall. would like to see more details of softer boundary treatment and landscaping	No change to the boundary wall proposed so gap will be retained
<u>EV charging points</u> - none provided for the future	Noted but policy can't require
<u>Hours</u> - commercial properties should be confined to daylight hours eg 8am - 6pm Monday to Saturday	Can be conditioned
<u>Impact on Nature Reserve</u> fresh water stream will be blighted	Should be no impact

<u>Alternative use</u> if site combined with old gas works a better development for the community of Emsworth could be developed with 4 access points onto North Street and the potential for a one way system; would be better site for houses	Sites in different ownerships and LPA has to determine scheme put forward on its merits
<u>Asbestos</u> old factory has asbestos roof and chemicals	H&SE issue

7 **Planning Considerations**

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 and use
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways and parking matters
- (v) Drainage and Contamination
- (vi) Ecology

(i) Principle of development and use

- 7.1 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The site is located within an existing industrial area with established commercial premises. Policies CS2 and DM3 of the Core Strategy, as well as policy W3 of the Emsworth Neighbourhood Plan, seek to safeguard and protect existing employment sites, and as such the continued use of the site for commercial purposes is supported in principle. Furthermore policy CS2 supports developments that *"provide jobs, generate wealth or produce economic output on existing employment sites that are not fit for current purposes."*
- 7.2 It is noted that there would be a small net gain of industrial floor space on the overall site, increasing from 948sqm to 975sqm. This modest increase represents a more efficient use of the site, but is not so significant as to result in intensification of use issues. Whilst third party comments imply the use and associated traffic would introduce levels of nuisance, regard must be had to the fact that the site is lawfully an existing light industrial area, albeit one that is not currently operating at capacity. But planning permission would not be needed to bring the existing buildings back into active use and as such the potential activity at the site could be similar to that associated with the proposed development.
- 7.3 In terms of the proposed use of the new units, the applicant is hoping to offer a range of small, affordable units which are flexible in use, allowing tenants the opportunity to evolve to market demands and diversify, and therefore want some flexibility in the approved uses. However current use Class E is a broad category relating to all types of commercial and business services and it is considered that within this use class some uses would not be appropriate due to their potential impacts on highways, amenity and local shops and services within the defined centre. It has been agreed

with the applicant that Classes E(c) (financial & professional services), E(g) (light industrial operations that can be carried out in residential areas ie offices, research and development and light industrial processes); and B8 uses (storage and distribution) would be appropriate for the site. With respect to Class E (a) (retail) it has been agreed that ancillary trade counters would be considered acceptable, but other retail uses could have an adverse impact in terms of traffic and impacts on existing town centre retail and would not be supported. These uses can be conditioned.

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

- 7.4 The existing compiled site is ad hoc in appearance with a variety of older building styles and is in a run down state. The proposal would result in a more comprehensive development of the overall site, with the opportunity to improve access and parking arrangements serving the whole site. It is proposed to retain and refurbish the existing two storey building, unit 6, creating a circular one-way vehicular route around it. This would necessitate the removal of much of the frontage flint and brick wall. By placing the new units at the perimeter of the site, internal space is created for better movement of vehicles around the site. Proposed units 6 and 7 would be set back from Seagull Lane by about 8.5m and as a result the overall frontage of the site would appear more open from Seagull Lane.
- 7.5 Unit 8 would be set back behind the Seagull Court garage block and would not be overly visible from the street scene. All the units are designed having a single sloping roof with overall height between 4m and 6m. To take account of the levels across the site, units 1- 5 at the rear, would be slightly stepped in level, and there would be a retaining wall to the rear of units 6 and 7 (much as present). All units would be constructed of the same pallet of grey elevations with darker grey trim, doors and windows, and roof.
- 7.6 The front boundary is proposed to have raising arm barriers as access gates, and a more detailed boundary treatment plan has been provided showing the use of 600mm high black metal fencing elsewhere on the site frontage with 1.2m high black barbed imperial fencing between unit 8 and the rear of units 6 and 7, where the level steps. In addition 1.8m high palisade fencing would secure the southern boundary between Seagull Court flats such that no shortcut into the site would be possible, addressing a third party concern. Overall the boundary treatments proposed are considered suitable and visually appropriate to the appearance of Seagull Lane. Modest areas of landscaping are proposed - a low level landscaping planter to screen the bin storage area, as well as between the central rows of parking spaces, and at the sides of unit 8. These landscaped areas would help to soften the visual appearance of the site and provide a small net gain in soft landscaping on the site which is currently devoid of any planting at all. A landscaping condition is required to ensure provision of appropriate planting.
- 7.7 Overall the proposed layout and redevelopment with modern and cohesively designed units would represent a significant visual improvement to this south side of Seagull Lane, and provide a positive uplift to the area. It is considered that the development would not result in any significant impacts on the character of the area and would be in accordance with policy CS16.

