

APP/15/01234 - Application for Certificate of Lawfulness relating to continuous use of land to rear of 132 Havant Road for the business of horsebox and coachworks, parking of vehicles, loading and unloading of vehicles and open storage for a number of companies., PERM,29/04/2016

APP/16/00735 - Use of land for open storage comprising vehicles and scaffolding (use class B8) and perimeter landscaping works., PERM,03/02/2017

APP/17/00596 - Proposed sand surface extension to existing sand surface., PERM,21/08/2017

3 Proposal

Retrospective application for (1) Extension of scaffold storage area at rear of site into existing building and adjacent land and erection of 3.5m acoustic fence along south and west boundaries; (2) use of land for open storage of small plant and (3) use of land for open storage of cars and lorries not exceeding 7.5 tons.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM12	(Mitigating the Impacts of Travel)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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

Building Control, Havant Borough Council
No comments

Crime Prevention -Major Apps
No comments received

Southern Water

Southern Water would have no objections to the above retrospective proposals.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk"

Officer Comment: It is not anticipated that there would be any changes to the existing drainage from the site.

Environmental Health

Environmental Officer

I note that the site is permeably surfaced, without apparent formal / positive drainage. The Plant / vehicle storage is considered to represent both a diffuse, and acute pollution risk, but it is acknowledged that the risk of bulk loss of fuels (for example) is limited by the size of containers / fuel tanks. Given the surfacing at the site, attenuation of metallic and hydrocarbon pollutants released to the surface is expected to be relatively good (pollutants are likely to be retained on site).

The proposed plant storage activity does represent potential/likely future contamination, however this is likely to be more relevant to any future change of use to a more sensitive use class than it is to these proposals. For these reasons, I have no adverse comment to make as regards pollution.

Mark Moss has been allocated this consultation to make comment regarding noise / light pollution, and I would expect formal comment to follow under separate cover.

Notwithstanding any detailed comment that Mark may wish to make as regards noise / acoustics; as Environmental Health are aware of noise problems arising with activities at this site prior to its regularisation (in planning terms), I would recommend that the provisions of c.3 to APP/16/00735 be transferred to any consent granted under these proposals.

Officer Comment: Condition 3 of APP/16/00735 states:

The uses hereby approved under use class B8 (Storage and Distribution) shall not be open for business, receipt or dispatch of vehicles/equipment excepting between the following hours:

*Monday to Friday between 07.30 and 20.00 hours,
Saturday between 07.30 and 12.00 (noon) hours*

There shall be no working on Sundays and Bank Holidays.

Reason: *In the interests of the amenities of residential properties beyond the site, to mitigate noise emanating from the site and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework and the Noise Policy Statement for England.*

Environmental Health

Final Comments:

Observations I Comments:

I have perused the documentation submitted for this retrospective application. This application deals with the section of property adjacent the existing workshop structure, which land was converted to usage by a scaffolding business, and is now looking to incorporate the large 'barn' like structure on the corner of the southern and eastern boundaries and the additional land between these. The other two parcels of land on the application are to be used for the storage of small plant and cars / lorries respectively.

I would suggest the latter two sites be restricted to the requested usage only, should this application receive a favourable outcome for the applicant.

I have also studied the latest submitted noise impact assessment, Reference: SA-4697-31 Report date: October 2018, and note that the acoustic consultant has re-assessed the latest proposal for the extension of the scaffold business site. In this it is recommended that the mitigation measures to be employed relate to the extension of the 3.5 metre high acoustic fence along the additional boundaries, with two legs of similar height at right angles to the re-configured fence for a recessed gateway / access to the scaffold yard, as per the drawing depicted on page 16 of 34 of the abovementioned report.

If the Planning authority is of a mind to view this application in a positive light, I would ask that the following conditions be added to any decision notice:

Condition 1: No floodlighting or other form of external lighting scheme shall be installed unless it has 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 / pollution.

Condition 2: Mitigation measures as recommended by the acoustic consultant in the aforementioned revised noise impact assessment, must be implemented as stated within a given time frame.

Reason: This is in order to protect the occupants of nearby residential properties from noise and / or vibration nuisance.

I would also ask that the following informative be added to any positive decision notice:

Burning of waste: No waste generated by commercial activity, should be disposed of by burning, as any dark smoke generated or emitted may be an offence under the Clean Air Act 1993; it could also be a breach of your Duty of care under Section 34 of the Environmental Act 1990, and / or a statutory nuisance under Section 79 of the latter Act.

Original Comments:

Observations I Comments:

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I have perused the enclosed plans I documentation provided by the applicant. I have also been to site and noted the extension to the previously approved relocation site for the scaffolding operation.

It appears that the intention is to now to fence the new western & southern boundaries of the extended scaffolding site with the same 3.5 metre fencing (Jakoustic relective acoustic fencing??) to the same height as depicted on the submitted location plan, and to include the existing structure for the purpose of scaffolding equipment maintenance.

I would require that a further acoustic report be submitted confirming that the siting and installation of this fencing and the operations being conducted within the barn-like structure contained within the new scaffolding operation boundaries, will ensure that there will be no demonstrable adverse noise impact on the nearest residential receptors.

