

Recommendation: **GRANT PERMISSION**

- 01/61709/000 - Storage and Distribution of Pipes and Fittings, Building Plastics, Storage tanks, Pollution Control Products, Manhole Covers, Gully Gratings and associated Products., INV,
01/61709/001 - Erection of 1no. portakabin 2no. containers and associated parking provision adjacent Eastern boundary with access from Palk Road., TPP,05/06/2002
01/61709/002 - Use of part of site for the storage and overnight parking of coaches

and the siting of 2 portacabins and 1 storage container, TPP,14/06/2002
02/61709/003 - Retention of 2.8m high (maximum) security fence to north and west boundaries., PERM,26/09/2002
03/61709/004 - Re-siting of 2 existing portacabins and 1 No. storage container, siting of 1 No. additional portacabin and 3 No. additional storage containers and a temporary covered area. Variation of Condition 3 on Planning Permission 01/61709/002 to allow operating vehicles to access and leave the site outside the hours of 0630 to 2330. , SPL,20/10/2003
07/61709/005 - Renewal of Planning Permission 03/61709/004 for 3No. portacabins, 2No. storage containers and a covered area., TPP,20/08/2007
08/61709/006 - Renewal of Temporary Planning permission., UNK,
08/61709/007 - Change of use of land to the storage and parking of coaches, siting of 3No. portacabins and 4No. storage containers., WD,27/01/2009

3 Proposal

Retention of existing mixed use B2 Industrial Processing and B8 Storage and Distribution of pallets; with proposed formation of 5 noise insulating workstations within existing open fronted building.

This application seeks retrospective planning permission for the B2 element of the current operations on the site ie the dismantling and repair of pallets. It is proposed that the site would continue to open for B8 purposes ie fork lift movements, at 07.30am but that the operational development associated with the repair of pallets would only commence at 08:00am. The proposed B2 operations are proposed between 08:00 and 16:00 Monday to Friday and 08:00 and 14:00 on Saturdays with none on Sundays or Bank Holidays. The proposal also includes the formation of 5 individual work bays within the existing open sided building on site.

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

Havant Borough Local Plan (Allocations) July 2014

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

5 Statutory and Non Statutory Consultations

Building Control

Building Regulation consent will be required for the office and associated uses

Southern Water

No Objections

Formal application for any connection to the public foul sewer required - request Informative

Surface Water drainage is via a watercourse - Building control staff should comment

on adequacy of soakaways. Any sewer found on the site must be investigated.
Site within a Source Protection Zone and should consult the Environment Agency

Environment Agency

No Objection as activities within site are unlikely to increase flood risk; the change of use does not change its vulnerability class.
Applicant may need a flood risk activity permit and should contact the partnership and Strategic Overview team.

Environmental Health Manager - on original submission

I have read through the documentation provided by the applicant and have no objection in principle to the proposed development.

We do however have concerns related to the noise aspect from this site, and more so with the B2 usage, related to the repair and recycling of pallets. In discussions with the applicant, hours of operation were discussed and measures that could be implemented to mitigate noise arising from within the shed area, including the 5 work bays. In lieu of the submission of a noise assessment in relation to BS4142:2014, the applicant / agent has instead suggested measures that can be implemented, to mitigate against noise transmission from this area in particular.

If the Planning authority is minded to grant permission for continued operation of this business at this site, I would ask that the following conditions be applied:

Hours of Operation; Scheme of Works; Implementation of scheme of works; and Advisory's

Environmental Health Manager - on amended details

Further to my previous memo dated 19 February 2019, I can advise that I have read through the additional documentation now provided, and can advise that I have no objection in principle to the proposed development.

Previous discussions with the applicant, in which hours of operation were discussed and the measures that could be implemented to mitigate noise arising from within the shed area, specifically including the 5 work bays. In lieu of the submission of a noise assessment in relation to BS4142:2014, the applicant / agent has instead suggested measures that can be implemented, to mitigate against noise transmission from this area in particular.

