
Site Address: Land adj, Fulflood Road, Havant
Proposal: Variation of condition No.2 of Planning Permission APP/18/00478 relating to amendment to approved plans.
Application No: APP/19/00875 Expiry Date: 03/12/2019
Applicant: Ms Collins
 MIPA Paints Ltd.
Agent: Mr Potter Case Officer: David Eaves
 Stephen Potter Architectural &
 Building Services Ltd
Ward: Warren Park

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in the Dunsbury Business Park which is located off Fulflood Road in Leigh Park. The site is presently vacant. It is surrounded by industrial uses to the north, west and east, with a stream to the southern boundary and a tree buffer separating residential uses to the south of the site.

2 Planning History

06/71302/000 - Erection of a building comprising 1,669sqm of Industrial (Use Class B2) floorspace with associated car parking utilising the existing access to Downley Road., S106,05/06/2006

APP/15/01201 - Variation of Condition 1 of APP/14/00805 to allow permanent change of use from B1 to D2 for aerial fitness classes. , PERM,08/01/2016

APP/15/01233 - Erection of approx 1,920sqm of Warehouse, 890sqm of office space and a 220sqm training school facility with associated enclosed loading areas, car parking and refuse storage (approved 24.1.16). Request to Discharge Conditions 5 and 9 (16/04/2018)., PERM,24/02/2016

APP/16/00398 - Condition 5: Phase 1 Desk Study (parts 1 to 6); Phase 2 Site Investigation; Historic Discharge of condition on previous application; Remediation of Hydrocarbons Report Condition 9: Response to Condition 9, UNK,

APP/18/00478 - Application for variation of Condition 15 of Planning Permission APP/15/01233 relating to internal layout, fenestration layout and main entrance (approved 16.8.18). Request to discharge condition No. 6 (3.09.18). Request to discharge condition No's 3, 4, 9, 11 and 14 (10.09.18). , PERM,17/08/2018

Officer Comment: This is the application that is sought to be varied, itself a variation to the original consent APP/15/01233.

APP/19/00383 - Variation of condition 2 of Planning Permission APP/18/00478 to vary approved plans relating to amended siting of unit.

, WD, 14/08/2019

APP/19/00909 - Application for variation of condition 10 of Planning Permission
APP/18/00478 relating to revised piling arrangements., DEL,

3 Proposal

Variation of condition No.2 of Planning Permission APP/18/00478 relating to amendment to approved plans.

The alterations now proposed relate to the following:
Slight reduction in floorspace by removal of a part of the southern part of the proposed building to avoid easement of underground pipe.

In terms of the elevations the following changes are noted:

The Materials shown on the approved plans were:

Ground floor - Blue engineering brickwork
Walls - Cladding Kingspan wall panel or similar
Windows - Grey coloured aluminium windows
Roof Panel - Kingspan or similar
Soffit and Fascia - Grey pressed metal
Coloured up and over doors
Coloured panels were also indicated

The current proposal is for a simpler range of materials:

Walls - Kingspan - Silver
Roof Panel - Kingspan Anthracite
Steel Access Doors Anthracite
Windows - Powder Coated Aluminium Frames - Anthracite
Base - Precast Concrete Panel

Overall these materials are considered acceptable.

Turning to the elevations the following alterations are noted:

North/West (Fulford Rd) elevation

Reduction in windows
Amended window design
Door opening change

South/West elevation

Reduction in windows
Amended window design

South/East elevation

Removal of Windows

North/East elevation

Removal of windows

In relation to the floor plans it is noted that there are some very minor alterations to the layout, these are considered to be modest changes.

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)
CS2 (Employment)
CS3 (Skills and Employability)
DM10 (Pollution)
DM12 (Mitigating the Impacts of Travel)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

LP3 (Leigh Park Mixed Use Allocations)
AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: 30

Number of site notices: 1

Statutory advertisement: 20/09/2019

Number of representations received: 0

Comment	Officer Comment
No comments received	

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) Appropriateness of the design and impact on nearby residential amenity
- (iii) Highway considerations
- (iv) Drainage
- (v) Other Matters

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In addition planning permission was granted under application APP/15/01233 for the Erection of approx 1,920sqm of Warehouse, 890sqm of office space and a 220sqm training school facility with associated enclosed loading areas, car parking and refuse storage. This was subsequently varied by Planning Permission APP/18/00478 - Application for variation of Condition 15 of Planning Permission APP/15/01233 relating to internal layout, fenestration layout and main entrance (approved 16.8.18). The principle of development is therefore fully established.

Given that this is a S73 application to vary a condition the comments below relate to the changes to the original proposal.

(ii) Appropriateness of the design and impact on nearby residential amenity

The amendments to the approved design are set out in part 3 of this report above. The proposal would result in a small decrease in the buildings footprint of approximately 100 sqm measured externally. This modest change is considered acceptable and has been undertaken to avoid an easement to underground service / sewer pipe.

The alterations to the design of the building principally relate to material changes and detailing and reductions in the number of windows. Whilst overall these changes are considered to result in the building appearing rather more functional than the approved scheme, the building would provide a modern industrial building within the setting of an industrial estate and is considered acceptable in its context. It is understood that the changes reflect the operational needs of the proposed occupier Mipa Paints.