I therefore object to this application as proposed and would recommend conditioning as per the above paragraph.

Development Engineer Highways

The comments of the Highway Authority are not needed on this application.

Landscape Team, Havant Borough Council

From a landscape perspective we have no adverse comments in relation to this application.

Natural England Government Team

Natural England has considered the above consultation and has no objection.

Planning Policy

Policy Status

The adopted Local Plan (Core Strategy) and the Local Plan (Allocations) provide the development plan for the Borough.

Background

It is understood that historically the site has been used for various storage purposes.

Planning permission reference APP/16/00735 for the use of the land for open storage comprising vehicles and scaffolding (use class B8) and perimeter landscaping works was granted in February 2017. Conditions attached to that consent defined the storage areas, restricted the hours of use and secured acoustic fencing in the interests of the amenities of residential properties beyond the site.

This application similarly seeks to regularise and contain all scaffolding in the far south-eastern corner of the site, and retain the small plant and vehicle storage uses following the rationalisation and consolidation of the scaffolding business.

Principle of development

The site falls outside of the urban area boundary as defined by policies CS17 and AL2 of the Local Plan (Core Strategy) and (Allocations Plan) respectively. Core Strategy policy CS17 permits development that makes the most effective use of land, and generally seeks to concentrate development within the urban area. Policy AL2 also identifies the defined urban area on Hayling Island as 'non-urban'.

Paragraph 2.10 of the supporting text in the Allocations Plan indicates that proposals will need to be considered based on local plan policies and the NPPF policies on rural areas. As there are no policies which would exceptionally allow the development, it is considered that the principle of development in this non-urban area location is contrary to the development plan.

Other considerations

In seeking to regularise the scaffolding use and other storage use, together with acoustic fencing to the south and west boundaries there is an opportunity to secure an improved relationship with the adjacent residential properties. Furthermore, as per planning permission reference APP/16/00735, in seeking to regularise the uses(s), conditions could be used to limit hours of use and define the storage areas. On this basis whilst the proposal is contrary to adopted policy, it is accepted that there may be wider benefits in supporting and regularising the uses on this site.

Traffic Management

Traffic team have no adverse comment to make on this application

Hampshire Biodiversity Information Centre

On site - Wader and Brent Goose Strategy - Main Habitat - Solent Wader and Brent Goose Strategy Sites.

Officer Comment: The site is located within an established compound with established planning permission for storage uses. It is not considered that the proposal would impact on goose habitats.

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: 22

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 22 representations of objection with 15 names

Comment	Officer Comment
Industrial site already has negative impact on drainage and ecology of area. Storage of cars and lorries - no numbers suggested so this could continue the increase of the transport operations from site with associated noise, traffic and environmental issues. Double negative in statement associated with vehicle parking - meaning unclear. Is local authority certain the changes associated with lorry activity comply with operators' licensing conditions applicable to vehicles operations based on site?	See section 7 The extent of the vehicle storage area proposed will limit the number of vehicles capable of being accommodated. The use is connected with static parking thus limiting vehicular movements. This will be addressed with the agent. Vehicle operator licensing is a separate matter to planning considerations and the operator would need to comply with any relevant legislation.
For resident/business on Hayling to do something without planning and due regard to procedures and policies is just wrong. Then to put in retrospective application in hope they gain permission even more wrong. None of this area should have ended up like it is.	Noted, however, the Local Planning Authority is required to consider retrospective planning applications and to seek to regularise any breaches of planning control.
Further strain on the environment, residents, roads and poor infrastructure on Hayling. If planning is given it gives the green light to creep further on the field next to the current no complaint area. Gives others wrong signals.	See section 7 Planning applications are required to be treated on their individual merits. Further development on an existing field would require a separate application for planning permission which would also be assessed on its own merits - a consent in this case would not set a precedent for such a proposal.
About time Havant Council started to act on behalf of its residents who do take planning rules and regulations seriously. There are plenty of industrial sites that are empty in Havant. Closer to A27, better transport links. Stop destroying Hayling Island.	Planning applications are assessed on their planning merits and impacts on residents form part of that consideration. The planning application under consideration relates to the current site and needs to be assessed in relation to the location of the proposed development.