(iii) Impact upon residential amenity

- 7.8 As noted at paragraph 7.2 above, the general levels of activity in terms of employment, deliveries and operations at the site would be relatively similar to the

existing site if it were functioning at capacity. It is acknowledged that local residents have grown accustomed to a lower level of activity due to the gradual winding down of the site with the units recently all becoming vacant. But nevertheless in planning land use terms the site is lawfully a light industrial area and there is no change proposed - it would remain a light industrial area. The proposed conditions limiting the uses that could operate from the units would also ensure only appropriate light industrial processes rather than more heavy manufacturing could take place, to protect the amenity of nearby residential properties. In addition an hours of operation condition would ensure that the site only operates at reasonable day time hours and not 24/7. The applicants request operating hours of 8am to 6pm Monday to Saturdays. This is considered appropriate to sufficiently protect residential amenity, with no activity on Sundays or Bank Holidays.

- 7.9 Unit 8 would be located immediately adjacent the Seagull Court flats, but this is an existing situation. The replacement building would have a slightly increased separation of between 0.5m and 2m. With the proposed use restriction of just Class E(c) and (g) and B8, then by definition these are appropriate uses that can be carried out in a residential area without detriment to amenity. Should any nuisance result in the future then this could be investigated by Environmental Health under their separate legislation.
- 7.10 Other nearby residential properties include 1 Seagull Lane and the dwellings in Sultan Road and Malvern Mews which back onto Seagull Lane. However the separation distance from these dwellings is 20m to the edge of the site and considerably more to the proposed single storey buildings, so it is not considered their outlook or amenity would be compromised.
- 7.11 It is however noted that the demolition and construction phase could result in noise, vibration and dust issues that could impact neighbouring amenity. Therefore it is recommended that an assessment of the potential construction noise is provided by pre-commencement condition. This would ensure residential amenity is adequately protected during the construction phase. Other issues re bonfires, dust etc are largely covered by Environmental Protection legislation so are added as Informative's only.
- 7.12 Overall it is considered that the redevelopment of an existing light industrial site for continued light industrial development, with uses and hours of operation controlled, would not result in any significant material increase in harm to neighbouring amenity. As such the proposal is considered compliant with policy CS16.

(iv) Highways and parking matters

- 7.13 During the course of determining this application negotiations with Hampshire County Council have taken place with provision of a Transport Statement and amended plans regarding vehicle tracking through the site, visibility splays and access arrangements for unit 8. The Transport Statement includes an analysis of the TRICs database to anticipate traffic volumes generated by the existing and proposed development. This suggests that 59 daily two-way vehicle movements are generated by the existing floor space and in comparison 60 two-way vehicle movements would be generated by the proposed floor space. This net increase of just 1 vehicular two-way movement would not have any significant impact on the highway network.
- 7.14 All other issues have been resolved and HCC now raise no objection, subject to imposition of certain conditions regarding no articulated vehicles to access unit 8; height of visibility splays retained; provision of covered cycle storage; and provision of

a construction method and access statement.

