
Site Address: Kenwood Business Park, New Lane, Havant
Proposal: Change of use from B1 (Business - Offices/Light Industrial) and B8 (Storage/Distribution) to flexible B1(Business - Offices/Light Industrial), B2 (General Industrial) and B8 (Storage/Distribution) for units 3, 7 and 8.
Application No: APP/16/00598 Expiry Date: 19/09/2016
Applicant: Mr Kellie
 Dunedin Property
Agent: Ms Fauchon Case Officer: David Eaves
 Lambert Smith Hampton
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

Kenwood Business Park forms part of a larger industrial estate located to the eastern side of New Road. The units subject to the application following an amendment to the planning application are units 3, 7 and 8 which adjoin other B1, B8 units to the north and south. Access to the site is from New Lane with a one way internal circulation route around the buildings.

To the east of the site runs the Portsmouth to Waterloo rail line with residential properties beyond.

2 Planning History

99/54846/015 - Demolition of various ancillary buildings, external building alterations to main factory including glazed extension to west elevation (reception area) and re-cladding works, together with altered building access arrangements and car parking layout., PERM,31/01/2000

98/54846/013 - Addition of 2 windows and 1 door to west elevation and 10 windows and 1 door to south elevation of former die-cast building at southern end of site, PERM,17/06/1998

98/54846/014 - Alterations and improvements to site entrance from Eastern Road, PERM,16/07/1998

97/54846/012 - Installation of 2 fire exit doors, PERM,01/04/1997

96/54846/011 - Extension to existing production building in north east portion of the site, PERM,10/09/1996

94/54846/007 - Retention of 9 windows removal of one roller shutter door and addition of one pedestrian door, PERM,27/06/1994

94/54846/008 - Extension to existing building to provide additional die-casting facilities and associated parking revisions, PERM,31/01/1995

93/54846/004 - Southern extension to existing building to house die casting process., PERM,27/08/1993

90/54846/001 - Erection of canopy on north elevation of factory No.1., PERM,

90/54846/003 - Change of use of part of canteen to sports and social club., REF,

06/54846/021 - Change of use of land to a Coach Depot and parking facility, with associated garage/workshop, WC and restroom., REF,11/05/2007

07/54846/023 - Elevational changes to factories 1 & 2., PERM,05/04/2007

07/54846/024 - Change of use of land to a new coach depot and parking facility, with associated garage/workshop. WC and restroom. (Amended application). , PERM,14/08/2007

09/54846/028 - Construction of new blockwork enclosure within the existing warehouse to provide shop and training facilities and providing a new shop frontage and display of 2No. signs. , PERM,22/12/2009

APP/11/00187 - Retention of storage and loading canopies around entrances to warehouse units 7, 8 & 9 for a period of 24 months., PERM,27/09/2012

APP/12/00831 - Installation of 6No. new lighting columns to existing north east car park. , PERM,29/10/2012

APP/13/00884 - Erection of 2No. portable buildings to provide temporary office meeting rooms., PERM,14/11/2013

APP/13/00917 - Retention of storage and loading canopies around entrances to Warehouse Units 7, 8 & 9 until 31 December 2015., PERM,07/11/2013

APP/15/00274 - Refurbishment of existing Unit 10 comprising of existing envelope stripped back to structural frame, walls and roof re-clad with insulated panels, storm drainage adjusted to suit new external gutter system, new doors and windows to suit new internal layout. , PERM,18/05/2015

APP/15/00275 - Display of 1No. fascia sign., PERM,18/05/2015

3 Proposal

Change of use from B1 (Business - Offices/Light Industrial) and B8 (Storage/Distribution) to flexible B1(Business - Offices/Light Industrial), B2 (General Industrial) and B8 (Storage/Distribution) for units 3, 7 and 8.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS2 (Employment)

CS20 (Transport and Access Strategy)

DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Havant Borough Council Parking SPD 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Economic Development

From an Economic Development perspective we can support the change of use.