Site getting larger and larger. Noise from scaffolding poles being loaded and unloaded can be heard across field to Victoria Road. This will soon become full blown Industrial Estate destroying peaceful environment we moved here for. Not suitable for this area.	See section 7
We are in support of our neighbours' objections for multiple reasons already outlined	Noted
Concerns over noise report. Noise is generated in the summer months and there has been a substantial increase in noise since the increase in scaffold, employees, vehicles etc having moved back to the original location it was moved from to avoid disturbing residents - allegedly. A noise restriction must be put in place before permission be considered with the level of noise already at the property with continuous banging and grinding from the other businesses 07.30am-5.30pm daily with no restriction placed upon these businesses. There is an office number advertised for SCA with a Hayling Number. Is this a store or a Business? There was another accident three weeks ago with a lorry pulling out of the driveway colliding with another car.	See section 7 The business subject to the Lawful Development Certificate granted in 2016 is not restricted in terms of operating hours. Control over noise emanating from these activities rests with Environmental Health legislation. The site has been inspected and scaffolding operations are considered to meet the description of development. Noted, however many of the uses taking place have current consents. See section 7
Twenty years ago this area of land used to be used for agricultural purposes and was quiet. Then Mr Ruffel started a horsebox and coach refurbishing business and permission was granted 'retrospectively' by HBC. Initially a few vehicles only could be visible. Gradually by stealth, more and more vehicles have appeared over the years. Noise levels have increased disturbing our lives. Now it's to be a scaffolding storage area with lorries trundling up and down and scaffolding poles clanking in the background. Why were the noise assessments only carried out in the winter months? At the height of the summer it is at its absolute worst, and Mr Ruffel expects us all to put up with it. Now In the latest 'retrospective' plan there is talks of 'employees' !!	Concerns noted. The Certificate of Lawfulness has been granted in relation to established uses. A further consent regularising and controlling uses was permitted in 2017. See part 7 in relation to the assessment of the current proposal including the scaffolding use.

This is just turning into an ugly industrial park, and nobody at HBC seem to be concerned. Every six months or so it gets bigger and bigger and noisier, and now what is going to happen? Mr Ruffel clearly wants to carry on with his plans and seek permission 'retrospectively' all the time. We are so fed up of this situation. Enough is enough!	
Thank you for your letter drawing my attention to the amended location plan LCW4 and notes attached. I have the following comments on the document: A. There may be extra and unacceptable noise for the residents living opposite these gates if maintenance work is carried out while they are open. I am totally against maintenance work on this site which was agreed just for open storage. B. 10 workers permanently on site with another 21 collecting/delivering scaffolding is a huge increase. There has been no planning permission for any buildings / facilities / sanitation / water or power anywhere on this site which was until recently an agricultural field until allowed to become open storage against the wishes of the residents. Now we are asked if it can become an industrial complex with permanent workers miles from the nearest facilities to support them. The answer has to be NO. C. No maintenance or sales just open storage and no noise pollution from vehicles with reversing warning beeping D. HBC has previously said no maintenance, mods, repair or sales on this site. Just open parking and no workers. Now with the double negative in this sentence the applicant is declaring that all these things will certainly take place. It may be just uncorrected or badly written English but must be challenged please. E. The parking has stopped on the access road but has started in the field outside the perimeter of the horsebox coach repair area. Two vans have been parked	The scaffolding area is a scaffold storage area. See part 7 The site currently has workers in the various operations on site. The scaffold are includes a long established building which was part of the Lawful Certificate Area. The uses proposed would need to be restricted via appropriate planning conditions. See part 7 Double negative now corrected.

permanently for the last 4 months in the field by the landscaping banks near the stables. There should be no agreement to encroachment into the field please. The banks are not agreed as the new perimeter. F. The landscaping banks and plants have not been tended at all particularly during the dry period last summer when extra care should have been taken with the new shrubs and trees. G. The stable area comment here can be very misleading as the area has been used recently more for parking and storing, what appear to be abandoned, vans than for stabling of horses. There are presently far more vehicles than horses despite previous agreements to remove them. My view is that this applicant cannot be trusted to do what HBC has allowed him to do and all this was against wishes of the residents who have to live with the creeping industrialisation. The time has come to say NO. All activities on these sites should be minimised (reversed if possible) or at least strictly controlled in accordance with HBC previous concessions and noting its location behind 132 Havant Road on, once valuable, agricultural land/ flood plain between residential properties in this non-urban part of Hayling. I draw you attention to my previous comments and I also agree with those of all my fellow residents in opposing all development on this site.	Parking should not be taking place outside approved areas. Noted landscaping on site to be re-inspected and replanting likely to be required. Concerns noted planning condition will seek to address this matter.
Revised noise statement retains previous content dated 2016	It is noted that the report takes account of the increased scaffolding area and makes recommendations in relation to acoustic screening.
Why do HBC continue to allow further development from what was a quiet agricultural area, to an industrial noisy eyesore which blights our lives on a daily basis. We strongly object once again.	See section 7