Therefore, if the Planning Authority is minded to grant permission for continued operation of this business at this site, I would ask that the following conditions be applied:

Hours of operation; Scheme of works; implementation of scheme of works; Advisory's to conditions & Informative's

Officer Note: Recommended conditions discussed with EH and not all appropriate to impose - see section 7

Hampshire Fire & Rescue

Regulatory Reform (Fire safety) Order 2005

No Fire Safety matters relevant to this consultation so no further comment to make under the Fire Safety Order.

Part B5: Access and facilities for the Fire and Rescue Service

Please ensure the premises complies with guidance contained in Part B5.

Inspection by HFRS Personnel

The premises may be inspected in due course in accordance with HFRS's risk-based inspection programme.

Other Advisory information provided

Officer Note - Applicant advised of these comments

Highways Engineer

The Highway authority has no adverse comment on the principle of the application. However Palk Road is not adopted highway and the "red line" should be taken to West Street and notice served on those that have a legal interest in the land.

Officer Note: Other past applications have not done this and the number of users would make this an unreasonable request. Portsmouth Water own the access road immediately outside the application site and up to Wengen to the east; as part of the Cert B they have been notified of the application.

Langstone Harbour Board

No Objection

Natural England

No Objection - proposed development will not have significant adverse impacts on statutorily protected species or landscapes.

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: **26 in total**: On the **original** notification **17 letters of objection** were received and **4 letters of support**. Following re-advertisement of **amended details** a further **4 letters of objection** were received and **1 of support**. Throughout this process the applicant has also commented via the public system but the information provided by him has not been included as third party representations.

Comment	Officer Comment
The Objections raise the following issues:	
<u>Noise</u> banging as early as 7am; loud echoing banging noises throughout day and weekend; powered saw noise, nail guns, and dust; incessant noise a nuisance; from 8am and if windows open a problem; concerned will be noisier and earlier; noise a bother in summer; request restriction on days and hours so we can get some peace from noisy processes; noise 7 days a week; noisier than trains going past; quality of life reduced from noise; noise mitigation should make sure their nuisance doesn't bother neighbours;	noted - see section 7 unrestricted authorised use of site as B8 provides background against which this application must be considered

industrial processing audible more than 150m away on calm day; noise inside properties with windows closed; difference between noise caused by permitted B8 activities and those caused by unauthorised B2 use of nail guns with ear defenders, hammering - not compatible with residential neighbours; proposed open sided workable areas will not stop noise escaping, especially when too hot in summer; must be clear measurable criteria for noise generated from the site; proposed Saturday hours beyond industry norm	
<u>Proximity to houses</u> Too close to houses this is residential area, not industrial; unsuitable position for this visible business; site should be houses or offices that would benefit from station; recreational land over stream, dog walkers move on quickly but children play; no justification for further industrialisation	immediate context of site is mixed, not solely residential nor industrial
<u>Working practices</u> Staff not considerate; use bad language;	a private matter for applicant to manage
<u>Fire hazard</u> could catch flats alight; number of pallets close to flats; amount of flammable items in one place a concern; wooden pallets and wooden buildings; next door to parked vehicles that could explode; smoke from any fire would close railway; after Grenfell Tower fire risks must not be ignored; sprinkler and fire detection systems should be installed;	Hampshire Fire & Rescue consulted & applicant advised of comments
<u>Traffic</u> noise from delivering and collection; lorries a nuisance; railway crossing gate automation makes traffic at this point heavy; lorries leaving Palk Road and turning east along West Street mount pavement, causing danger for pedestrians; development likely to generate more congestion; close to station but goods go in and out by road; parking difficult in Palk Road; manufacturing side of business contributes to additional vehicle movements; improvements to road should be made and who paying for	see section 7