- 7.15 In terms of on site parking, 35 spaces are proposed to serve 975 sqm of floor space. This is more than adequate to meet the adopted Parking SPD ratio of parking for office space (1 per 30 sqm) and light industrial space (1 per 45 sqm) requirements. The proposed layout with easily accessed parking spaces for the main part of the site, would significantly improve the currently congested ad hoc parking of individual units. Whilst the visual appearance of the front of the site would be dominated by hard surfacing, the marking out and formalising of the spaces would be beneficial to the efficient operation of the overall site. The proposed landscaping would help to visually break this area up.
- 7.16 Cycle parking provision is also required to meet the adopted Parking SPD in the form of 5 long stay and 2 short stay cycle spaces. Details of a covered cycle store to accommodate 8 cycles in a convenient central location behind the two storey office block have been provided and is considered adequate and appropriate for both long stay and short stay cycle parking.
- 7.17 Subject to the imposition of appropriate conditions, there is no objection on highway safety or amenity grounds to the proposal which is considered to be compliant with policies CS20 and DM14.

(v) Drainage and Contamination

- 7.18 Records indicate that the site is not currently served by a foul sewer and drainage works on the site will therefore be likely. This would largely be a matter for Southern Water and Building Regulations, but given the scale of the re-development, with each unit having a wc and kitchenette, then a drainage condition is considered necessary to ensure adequate provision.
- 7.19 In terms of potential ground contamination, no below ground survey has taken place to date. It is noted that previous users of this site and adjacent sites could potentially have been contaminating land uses, and whilst the site is to remain in commercial use, there are still standards relating to human exposure to commercial land uses that need to be met. In addition the site is close to the River Ems and as an environmental receptor it is important to ensure surface water is adequately managed. Conditions are recommended to deal with these issues.

(vi) Ecology

- 7.20 During the course of determining this application an Ecological Impact Assessment was requested and submitted, which identified existing building 2A as low suitability for roosting bats. As such a dusk emergence survey was undertaken but found no evidence of roosting bats. The report also recommends mitigation measures to protect breeding birds, hedgehogs etc and opportunities for enhancements through provision of additional bat roosting and bird nesting features, and the use of native species in landscaping. Compliance with the EIA can be conditioned.

8 Conclusion

- 8.1 In conclusion, the proposed redevelopment of this existing industrial site is considered to visually improve the appearance of the site and have no increased adverse impacts on neighbouring amenity. Conditions can adequately control the uses and impacts of development, and highway matters have been resolved. Planning permission can

therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00155 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 Site Plan - Drawing number 1000 Rev A
Proposed Plans Units 6 - 7 - Drawing number 2009 Rev A
Proposed Plans Unit 8 - Drawing number 2012 Rev A
Proposed Plans Units 1-5 - Drawing number 2008 Rev A
Proposed Elevations Units 1- 5 - Drawing number 3008 Rev B
Proposed Elevations Units 6-7 - Drawing number 3009 Rev B
Proposed Elevations 6 Seagull Lane - Drawing number 3013 Rev C
Proposed Elevations Unit 8 - Drawing number 3012 Rev B
Proposed Street Scene - Drawing number 3007
Proposed Visibility Splays - Drawing number 1012
Proposed Boundary Treatment Plan - Drawing number 9000
Cycle Store Location - - Drawing number 9001
BXM/WAR Cycle Shelter Specification
Materials Schedule
Elevation Material Example - Drawing number 3014 Rev C
Flood Risk Report by PWP Architects dated May 2022
Planning, Design and Access Statement by PWP Architects dated February 2022
Ecological Impact Assessment by Ecosa dated August 2022
Transport Statement by Bright Plan dated May 2022 with amended Max Legal Length Articulated and Swept Path Analysis - Drawing Number 6442-005 Rev A

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) A site walk-over survey &/or sufficient desk-based research to identify;
 - All relevant previous uses of the site,
 - Potentially significant features and contaminants associated with those uses
 - Uncertainties relating to previous use or associated potential contaminants
 - A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;
 - A summary of potentially unacceptable risks arising from contamination at the site.
- 2) Site investigation based on (1), to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all receptors that may be affected, including those off site.
- 3) The results of an appropriate risk assessment based upon (1) & (2), and where unacceptable risks are identified, a Remediation Strategy that includes;
 - appropriately considered remedial objectives,
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
 - clearly defined proposals for mitigation of the identified risks.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) at the development land and adjacent that could pose a risk to buildings and future employees of the completed development &/or to controlled waters. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework.