Area should not be developed let alone have any further development. Area we live in already suffering from serious flooding from sewage over past 10 years or more. This continues to date, however Southern Water denies all knowledge of this. I am strongly against the application. Area should be restored to its natural state. Infrastructure on the Island cannot take development of any type. Especially; areas that should not have been developed from the start. Stop destroying our area.	The wider site has a Certificate of lawfulness and the area of the application itself has consent for business uses. The principal of use has therefore already been established. Southern Water have raised no objections in relation to foul sewerage.
Would prefer whole industrial development of agricultural field removed, the flood plain and natural water course through the field restored.	As above business uses are established.
Sound report not updated since 2016 with any new sound levels following move last year to the first new area at the back. It is supposedly behind and below the 3.5m acoustic fence. Is it? Updated assessment must be done by HBC with independent and approved sound engineers before any expansion of the area considered which will further wreck our residential tranquillity. This is clearly identified as worth protecting in BS NPF 2018 (para 180) and we are entitled to NOEL (no observed effect level) status at our properties and ask HBC to independently check this.	See section 7 Updated assessment provided and Environmental Health raise no concerns subject to appropriate condition.
Object to proposed development, the noise from existing yard is already a disturbance and the screening to area a joke having already been trampled by horses and allowed to wither over summer. Area now an eyesore. Access road often used as parking area and running track for motorcycles, with bonfires burning all sorts of rubbish a regular occurrence. Lived here about 14 years and area pleasing view at first with plenty of wildlife - this has now drastically declined including breeding little owl who's nest tree chopped down. Would appear HBC has little power to enforce any conditions put on applications as I can now see scaffolding at least 6m in height if this is the case application should	The scaffolding height previously consented was as follows: Condition 4: The storage of scaffolding and associated materials shall not take place over 3.5m in height. Reason: In the interests of the character and visual amenities of the area, to mitigate noise emanating from the scaffolding use and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework and the Noise Policy Statement for England. Part of the site currently occupied is outside the approved areas. The

be rejected.	height of scaffolding storage shall be subject to height restrictions. Replacement landscaping proposed. Noise is a matter for Environmental Health legislation.
Seems perverse applicant would apply to store scaffold in area adjacent to which HBC has previously considered unsuitable for purpose it being so close to domestic dwellings. Area in question used to be garden of 132 Havant Road as far as I am aware no planning application has ever been made for change of use of Garden. The ownership of the field to the north of 132 Havant Road was at the time separate from No.132. Surprised Environmental Health appears satisfied with the natural drainage in area as in recent years, the ditch has been filled in - the consequence being that the northern half of field (to south) permanently under water approx two-thirds of year. Drainage changed when 132 built this severely compromises the drainage of second field and flooding discharges through my Garden and onto public highway (A3023) during almost any continuous rainfall.	The site now proposed for scaffolding is located further from the residential properties fronting Havant Road to the south west of the site. The area shown for scaffolding extension area has a planning history which included the building and the area to the front within the Lawful Development Certificate for the provision of Horse Box and associated Coachwork business. The rest of the proposed scaffold area is within the planning permission APP/16/00735 and has permission for Vehicles and equipment relating to Drainage Operations; Vehicles and equipment relating to Hydraulics Operations; Car parking. The current proposals would not alter surface water drainage from the site as there are no new buildings and the hardstandings will remain as existing.
I am astounded that again we are in a position where we have to object to activity at premises where conditional planning restrictions granted last year have not been met. Object to scaffolding back to where it was which would increase noise and disturbance for all local homeowners. Object to the growing number of rusting neglected broken down Holiday and Commercial vehicles that look abandoned and are being dismantled on site. Some left in access road. Other vehicles left in back garden of 132 Havant Road, clearly visible from our home with the back open being worked on all day with no regard to noise affecting neighbouring homes. Unsure if these vehicles are being worked on in designated storage area metres from our home. Several attempts by me to	Noted - the LPA have concerns with regard to the retrospective nature of the application, however, the application needs to be assessed on its planning merits. The scaffolding area was previously located closer to the residential properties fronting Havant Road. It likely that these issues relate to the Certificate of Lawfulness uses and this includes land to the rear of 132 Havant Road (but outside the garden). Noise impacts have previously been investigated by Environmental Health at the site. Planning officers have visited the site to investigate uses. This has led to Certificates and applications seeking to regularise identified breaches in planning control.

speak to HBC and Hayling Councillors were unsuccessful, as I was not contacted back.	
Dismayed at continual lack of enforcement at these premises. Continue to forfeit any enjoyment of our Garden; suffer flooding, noise disturbance, frequently unable to open windows or washing on line because of bonfires and fumes. Concerning to see level of land rising on these premises as our garden becomes more flooded as every year passes. No sure what is happening on premises to cause that but am certain before any further permission granted the cause should be investigated.	Bonfires have previously been investigated at premises by Environmental Health.
Concern over lack of regard for planning regulations and not submitting applications or adhering to conditions.	The change of use proposals do not impact surface water drainage. Noted, however, breaches of conditions in relation to uses on site have led to the current application seeking to regularise issues.
Disregard for quality of life of local residents, nature, wildlife and the environment. Used to be lush green area with open fields in keeping with the neighbouring fields and gardens in this quiet residential area. Premises are ridiculously over industrialised and damaged, heart breaking to witness. Scrap yard does not belong in the quiet residential area and further permission will be abused and flaunted as demonstrated by applicant over the past years. Local residents have lost faith in HBC.	HBC have sought to address concerns raised where breaches in planning or other environmental controls have been identified. The imposition of conditions seeks to control impacts and where these are not met breaches are pursued as appropriate. It should be noted that any enforcement is discretionary and needs to be proportionate.
Having been woken up to clanging of scaffolding well before 7.00AM on numerous occasions I can indeed call this a nuisance and permission should never have been granted for such an operation, there are several other areas where this should have been located in the first instance!	Concerns noted, hours of use restrictions apply to permitted uses and this would be applied to any new consent should permission be granted.
The erecting of a sound proofing fence will not protect persons on the first floor of properties and I bring to your attention the fact that there are persons who have no choice but to reside on the first floor of their premises for most of the day due to health constraints. Residents are often forced to close windows due to the	Concerns noted, however, the acoustic fences located close to the source of scaffolding noise would reduce noise impacts and this has been assessed by Environmental Health. See part 7