specified in any permission;	
<u>Visual appearance</u> eyesore with increasing piles of pallets; visible all along Knox road and Meyrick Rd; 2 storey portacabin unsightly so close to residential area	Noted - see section 7
<u>Breach of Planning</u> Why has use been allowed to continue if not got permission?; Brockhampton Residents Association complained to HBC in 2014 about noise and portacabins <u>Allocated for Housing</u> understood land designated for houses not industrial; move away from industrial/storage/distribution to residential with 29 homes constructed within 50m of site within last 15 years; 15 houses allocated could be adjacent industrial area <u>Vermin</u> Pallets a breeding ground for rats <u>Precedent</u> if permitted precedent will be set for other industrial processes <u>Value of property</u> values reduced	Noted - but Enforcement a discretionary service Within Allocations Plan Policy H19 allocates 0.53ha for 21 dwellings Within Emerging 2036 Local Plan Policy H24 allocates 0.4ha for 15 dwellings Not a planning matter - EH Each application considered on its merits Not a valid planning consideration
The Support letters note:	
happy to support but ask that if work on a Sunday then no noisy works until 09:00 and from 08:00 on weekdays; my bungalow closest property and all traffic passes by and I note area been industrial for many years and other business users generate more traffic than the pallet yard; more noise and traffic is apparent from the railway whose hours are not limited; no objection as pallet yard is only a small part of the industrial area; having worked in area for 5 years not noticed any problems with noise; always polite and courteous; if refused then pallets needing repair would have to be moved to another site for repair increasing vehicle movements and fork lift use 3 fold and increase hours and 7 days under authorised B8; need employment in area	Noted and hours would be conditioned Noted Noted 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) Employment
- (iii) Noise and Impact upon residential amenity
- (iv) Impact upon the character and appearance of the area
- (v) Highways
- (vi) Fire risk

(i) Principle of development

7.2 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 owned by Portsmouth Water as part of their wider ownership in the area. The site has a long standing authorised use for storage and distribution ie a B8 use, which reflects the adjacent Pipe Store and builders store/parking area. Therefore the comings and goings, vehicles and noise associated with the authorised use of these adjacent B8 uses are lawful and there is no control over their scale or hours of use. This authorised use and the context of the site being located within an area characterised by a mix of commercial and residential uses aswell as adjacent a railway line and level crossing, provide the setting for the site against which the proposal must be considered.

7.3 The NPPF 2019 sets out a presumption in favour of sustainable development with the need to balance the three overarching objectives of economic, social and environmental roles. At para 80 the NPPF 2019 indicates that planning decisions should "help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity". Decisions must balance these objectives and made in accordance with the development plan unless any adverse impacts would significantly and demonstrably outweigh the benefits.

7.4 Normally, General Industrial B2 uses, by definition, are not automatically appropriate or compatible for residential areas. It is therefore necessary to consider the specifics of the proposed use and setting of the site, to assess whether the proposed development is appropriate. In this case the proposal is for Premier Pallets to repair pallets on site for re-distribution between 08:00 and 16:00 Monday to Friday and 08:00 and 14:00 on Saturdays with none on Sundays or Bank Holidays. The impacts of such a use are considered in detail below:

(ii) Employment

7.5 The NPPF supports in principle economic growth and Policy CS2 of the Core Strategy seeks to safeguard existing employment sites and supports development that provide jobs and produces economic benefits. Premier Pallets moved to the site in 2013 and has employed 13/14 people since. The safeguarding of these jobs through the support of the business's diversification into the repair of pallets is a material consideration. The business is already operating at capacity as the size of the yard dictates the scale of the operation. Currently the business supplies about 7,000 pallets per week and there would be no further intensification of the business. It is considered that the repair and re-use of damaged pallets is a sustainable operation that fulfills the economic objective of the NPPF and should be supported in principle. However this

support must be balanced against any adverse impacts, as considered below:

