



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

To:
Mr Jonathan McDermott
The Town Planning Experts
58 Northern Road
Cosham
Portsmouth
PO6 3DT

For: Mr H Gluck

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Prior Approval is Required and hereby Refused**

Application Number: APP/17/00938

Site Address: Unit 1, Station Approach, North Street, Emsworth, PO10 7PW

Proposal: Prior approval for change of use from class B1(a) office use to C3 residential use for 4No. flats subject to prior approval covering flooding, highways, transport issues, contamination and impact of noise from commercial premises.

Further to your application received on 24 August 2017, which was valid from 01 September 2017 Havant Borough Council, as Local Planning Authority, has determined that **Prior Approval is Required and Refused** for the above proposal.

The reasons for the Council's decision to refuse prior approval are:

- 1 There is a reasonable prospect of the building the subject of this application lying on or adjacent to contaminated land by reason of the following factors:
 - (a) its proximity to a rail station and railway land with the potential to handle contaminating materials;
 - (b) the siting of the building on land formerly used as a goods handling area and goods shed, and also railway siding line, again with the potential to handle contaminating materials;
 - (c) its proximity to a former builders yard and works; and
 - (d) its proximity to an embankment constructed of material of unknown provenance.

Vapour pathways may be important given the likely contaminants, and background/baseline exposures could be elevated as a result of emissions from the adjacent railway land. Furthermore there is a risk that the structure of the building itself may represent a higher risk of vapour ingress.

No physical contamination assessment has been submitted with the application to assess the suitability of the land or building for residential use, given these environmental constraints. That being the case, and on the basis of the information available to the Local Planning Authority, it is considered that there is a reasonable prospect of the site comprising contaminated land and as such, as set out under Part 3, W (10) (c) of the Town and Country Planning (General Permitted Development) Order 2015 as amended (Procedure for applications for prior approval under Part 3), and supplemented by Paragraphs 120 and 121 of the National Planning Policy

Our Ref: APP/17/00938

Framework and Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, this prior approval application should be refused.

- 2 A noise impact assessment has been submitted with the application which principally considers the implications of noise and vibration from the adjacent railway on future occupiers, albeit that only one day's data was able to be used. No assessment has been made of the implications for noise from the adjacent commercial premises, which include a car workshop to the south and B class employment premises to the west where noise emitting machinery can be expected to affect the living conditions of future occupiers of the proposed flats.

The findings and recommendations of the noise impact assessment are therefore considered incomplete both in terms of the scope and duration of assessment, and on the basis of the information available it cannot be concluded that the impacts of noise from commercial premises on the intended occupiers of the development will not cause a significant adverse impact on the intended occupiers of the development. The proposal as submitted would therefore conflict with the policies set out under paragraph 123 of the National Planning Policy Framework 2012 and Policy DM18 of the Havant Borough Local Plan (Allocations) 2014.

In coming to its decision the Council considered plans and other documents submitted with regard to your application, the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (3) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
- Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- Pre-application advice has been given in respect of this site;
- You were updated about issues after the consultation responses had been received; and
- You were offered the opportunity to address the issues raised however requested that the application be determined as submitted.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

10 November 2017