burning of items giving off unpleasant and possibly dangerous odours or noise levels too loud or lengthy to bear. Added to this the increased traffic and parking implications that have already impacted the area and which are highly likely to increase if expansion were granted, looking at the wider picture, there are already outlines to increase residential accommodation on Hayling and the granting of the Lidl premises, the Island's roads just cannot cope with further increase. Traffic is already queued every day along this stretch of Havant Road in both directions and it only takes one small incident to bring traffic to a complete standstill. I must insist that this is taken into account as it isn't just the allowing of "another couple of vehicles",	The uses are not considered to significantly alter vehicular movements to and from the site and the Development Engineer (Highways) raises no objections.
Against any increase in scaffold trade as it can only add to volume of noise which would be more noticeable in coming summer months.	
Will further enhance and expand range of uses for this site outside those specified items under class B8 storage and distribution. Maintenance work being undertaken on scaffolding should not be happening under the existing permissions and thus using the argument that moving it inside will improve noise levels is not relevant. Should be noted since approval several of the conditions placed on the site ignored such as height of storage and times of use for the site. In addition access road often used to park HGV vehicles in day and overnight, defeating point of acoustic fence to protect neighbours from noise. Shows councils difficulty in policing site and shows gathering further uses will only make it more difficult. If council of mind to approve application, further conditions and potential penalties for breach of those condition need to be placed on approval, including No parking of vehicles in the access road	Ancillary maintenance work not considered to breach consent. Issues of conditions and enforcement considered further in part 7 below.

Policing of storage over the 3.5m acoustic fencing Sticking to the 7.30 am site opening time Decibel Noise level restrictions which are monitored by HBC Policing of site usage to follow condition 6 of APP/16/00735. If above done there would be a reasonable chance site could be run without causing increased problems with local residents however history has shown to date the site occupants will continue to push boundaries of conditions placed on approval. To grant extra permissions to accommodate operating outside original conditions unfair to local residents and not realistic solution to managing the site and likely to lead to similar process to push operating boundaries further in future.	
It seems incredible that here we are again within a year discussing the ugly and noisy industrialisation taking place behind 132 Havant Road in a rural / residential / non-urban part of Hayling Island. HBC gave constrained permission last year for Class B8 storage of scaffolding (against the wishes of the local residents) provided it was moved back away from our houses and behind a 3.5 metre acoustic fence. All the scaffolding has not yet been moved to this designated area and now some of it also towers well above the 3.5 metre acoustic fencing. Ref para 9.1 of page 76 of Development Management Committee meeting of 2 Feb 2017 Within three months of the date of this permission the scaffolding related uses currently taking place on the site shall be relocated to the area to the rear (east) of the site as shown on site plan drawing License Number 100030848 dated 20th January 2017. The scaffolding related uses shall not take place anywhere on the site excepting within the	It was noted at the most recent site visit that the scaffolding uses have now relocated to the new scaffolding area which are partly subject to the current application. The height of scaffolding is restricted by condition and will be re-inspected with the landscaping works.

designated area as enclosed to the west and part south by the line of acoustic fencing. Ref: Development Management Committee meeting of 2 Feb 2017 Para 4 on page 77 The storage of scaffolding and associated materials shall not take place over 3.5m in height. The second point is that there should not be any "maintenance" of scaffolding or vehicles ; just B8 open storage; so why is the building in the south corner of the site needed for scaffolding "maintenance". I know it will be quieter in a building but maintenance is not authorised here and should be done off site.	Any maintenance would need to be of an ancillary nature for example in relation to maintaining nuts/bolts, oiling/cleaning etc.
May I bring to your attention to all our previous objections to the use of this land. This land has been the subject of creeping unauthorised industrialisation for many years, despite all the local residents protestations. Further expansion of the current usage of this land will lead to more noise pollution and traffic on the overloaded Havant Road I support the other objections already registered.	Noted

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) Employment/business matters
- (v) Highway matters
- (vi) Ecological impacts
- (vii) Flood risk
- (viii) Trees/landscaping

(i) Principle of development

The application site is situated outside the urban area boundary as defined in the Development Plan and the land is therefore non-urban. Core Strategy policy CS17 seeks to concentrate development within the urban area.

It is noted however, that the land in question has either previously been granted planning permission for Use of land for open storage comprising vehicles (use class B8) APP/16/00735 or a Lawful Development Certificate for the provision of Horse Box and associated Coachwork business under APP/15/01234. This being the case the current proposals are not considered to represent a departure to the development plan.