(iii) Noise and Impact upon residential amenity

- 7.6 The environmental impacts occur in the form of noise and disturbance resulting from the dismantling of damaged pallets and their repair and these must be weighed up against the economic benefits. Policy DM10 specifically relates to Pollution and indicates that development that may cause noise, vibration etc should only be permitted where, amongst other criteria, the health and safety of nearby occupiers and residents is not put at risk. Policy CS16 also seeks to protect the amenity of neighbours from noise.
- 7.7 Third party comments do raise concern about the noise generated, noting unreasonable hours including weekends and incessant banging. The process currently takes place in the existing open fronted building on the site where 5 workstations have been created with a work bench along the back. In the mornings each workstation is manned and the bits of wood are made up into pallets using staple guns. In the afternoons the broken and damaged pallets are taken apart/stripped down ready for re-assembly the next morning.
- 7.8 Currently the workstations are within the metal framed building with associated noise potentially reverberating/bouncing off the rear wall and roof. To help mitigate against existing noise complaints the applicants have proposed a schedule of work (Drawing Number 19-03-GD-224-03C) proposing the formation of 5 work bays within this building which would include a false ceiling and three sided bay, constructed of acoustic fibreboard with acoustic insulation within the ceiling joists. These would help to absorb the noise from the staple guns and repair of the pallets and thus reduce the noise emitted from the workshop. These proposed insulating bays would be constructed individually to enable the business to continue with 4 bays in the meantime, and hence take a couple of months to complete.
- 7.9 It must be noted that it is considered that the proposed 5 bays shown on Drawing Number 19-03-GD-224-03C are sufficient to satisfy Environmental Health's request for a Scheme of Works to be submitted and no further scheme of works is necessary. A condition can be imposed to ensure the 5 workstations shown on Drawing Number 19-03-GD-224-03C are implemented and brought into use within 3 months. If after their implementation noise complaints are still received, then it would be a matter for Environmental Health to follow up under their legislation. It is further noted that the applicants offer to assess the effectiveness of the first bay before proceeding with the others cannot be achieved under planning condition - should there be a need to vary the scheme of work currently shown on Drawing Number 19-03-GD-224-03C, then a subsequent variation of condition application would have to be submitted.
- 7.10 Environmental Health have noted the background noise levels include the adjacent railway and level crossing as well as the A27 to the south. They have also reviewed their historic noise complaints about the site and in 2014 and 2018 visits were made and the opinion formed that there was not a statutory noise nuisance during normal working days. However Sunday working would have been unacceptable and the objector was asked to keep a log of Sunday working. This has never been provided, possibly because Sunday working has been very intermittent (applicant indicates 9 times since 2013). Since no statutory noise nuisance was previously found and additional noise mitigation measures are now being proposed, then on balance Environmental Health do not object to the repair of the pallets as proposed. They do however point out that notwithstanding the outcome of this application, any future

noise complaints would remain subject to the Environmental Protection Act 1990 not to cause statutory public or private nuisance.

- 7.11 With respect to assessing the impact of noise in planning terms, the NPPG indicates that when noise is perceived as intrusive and causes a material change in behaviour (eg turning up volume of television; speaking more loudly; having to close windows) then an Observed Adverse Effect is likely to have occurred. The NPPG indicates that in such circumstances the planning process should mitigate against this to reduce noise to a minimum. It is only when there is a Significant Observed Adverse Effect having a disruptive effect that noise exposure should be avoided. Whilst some of the third party representations indicate the need to close windows and the existing noise affects enjoyment of gardens in summer, this would not amount to a significant effect. Furthermore the proposal includes mitigation measures in the form of insulating bays.
- 7.12 The planning application also provides the opportunity to condition and limit the hours of the B2 use such that there would be control over the duration and weekend operation to improve neighbouring residential amenity. This would ensure that no noise from the repair of pallets would take place on Saturday afternoons or Sundays or Bank Holidays at all. It has also been noted by objectors that the proposed Saturday operating hours until 14:00 are beyond normal practice for commercial activities on Saturdays. This is acknowledged and agreed - Environmental Health normally advise that such activities should cease at 13:00 on Saturdays to protect neighbouring residential amenity. Accordingly it is recommended to condition until 13:00 only on Saturdays and not the 14:00 requested. It must be noted however that the hours condition would only apply to the B2 activities ie the repair of the pallets, and would not limit the other B8 activities or any staff presence at the site outside these hours.
- 7.13 It must be noted that the lawful B8 use of the site and its associated comings and goings is unrestricted and could operate 7 days a week at all hours. Furthermore the applicant has noted that the B8 use could continue at the site, with the damaged pallets taken on a daily basis to an alternative site for repair, before being brought back for storage and re-distribution. This would add to the vehicle movements and disturbance to and from the site and not represent a sustainable process.
- 7.14 The closest dwelling, Wengen, has written in support of the proposal and it is noted that no objections were received from the flats at Bellinger House or any other address in Palk Road. The objections primarily come from Meyrick Road and Knox Road to the south and Brunswick Gardens across the railway line. On balance, it is considered that with the proposed mitigation measures, and the ability to control and limit the hours of the proposed B2 function on the site, then overall the proposal would result in an improvement to neighbouring amenity. Given the sites context and background noise levels from the railway and A27 and other B8 uses, then it is considered that there would not be any additional noise as a result of this proposal and the level of noise during the working day does not constitute a significant adverse effect to materially harm neighbouring amenity sufficient to be contrary to policies DM10 or CS16 and not so significant to warrant a reason for refusal.

