
Site Address:	Land adj Fulflood Road, Havant		
Proposal:	Application for variation of Condition 15 of Planning Permission APP/15/01233 relating to internal layout, fenestration layout and main entrance.		
Application No:	APP/18/00478	Expiry Date:	20/08/2018
Applicant:	Mr King		
	Mipa Paints Ltd		
Agent:	Mr M Saunders	Case Officer:	David Eaves
	PDP Architecture llp		
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,

3 Proposal

Application for variation of Condition 15 of Planning Permission APP/15/01233 relating to internal layout, fenestration layout and main entrance.

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

Building Control, (Fire Access Consultation)

No comments at this time

Southern Water

Southern Water would have no objections to the variation of condition 15. Comments in our response dated 21/12/15 remain unchanged.

Comments on application APP/15/01233:

Part of the building is within 3m of a public foul sewer and the building is within a source protection Zone - EA must be consulted. Suggested condition regard the means of diverting this sewer and details of SUDS. Suggested informative regarding connection to sewerage system.

Officer Comment: Conditions to cover these matters were attached to the previous consent.

Engineering/Drainage

No comments received

Environment Agency

No comments received

Environmental Health

Proposed changes appear to relate to layout / facades only, and do not have any material impact upon environmental risks. On this basis, I have no specific comments to make as regards 'drainage & pollution' / contamination or air quality.

No adverse comments

Development Engineer

The Highway Authority has no adverse comment to the amended layout.

Planning Policy

The proposed external changes and internal reconfiguration would mean the building was better suited to meet the occupier's requirements. On this basis, we support the application proposals in principle.

Hampshire Constabulary

No comments received

HCC Archaeology

There are no archaeological issues that I would wish to raise in this instance.

HCC Highways

Highways Authority's comments on this application should be made by the District Councils own engineers, due to the size of the application being below that of the Agency threshold and agreement.

Arboriculturalist

No comments received

Local Lead Flood Authority HCC

The mentioned condition does not appear to relate to surface water drainage and therefore we have no comments to make.

Portsmouth Water Company

No comments received

Economic Development - Commercial and Housing

No comments received

Traffic Management Team

Traffic team has no adverse comment to make on this application

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: 29

Number of site notices: 3

Statutory advertisement: 08/06/2018

Number of representations received: 1

Comment	Officer Comment
There is no mention in this application of the variation to existing noise levels during operational hours of this site, the operation of this facility is already fairly audible from Great Copse Drive. Would like to see an assessment of variation to the current noise levels, in addition to any temporary deviation during construction.	See Part 7

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. 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 application sets out the amendments to the approved plans and follows:

The amendments to the drawings retain the same footprint and GIA as approved; the amendments are largely internal layout changes which have some effect on fenestration layout and the arrangement of the main entrance.

Amendments are as follows:

*Ground Floor Plan: Swapping location of training school and teaching areas.
Relocated main entrance/ reception/ stair core*

First Floor Plan:

Relocating offices to northern elevation to western elevation

North Elevation:

*Reduction in amount of glazed fenestration & amendments to entrance/ stair core
Up and over door to training school added*

West Elevation:

*Fenestration amended to suit internal changes
Up and over door to training school omitted
Subservient parapet wall height increased by approx. 750mm*

South Elevation:

*Canopy increased in size
Loading bay to dropped ramp area revised/ reduced in size.*

The proposed amendments are being requested to better facilitate the day to day operations of Mipa Paints who will be occupying the site. The overall design concept of the approved drawings remains the same, being a large warehouse type building with focal entrance block and subservient lower block to the western end. These changes are largely re-arranging fenestration to reflect a revised internal layout configuration.

The internal changes are considered relatively modest and would meet the requirements of the proposed occupier Mipa Paints. It is not considered that these alterations would result in any additional impacts, they do however result in external changes and these are considered below.

The site layout indicated some changes in terms of the local access point to the unit and indicates some additional car parking adjacent to the building. There is no change to the lorry access to the building for loading unloading.

With regard to the external changes to the building:

The northern elevation (Fulford Road) elevation includes changes to doors and fenestration and the entrance lobby. the height of the unit is also slightly raised (approx 0.2m). The entrance area is also redesigned.

The west elevation has a raised roof height by approximately 1m, there are changes to the main entrance and some changes to fenestration and access doors.

The east elevation includes the removal of a section of enclosure to the loading bay facing other industrial units, a slight roof height increase (approx 0.2m)

The southern elevation includes an extended canopy, changes to access doors and reduction in windows.

The duct position is also amended.

The southern elevation is set closest to the residential area to the south in High Lawn Way. The alterations are considered relatively modest and consultations in relation to the proposals have resulted in no concerns being raised by Environmental Health in terms of noise and any other matters.

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 changes are considered to be modest and the Development engineer raises no objections.

(iii) Drainage

In relation to drainage the proposal would not significantly impact drainage issues beyond the original consent.

(v) Other Matters

The building will be required to meet BREEAM standard very good

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 for application APP/18/00478

(A) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of planning permission APP/15/01233 which was granted planning permission on the 24th February 2016.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Design & Access Statement May 2018
Site Location Plan Drawing no. 27974-PD200
Site Plan Drawing No. 27974-PD201
Ground Floor Plan Drawing no. 27974-PD202
1st Floor Plan Drawing no. 27974-PD203
Roof Plan Drawing no. 27974-PD204
Elevations (north and West) Drawing no. 27974-PD205
Elevations (south and east) Drawing no. 27974-PD206
Sections and Store Elevations Drawing no. 27974-PD207

Site Block Plan Drawing no. 27974-PD210
CGI Images Drawing no. 27974-PD211
CGI Images Drawing no. 27974-PD212
CGI Images Drawing no. 27974-PD213
Travel Plan prepared by Paul Basham Associates received 27 January 2016
Arboricultural Method Statement prepared by CBA trees ref CBA10529v1
received 21 January 2016
Email from application titled Additional Information received 12 January 2016

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
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 National Planning Policy Framework.
- 4 No development shall commence until details of the proposed construction of the refuse store and palette store have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that they will not impact negatively on the Root Protection Area off 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.
- 5 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 27974-PD201. 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.
- 6 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be

undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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.

- 7 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.

- 8 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.

- 9 No development hereby shall commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. Proposals shall be in accordance with the principles of CIRIA C753 section 26.7 (SUDS Manual, 2015; Managing pollution risks), and where appropriate shall include a schedule of operational and preventative maintenance for surface water drainage structures, pumps or separators required either for the proper operation of the system to its design flow rates or for the effective retention of pollutants to prevent downstream

release. Parties responsible for observing the maintenance schedule shall be clearly identified. All details submitted in accordance with this condition shall be implemented as approved.

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.

- 10 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.
- 11 No development hereby permitted shall commence until plans and particulars specifying details of any existing sewers to be diverted, and details of the layout, depth and capacity of all foul sewers proposed to serve the same, have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority in consultation with Southern Water.
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.
- 12 The landscaping works shown on the approved plan ref. 27974-PD201 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 brought 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.

- 13 No part of the development shall be brought 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.
- 14 No development (except demolition and site clearance) hereby permitted shall commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. 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.
- 15 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.