It is considered that the history of the application site and its surroundings is an important consideration in this case. It is clear that land to the rear of 132 Havant Road has been used for a considerable period of time for the applicant's Horse Box and associated Coachwork business and a Certificate of Lawfulness was granted in April 2016 for this use on part of the applicant's land to the north, east and west of the current application site for the B8 storage use. This certificate means that the Horse Box and associated Coachwork business is exempt from planning enforcement action by the Council in relation to the uses taking place. The area of the Certificate included part of the rear (eastern) part of the site including an L shaped building now forming part of the scaffolding storage area subject to the current application.

Following the granting of the Lawful Development Certificate a planning permission was granted for the remainder of the current application site to be used for Vehicles and equipment relating to Drainage Operations; Vehicles and equipment relating to Hydraulics Operations and Car parking.

It is evident that uses have been taking place on the whole of the current application site area for a considerable period of time either as part of the Horsebox and Coachwork Business, for the more recent B8 businesses previously approved and now for the uses being currently applied for.

The use of the site has resulted in amenity impacts for nearby residents, these appear to have resulted from both the lawful use established by the Certificate and from the more recent B8 uses and in particular the scaffold uses. The more recent establishment of the wider scaffolding area prior to the erection of an acoustic fence has not been helpful in that regard.

It is considered that the current application must be assessed in the context of the wider sites lawful use and the current planning consent. The current application's impact and potential mitigation measures have been considered in detail by Planning and Environmental Health Officers. The requirements have been discussed further with the planning agent and the applicant in order to regularise any breaches of planning control and to seek to mitigate the impacts of development on nearby residents as considered further below.

The development is considered to meet the requirements of the NPPF if it can secure an appropriate balance between the economic/social benefits of employment whilst mitigating the environmental issues the use gives rise to.

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

The current application site is located within the heart of the wider site and mainly surrounded by the Horsebox and Coachworks Area. The landscape is however relatively flat and open in the locality and the previously permitted planning permission APP/16/00735 included significant landscaping proposals including hedge and tree planting/strengthening and banking.

It is considered that the provision of a hedge and trees to the Havant Road frontage and landscaped and planted banks to the edge of the Horsebox and Coachworks area has significantly screened the uses on the site from the public frontage to Havant Road. In addition some hedge and tree planting has been provided to the southern boundary to reduce views across fields from the south. It is however recognised that not all of the planting that has taken place has been successful, this is understood to have been due to a combination of a very dry summer following planting and damage by horses. It will therefore be necessary to re-inspect the planting in detail and ensure that re-planting takes place where necessary. This is in any case a requirement of the planning condition imposed in relation to planning permission APP/16/00735 which states:

The landscaping works including banking and planting shown on the approved plans:

Screening Proposals Drawing No 1015-5300

Landscaping Proposals Southern Boundary Drawing No. 1015-5301 Rev A

Planting Plan Drawing No. 1015-5302

*Shall be carried out in accordance with the approved details as amended within three months of the date of this consent unless otherwise agreed in writing by the Local Planning Authority. The banking shall be formed of inert subsoil and topsoil only. **Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.***

Reason: *To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

It is also noted that the applicant has stated that replacement planting has or will take place.

The proposal now includes the provision of a 3.5m high acoustic fence within the site adjacent to repositioned scaffolding areas. The fence has already been provided next to the previously approved scaffolding area. Whilst a fence of this height is unusual, in the context of the wider site and given its siting away from external boundaries, this feature is acceptable in visual terms. Given the history of the site and the landscaping measures that have previously taken place it is considered that the uses would be well screened once planting becomes more established and the impact on the character and appearance of the area would be limited and acceptable.

It is also intended to re-impose the condition in relation to the height of the scaffolding storage so that this does not exceed the height of the acoustic fence.

(iii) Impact upon residential amenity

It is recognised that the wider use of the site has resulted in impacts on the residential amenities of nearby residents. This has resulted from a number of issues associated with the uses and activities on the site. The current application relates to only certain areas of the wider site and B8 uses are proposed (as was the case with the previous planning permission APP/16/00735). The Horsebox and Coachworks operation is not part of this application and has been granted a Certificate of Lawfulness.

Part 6 of this report sets out the concerns expressed in relation to the proposals and it is noted in particular that the scaffold uses on site have caused noise and disturbance to residents. It is difficult at this time to differentiate between the different areas where scaffolding has taken place and the disturbance noted. Originally the scaffolding took place closer to the front (western) part of the site, closer to residents to the south west. Relatively recently the use has taken place to the eastern end of the site further from the closest residents and within an area with an acoustic fence. This has most recently expanded into the area for scaffolding the subject of the current planning application. This area has not included acoustic fencing of the appropriate height or the returns to the entrance to the scaffolding areas.

As part of the consideration of the previous application APP/16/00735 and in relation to previous concerns, officers from the Planning and Environmental Health teams have visited the site on a number of occasions. An Industrial Noise Impact Assessment was submitted in association with the previous application and this has been updated to take account of the current proposal to expand scaffolding uses to the east of the site.

The report concludes that:

These calculations and recommendation demonstrate compliance with BS 4142 and as per our previous assessment provided a 3.5m acoustic screen is installed as detailed within this noise report.