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

7.15 The site lies within a mixed use area with pallets stacked high in piles throughout the site. Visually this is not attractive but is part of the lawful B8 use of the site with no planning control over the height of the stacks. Any concern over the safety of the stacks would be a matter for the Health and Safety Executive. There is some tree

screening to the south which helps to minimise the visual impact from this direction. Overall it is considered that the proposed repair of pallets is closely associated with the main use of the use, and would not be at variance to the character or setting of the site in this mixed area.

(v) Highways

7.16 The comings and goings to the site with lorries delivering and collecting pallets is part of the lawful B8 use of the site. The proposed associated B2 function and repair of damaged pallets on site would not increase or alter these vehicle movements at all - in fact, as noted above, if the associated repair cannot take place on site then this part of the business would have to be relocated elsewhere, which would increase trips to and from the site. Third party representations indicate that lorries delivering pallets cause road safety concerns by mounting the pavement in West Street but such actions are outside the application site and would be a police matter. It must also be noted that the pipe store and builders yard adjacent are also B8 uses with their own associated vehicle movements. The alleged noise and disturbance by lorries could be generated by all three sites and not just the pallet store.

7.17 The Highway Authority has no objection to the proposed B2 use although note that the red line does not extend all the way to the adopted highway in West Street (Palk Road is not adopted). Portsmouth Water as landowners of the red lined application site have been served the correct Certificate B Notice. Portsmouth Water also own the means of access to the site where it is in front of the application site and up to Wengen to the east, so as part of the Certificate B they would be aware of the application. In the circumstances this is considered sufficient notice. Overall it is considered that a reason for refusal based on highway grounds could not be substantiated.

(vi) Fire risk

7.18 Third parties have also raised concern about the fire risks associated with the storage of pallets. Hampshire Fire and Rescue were consulted and raise no objection although note that the premises may be subject to their inspection in the future. The applicant has been made aware of this which is not considered to be a planning matter to control.

8 Conclusion

On balance it is considered that the environmental impacts from noise associated with the B2 repair of pallets on the site, would not be so significant to outweigh the economic benefits of the proposal. It is considered that the mitigation measures offered would further help reduce the noise associated with the proposed use in accordance with the NPPG and policies DM10 and CS16. Accordingly the proposal is recommended for conditional permission with the permission personal to Premier Pallets to ensure that no alternative B2 use, with potentially different impacts, could commence at the site without first seeking planning permission.

It must be noted that, irrespective of the recommendation, any future noise generated at the site would also be subject of the general requirement of the Environmental Protection Act 1990 (as amended) not to cause statutory public, or private nuisance. This would be monitored and controlled by Environmental Health if complaints are received.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00078

(A) subject to the following conditions

- 1 This permission shall enure for the benefit of Premier Pallet Supplies only and for no other B2 use within the Town and Country Planning (Use Classes) Order 1987 as amended. The repair of pallets hereby permitted shall be discontinued on the date when Premier Pallet Supplies ceases to occupy the land when the site shall revert to a B8 use only.

Reason: To ensure any other B2 uses are compatible with the mixed character of the area, having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 No works or ancillary operations associated with the hereby approved B2 use for the repair of pallets shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 08.00 to 16.00 and Saturday: 8:00 to 13.00.

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.

- 3 The formation of the five noise insulating work stations shall be implemented in full accordance with Drawing No 19-03-GD-224-03C dated March 2019 within 3 months from the date of this permission and thereafter the repair of pallets shall only take place within the approved bays.

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.

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

Design & Method Statement (revised) dated 1 March 2019

1:1250 Site Location Plan

Existing Block Plan Drawing No 19-03-GD-224-01A

Workshop & adjacent Storage Structure Drawing No 19-03-GD-224-02B

Workshop and Work Station Units Drawing No 19-03-GD-224-03C

Reason: - To ensure provision of a satisfactory development.