The south/eastern elevation is set closest to the residential area to the south in High Lawn Way. The alterations are considered relatively modest and result in the removal of all windows facing this direction. This is considered to improve the relationship to the nearest residential properties.

The alterations are considered acceptable in terms of the impact on the character and appearance of the area and residential amenity.

(iii) Highway considerations

In relation to highway considerations, the proposals would not alter the access to the

site, the loading areas or the quantum of parking proposed beyond that previously approved.

(iii) Drainage

In relation to drainage the proposal would not significantly impact drainage issues beyond the original consent. The applicant has confirmed that:

The proposed amendments to the scheme will not have any effect on the approved storm drainage design as can be seen from attached drawing 1853.05 except that there will be one less rainwater downpipe from the area of building to be removed.

Approved drawing WMP-AKSW-XX-XX-DR-C-92005-T04 (drainage Layout) is also attached

for quick reference to compare.

The drainage scheme will fully comply with the other approved documents, namely Drainage Layout - WMP-AKSW-XX-XX-DR-C-92005-P01

Technical Note by AKS Ward dated Dec 2018

Drainage Layout - WMP-AKSW-XX-XX-DR-C-92005-T04

Surface Water System Blockage Runoff Directions - WMP-AKSW-XX-XX-DR-C-92006-P01, AKS Ward dated 14/01/2019

Letter from John Priday Construction Ltd, dated 25th January 2019

Letter from Freeflow Drains Ltd, dated 29th January 2019

The drainage condition will be made a compliance condition to meet the previously approved details as amended by the revised detail (one less downpipe). Subject to this condition the drainage proposals are considered acceptable.

(v) Other Matters

The building will be required to meet BREEAM standard very good.

The original consent was implemented by the commencement of works on the site, therefore the original permission remains extant.

8 Conclusion

In conclusion, the proposed alterations are considered to be modest and acceptable in terms of the character and appearance of the area and impact on residential amenities. The alterations are understood to be beneficial to the potential occupier of the unit and planning permission under S73 can be recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00875

(A) subject to the following conditions

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

The development shall be carried out in accordance with plans and details approved under planning permission reference APP/18/00478 as amended by:

Revision to Approved Plans and Elevations (Site Plan/Ground Floor Plan)
Drawing No. 1853.01B
Amended Elevations Drawing No. 1853.03B
Amended First Floor Plan Drawing No. 1853.04B
Revision to Drainage Layout Drawing No. 1853.05

Reason: - To ensure provision of a satisfactory development.

- 2 The development shall take place in accordance with the Site Levels Plan information submitted in relation to planning permission reference APP/18/00478 condition No.3 and subsequently approved by the Local Planning Authority on the 27th September 2018.

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

- 3 The refuse store and pallet store shall be provided in accordance with the details of Refuse and Pallet Store Design approved in relation to condition No.4 of planning permission APP/18/00478 on the 12th October 2018.

Reason: To ensure that they will not impact negatively on the Root Protection Area of the adjacent Alders and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 4 The building shall not be brought into use until space for the loading, unloading and parking of vehicles and cycles has been provided within the site, in accordance with approved plan Drawing No. 1853.01B. Such areas shall thereafter be retained and used solely for those purposes.

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

- 5 The development hereby approved shall be carried out in accordance with the details approved in relation to Condition 6 of Planning Permission APP/18/00474 on the 1st February 2019 in relation to Contamination issues.

Reason: The site lies over the Bognor Sand Member over London Clay, the former classified as a Secondary A Aquifer. The site also lies adjacent to the Riders Lane Stream which is a tributary to the Hermitage Stream. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation 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 to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To prevent pollution of the water environment and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 8 The development hereby permitted shall be carried out in accordance with the Surface Water disposal details submitted in relation to condition No.9 of planning permission APP/18/00478 and subsequently approved on the 1st February 2019 as amended by drawing No. 1853.05. All details shall be implemented and maintained in accordance with the previously approved details.
Reason: To ensure the appropriate management of surface water runoff to control the rate of inputs to local surface waters and to mitigate potential pollution of local surface waters. This condition is imposed having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.
- 9 Piling or any other foundation designs using penetrative methods shall be carried out in accordance with the details discharged under planning permission APP/15/01233 under condition No.9. Any alternative details in relation to piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating

preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March.

- 10 The development hereby permitted shall be carried out in relation to foul drainage in accordance with the details submitted in relation to Condition 11 of planning permission reference APP/18/00478 and subsequently approved on the 2nd October 2018.

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 Core Strategy 2011 and the National Planning Policy Framework.

- 11 The landscaping works shown on the approved plan ref. 27974-PD201 approved under planning permission reference APP/18/00478 shall be carried out in accordance with the approved details, and in accordance with details of the tree species to be submitted and approved in writing by the Authority, within the first planting season following development hereby permitted being bought into use.

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 CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No part of the development shall be bought into use until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 The external lighting shall be fully in accordance with the details submitted in relation to condition No. 14 of planning permission APP/18/00478 and subsequently approved on the 27th September 2018. There shall be no external lighting on the site other than as thereby approved.

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

- 14 Prior to the development hereby permitted being brought into use a Post

Construction Assessment shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of 'very good' BREEAM rating, unless otherwise agreed in writing by the Local Planning Authority following the submission of details and subsequent assessment to demonstrate that this rating is not attainable due to the financial or technical viability of the scheme.

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.