The operation of the existing scaffolding position have been calculated within the proposed location and the noise levels assessed to establish if these will have a demonstrable adverse effect in terms of noise that outweigh the benefits of the development. Measurements have been undertaken in accordance with British Standard 4142:2014 and ISO 1996 - Part 2: 2007. This report aims to establish: the existing background noise levels at the closest residential façade to the site and the assessment of the impact of the site operation on nearby commercial properties. The resulting emissions from the site running on a worst case scenario show no conflict with 'low adverse impact' criteria and gives a strong indication that complaint and impact on the local amenity is unlikely, provided the recommendation detailed within this report are undertaken.

Based on the calculations and assessments made within this report it is the professional opinion of Sound Advice Acoustics Ltd that the proposed development can demonstrate compliance with the National Planning Policy Framework 2018, NPPF & NPSE and that, with regards to sound, planning permission can be granted.

A plan has now been submitted showing the expanded scaffolding area and acoustic fencing. The noise report and acoustic fencing details have subsequently been assessed by the Councils Environmental Health team and no objection has been raised. Subject to appropriate conditions these measures should significantly reduce

noise impacts from the scaffolding use to an appropriate level. The application would allow for the open storage of cars and lorries not exceeding 7.5 tons. A planning condition to restrict uses to different areas of the site is recommended and these requirements have been discussed with the agent.

An hours/days of use condition has previously been imposed at the site in relation to the permission APP/16/00735, this will be re-imposed in connection with the current application. The condition would restricts days/hours in relation to the application site as follows:

The uses hereby approved under use class B8 (Storage and Distribution) shall not be open for business, receipt or dispatch of vehicles/equipment excepting between the following hours:

Monday to Friday between 07.30 and 20.00 hours,

Saturday between 07.30 and 12.00 (noon) hours

There shall be no working on Sundays and Bank Holidays.

It has however to be recognised that the Horsebox and Coachworks use is not constrained in hours or days of operation. In addition a condition is recommended in relation to lighting. Matters relating to bonfires are a matter for Environmental Health consideration and a planning condition would not be appropriate. An informative in relation to bonfires is therefore proposed.

Concern has previously been expressed under application APP/16/00735 in relation to vehicles operating within the site, however, it is not considered that conditions can be applied to these matters particularly given the lawful uses on site and the difficulty in differentiating between vehicles accessing different uses.

Concern has also been raised in relation to parking of vehicles in the access road and the expansion of uses into the stable area. A condition is recommended to prevent parking of lorries in the access road and a plan and annotations in relation to these areas restricting activity has been submitted. Appropriate planning conditions are recommended in relation to restricting inappropriate uses in these areas taking place.

The previous planning permission included proposals for landscaping including planting. This is considered to provide good screening in relation to both the lawful uses on site and those subject to this planning application. Concerns have been raised in relation to the condition of the landscape planting and at the time of the case officers most recent visit it was evident that some of the planting had not been successful. It will therefore be necessary to re-visit the site to ensure that the re-planting agreed and annotated by the submitted plans is / has been carried out. As stated above this is also secured by the original wording of the landscaping condition imposed in relation to planning permission APP/16/00735.

Overall, it is considered that subject to planning conditions the uses the subject of this application can be operated without harmful impacts to residential amenities that would justify a reason for planning refusal.

(iv) Employment/business matters

The agent has reported that the businesses the subject to this application employ on average 30 persons. It is recognised that the site provides an opportunity for the operation of a number of businesses for storage at the site. These mostly operate away from the site during the day although it is clear from site visits that the

scaffolding uses in particular often have employees on site (the planning agent states the scaffolding employs a maximum 10 people on site and 21 working on installation off site). The Councils policies support businesses and employment opportunities in the Borough subject to other development management criteria.

(v) Highway Matters

The site's access leads onto the busy Havant Road and concern has been raised by third parties in relation to vehicles entering and leaving the site. Whilst the busy nature of Havant Road is fully appreciated it is noted that no objection to the proposals have been made by the Development Engineer (Highways) or the Traffic Management team. It is not considered that a highway objection in relation to the proposals could be substantiated.

A condition is recommended in line with that imposed on the previous planning permission to ensure turning on site.

(vi) Ecological Impacts

The site is hardsurfaced and has been used for commercial purposes for some time. It is clear that waders and Brent Geese would not have used the commercial site. Whilst the site is close to protected sites within Langstone Harbour, given the uses already taking place and the relatively enclosed nature of the site that the uses are taking place on, it is not considered that there are likely to be any significant impacts on ecological sites or protected species. Natural England have raised no objections to the proposed development.

(vii) Flood risk

The site is located in flood zones 2/3 which are areas of high flood risk. The uses however relate to storage and distribution and are not increasing residential or other vulnerable uses within the flood risk area. There is no change to the areas of hardstanding or building coverage within the site. The proposals are therefore considered acceptable in flood risk terms.

The Councils Environmental Officer raises no concerns in relation to potential environmental impacts to water resources beyond the site.