Crime Prevention -Minor Apps

No comments received

Environmental Health

I've perused the final report, read together with Colts letter dd 30/11/2016 & can advise as follows:

Conditioning required and as already agreed to by Colt in the above mentioned letter:

1. Times of operation of internal manufacturing & assembling behind closed doors in units 7, 8 & 3, between 06:00 – 23:00. Assembly work outside of these times may be required at times, which I don't have a problem with, as this takes place in unit 3 and behind closed doors; (normal operating times are given as between 08:00 – 18:00 Monday to Friday and the occasional weekend)

2. Ensuring that the opening of roller shutter doors between 07:00 – 19:00 for deliveries, loading / unloading only. I would suggest 08:00 – 19:00 is preferable. We would not expect production to stop when loading / off-loading is taking place but only that the doors are closed as soon thereafter as possible. Fast acting roller shutter doors have been agreed to in the above letter. Loaded lorries leaving on occasion at 04:00 should not be an issue, so long as there are not long periods of idling / revving and so forth prior to moving away from the site.

3. External waste bin and compactor activity be restricted to 08:00 – 17:00

4. That all fork lift trucks be fitted with smart reversing alarms as depicted in the acoustic report and agreed to by Colt in the above letter.

4. That the test rig (fans etc) only be operated on weekdays between 08:00 to 17:00 on Monday to Friday and also excluded from use on any bank holidays.

I would still condition that post validation acoustic testing be carried out one month after the test rig is operational, to ensure that by means of calculation and testing, that the measures recommended for employment in the final Impact Acoustics report related to this test rig, confirms that it will not impact on the nearest residential receptors. Note that the post validation is only for the rain / fan test rig.

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: 54

Number of site notices: 1

Statutory advertisement: 19/08/2016

Number of representations received: 5

Summary:

Would object to any change of use that would increase the noise. light or air pollution or any further loss of privacy.

We would also wish Council to maintain restrictions on activities outside of normal business hours.

Our concern is that the addition of B2 classification would allow larger, louder vehicles and/or machinery and increase the time frame and frequency that they could operate.

Please explain B2 **Officer comment** - letter sent

Noise concerns

Previous ombudsman noise restriction

Previous noise and fume issues:

Heavy vehicles

Diesel Fumes

Bleeping from reversing fork lift trucks

loading pallets.

Concern B2 use would result in increase in these issues

Conditions requested

Noise to be kept to a minimum

Hours of work 8am - 5pm and not at weekends

At present access gates in Eastern Road not currently in use - can you confirm these gates will not be open to traffic.

Officer comment - It is understood that there is no intention to change existing access arrangements.

Can you confirm that the car park and 'smoking area' which back on to the rear of my home will not be in use during unsociable hours.

Officer comment - The amended application relates to units and parking set away from the third party.

Concerns re activity/noise permitted on these premises.

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) Highway and parking issues

(i) Principle of development

The application site is situated within an urban area and within an existing industrial estate where further development business development is considered acceptable in principle subject to the usual development control criteria. In this case the proposal relates to the change of use of three units to allow for B2 General Industrial use, therefore it is important to consider how this type of use would impact the wider area which includes residential properties to the east of the railway line and to the south of the wider industrial site.

The units are currently vacant and a proposed occupier has been identified for their occupation. The re-use of the units for business employment within this strategic industrial area of the Borough is strongly supported by policy CS2 of the Havant Borough Local Plan (Core Strategy) 2011.

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

The proposals are for a change of use of units that are currently unoccupied. There is little change proposed external to the building although roller shutter doors are proposed to be inserted. In addition, there is a requirement for the erection of a testing rig outside which includes fans. These would be positioned close to the existing building.

The proposed physical works are considered limited and acceptable in the context of the existing industrial estate.

The re-use of the building would of course increase activity and vehicular movement when compared to the current position with vacant units, however, this is an industrial estate and its re-use is strongly supported. It should be noted that B1 and B8 uses could operate on site within the units without the need for further planning consent.

(iii) Impact upon residential amenity

The impact of the proposed B2 use on residential amenity is considered to be a critical consideration of the current application. The proposal when originally submitted did not indicate a potential end user for the site and included 7 units. The application was subsequently amended such that it now relates to 3 units with an end user identified as Colt International Ltd. The application has also been accompanied by a Baseline Noise Assessment and Industrial Noise Impact Assessment. In addition details have been provided by Colt International in relation to their operating requirements.

These assessments have enabled an assessment of existing background noise levels at the closest residential facade to the proposed site and the assessment of the impact of the site operation on nearby properties. The Industrial Noise Impact Assessment states:

The resulting emissions from the site running on a worst case scenario show no conflict with 'low impact criteria and give a strong indication that complaint and impact

on the local amenity is unlikely, provided the recommendations contained within this report are implemented accordingly.