- 4 No development hereby permitted, nor any related site clearance, shall commence until an assessment of potential noise and vibration arising during construction has been prepared in accordance with BS 5528: Parts 1 and Part 2, 2009 and A1:2014 - Noise and Vibration Control on Construction and Open Sites, and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall also include details of any piling methods to be used. All the above works shall thereafter be carried out in accordance with the approved assessment.

Reason: To minimise disturbance to all nearby sensitive receptors, and to ensure the amenities of nearby residential properties are not impacted upon by any external noise levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted, nor any related site clearance, shall commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (d) Methods and phasing of construction works;
 - (e) Access and egress for plant and machinery;
 - (f) Protection of pedestrian routes during construction;
 - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Thereafter, demolition and construction work shall only take place in accordance with the approved method statement.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety, having due regard to policies CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 No development hereby permitted, nor any related site clearance, shall commence on site until the unit 8 access site egress, including the footway and/or verge crossing has been constructed and lines of sight of 2.0 metres by 25.0m metres have been provided in accordance with Drawing Number 1012. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 600mm in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Development of the 3No light industrial buildings hereby permitted shall not be commenced until a BREEAM Pre-Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the development will attain a minimum standard of 'very good' BREEAM rating. The development shall be carried out only in

accordance with the details the subject of the assessment.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No above ground development shall commence until a detailed soft landscaping scheme for the identified planters and areas of landscaping shown on Drawing Number 1012 has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the distribution and number of plants, their species and planting sizes, and timing provisions for completion of the implementation of all such landscaping works. You are advised to use native species where possible to benefit pollinating invertebrates.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Within 6 months of the 3No light industrial buildings hereby approved first becoming occupied, written documentary evidence proving that the development has achieved at minimum 'Very Good' against the BREEAM Standard in the form of a post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with Condition 3 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met.

Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) at the development land and adjacent that could pose a risk to buildings and future employees of the completed development &/or to controlled waters. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough

Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework.

- 12 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be 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 policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 13 No externally visible or audible plant, machinery or structures required for 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 locality and/or occupiers of neighbouring property and having due regard to policies CS11.4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 No flood lighting or other form of external lighting scheme shall be installed at any unit or within the site, unless it has first been approved by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.
Reason: To protect the occupants of nearby residential properties, from light disturbance / nuisance, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 15 No lorries or articulated vehicles shall access unit 8 at any time.
Reason - The constrained width of access and available turning for unit 8 are limited and could result in a highway safety and amenity concern, having regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 16 Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures detailed in the Ecological Impact Assessment (ECOSA, August 2022) unless otherwise agreed in writing by the Local Planning Authority. This shall include the provision of 3 Vivara Pro WoodStone bat boxes, or similar, and 2 integrated WoodStone House Sparrow Terraces, and two Ibstock Swift Bricks, or similar.
Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 17 Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order, the units hereby approved shall only be used for any use falling within Class E(c) (financial & professional services), Class E(g) (light industrial), and Class B8 (storage and distribution) of the

Town and Country Planning (Use Classes) (Amendment) Order 2020. No Class E(a) (retail) shall take place from any unit except ancillary trade counters.

Reason: To ensure the uses at the site are appropriate for the site's location away from the town centre; compatible with adjacent residential dwellings having no adverse impact on neighbouring amenity; having due regard to policies CS4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 The hereby approved units shall only be open for trade or business between the hours of 08:00 and 18:00 Monday to Saturdays with no activity on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.