(viii) Trees/Landscaping

There are a number of trees within the site subject to TPO's, however, given that the site is already hardsurfaced it is not considered that the proposed uses are likely to result in increased impacts on the existing trees.

Landscaping secured via the previous planning permission ref APP/16/00735 will help to reduce any impacts on the wider landscape.

8 Conclusion

In conclusion, the site has lawful use either as granted by the lawful development certificate or as a consequence of planning permission APP/16/00735. It is considered that the site is relatively self contained visually and public views are relatively limited and this has been aided by recent landscaping.

The uses taking place help to allow the operation of local businesses and provide some employment on and off site.

It is recognised that the uses taking place on the site and in particular the scaffold uses have resulted in impacts to neighbours as evidenced in both the acoustic report and in third party representations. These impacts therefore need to be addressed as far as possible if planning permission can be recommended. The acoustic report recommends the erection of a 3.5m acoustic fence. The report and recommendations are considered acceptable by Environmental Health officers. Amended plans have been provided by the agent to show the position of the acoustic fence. The development is therefore considered to meet the three tests of sustainable development set out in the National Planning Policy Framework, economic, social and environmental. Subject to appropriate conditions it is considered that the impacts of the uses can be sufficiently mitigated in relation to neighbours amenities to enable planning permission to be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00198 subject to the following conditions

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

Location Plan Drawing No. LCW3
Site Plan Drawing No. LCW4 dated 13th June 2019
Notes to be read in conjunction with Drawing No. LCW4 dated 13th June 2019
Planning, Design and Access Statement dated 16th February 2018
Industrial Noise Impact Assessment Sound Advise Acoustics Ltd Ref
SA-4697-3 October 2018

Reason: - To ensure provision of a satisfactory development.

- 2 Within three months of the date of this permission a 3.5m high acoustic fence of the specification set out in Industrial Noise Impact Assessment Sound Advise Acoustics Ltd Ref SA-4697-3 October 2018 shall be erected as shown on site plan drawing number LCW4 dated 13th June 2019 and in accordance with the notes to be read in conjunction with Drawing No. LCW4 dated 13th June 2019 unless otherwise agreed in writing by the Local Planning Authority. The acoustic fencing shall thereafter be maintained and retained in accordance with the above details.

Reason: In the interests of the amenities of residential properties beyond the site, to mitigate noise emanating from the scaffolding use and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The uses hereby approved shall not be open for business, receipt or dispatch of vehicles/equipment excepting between the following hours:

Monday to Friday between 07.30 and 20.00 hours,
Saturday between 07.30 and 12.00 (noon) hours

There shall be no working on Sundays and Bank Holidays.

Reason: In the interests of the amenities of residential properties beyond the site, to mitigate noise emanating from the site and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The storage of scaffolding and associated materials shall not take place over 3.5 in height.

Reason: In the interests of the character and visual amenities of the area, to mitigate noise emanating from the scaffolding use and having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall only be used for storage and distribution of:

Vehicles and equipment relating to Scaffolding storage within the area marked B on the site plan drawing number LCW4 dated 13th June 2019;
Storage of plant and machinery in connection with undertaking highway works or for similar open storage or car parking within the area marked C on the site plan drawing number LCW4 dated 13th June 2019;
Storage of cars and lorries not exceeding 7.5 tons within the area marked D on the site plan drawing number LCW4 dated 13th June 2019;

and for no other purposes within Class B8 of the above Use Classes Order unless otherwise agreed in writing by the Local Planning Authority.

In addition, no retail trade shall take place at the site.

Reason: To accord with the terms of the application in the interests of limiting vehicle movements and limiting noise to nearby residents and to prevent unacceptable impacts on local roads having due regard to policies CS16, CS20, DM8 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No flood lighting or other form of external lighting scheme shall be installed unless it has been approved in writing by the Local Planning Authority. Such details shall include the 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 / pollution having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The uses hereby permitted shall only continue to take place during such time that an area for lorry turning is made available and retained at the eastern end of the site access drive such as to enable all vehicles using the site to turn on site and enter and leave the public highway in a forward gear.

Reason: In the interests of highway safety and to reduce interruption to the free flow of traffic on Havant Road having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No works of modification, repair, maintenance or refurbishment shall take place in the area for the storage of cars and lorries not exceeding 7.5 tons within the area marked D on the site plan drawing number LCW4 dated 13th June 2019.

Reason: To ensure that the use does not exceed that approved and to prevent potential noise and fume impacts to residential properties having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No parking of vehicles shall take place on the access road from Havant Road to the main site frontage shown indicatively E on drawing number LCW4 dated 13th June 2019, in addition no parking of vehicles shall take place between the landscaping bund and the existing hardstanding for the Lawful Certificate Area granted under planning permission APP/15/01234.

Reason: To prevent the unauthorised expansion of commercial activity at the site in the interests of the character and visual amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The stable area shown marked G on drawing number LCW4 dated 13th June 2019 shall be used for stables and equestrian use only and for no other purpose.

Reason: To prevent the unauthorised expansion of commercial activity at the site in the interests of the character and visual amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.