The recommendations proposed in the Industrial Noise Impact Assessment are for:
Detailed fan requirements fitted with attenuators,
Battery powered folk Lift trucks
Automatic door closers fitted to all roller shutter doors
Folk Lift trucks be fitted with quiet reversing alarms (Bleeping changed to Hissing)

Environmental Health have considered the application in detail and sought additional information as required.

The main issues are considered to relate to noise and potential disturbance. These matters will need to be addressed by the imposition of planning conditions. These relate to Hours of Use, no outside work, fan design, door operation to reduce noise spill, folk Lift design requirements etc.

Subject to these conditions it is considered that the impact of the proposed use on residential properties can be appropriately mitigated and planning permission recommended.

(iv) Highway and parking issues

The application site represents a relatively modest part of the wider Kenwood Site. The units include external car parking areas. Access is taken from New Road with a one way 'looped route' through the site. Given the existing business use of the site which is understood to be B1 and B8, there could be intensive vehicular movements generated. It is not anticipated that the proposed use would lead to additional impacts in relation to vehicular movements or parking issues.

8 Conclusion

In conclusion, the proposed development is considered acceptable in principle and would have limited and acceptable impacts on the character and appearance of the area and (subject to suitable planning conditions) the residential amenities of nearby residents. Planning permission can therefore be recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00598

(A) subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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 within use class B1, B2 or B8 only and for no other purposes within the above Use Classes Order.

Reason: To accord with the terms of the planning application and in the interests of amenity and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas shown on drawing number CL - Layout Issue 02 or as approved in writing by the Local Planning Authority for that express purpose.

Reason: In the interest of the appearance of the site and the visual amenities of the surrounding area 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 use of units 7 and 8 for class B2 manufacturing and assembling shall only take place between the hours of 06.00 and 23.00 hours Monday to Sunday.

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.
- 5 Prior to the commencement of any class B2 use (as defined in the Town and Country Planning (Use Classes) Order 1987, (as amended)) of the units hereby permitted fast acting roller doors shall be fitted to the units. The opening of roller doors shall not take place other than to allow for deliveries, loading and unloading of deliveries/dispatches after which they shall be kept closed. In addition the doors shall not be opened outside of the period from 08.00 hours to 19.00 hours. The fast acting roller doors shall be maintained in good operating order thereafter.

Reason: To ensure that the noise impacts of the proposed B2 use are minimised having due regard to the residential amenities of nearby residents, the provisions of policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Any activity in relation to the filling, emptying or compacting taking place in external waste bins/compactors shall not take place other than between the hours of 08.00 and 17.00.

Reason: To ensure that external noise is minimised in the interests of the amenities of nearby residents 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 forklift trucks operating at the site associated with units 3, 7 and 8 shall be battery powered and fitted with smart reversing alarms as set out in the Industrial Noise Impact Assessment Ref: IMP4872-3.

Reason: To ensure that external noise is minimised in the interests of the amenities of nearby residents having due regard to policies CS16 and DM10

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

- 8 No test rig shall be erected other than in accordance with further details of siting and design which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The fans to be provided shall be designed and fitted with attenuators and casing in accordance with the details provided in the Industrial Noise Impact Assessment Ref: IMP4872-3. The test rig and fans shall only be operated between 08.00 hours and 17.00 hours Monday to Friday and at no time on Saturdays, Sundays or Public Holidays. The approved rig and fans shall thereafter be maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that external noise is minimised in the interests of the amenities of nearby residents having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Within 1 month of the test rig first becoming operational post validation acoustic testing shall be carried out in relation to the test rig/fans and an acoustic verification report submitted to the Local Planning Authority for approval. This report shall demonstrate that the rig and fans meet the expectations of the approved Industrial Noise Impact Assessment Ref: IMP4872-3 or propose further appropriate mitigation measures. Any mitigation shall be fully implemented within 1 month of the approval of the acoustic verification report. The test rig and fans shall thereafter operated in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that external noise is minimised in the interests of the amenities of nearby residents having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Location Plan Licence number 100022432 received 6th December 2016

CL - Layout Issue 02

Industrial Noise Impact Assessment Ref: IMP4872-3 received 6th December 2016

Baseline Noise Report Ref: IMP4872

Letter from Lambert Smith Hampton dated 6th December 2016

Letter from Colt International Ltd dated 30th November 2016

Reason: - To ensure provision of a satisfactory development.