
Site Address:	Furniss Business Centre, Furniss Way, Hayling Island		
Proposal:	Extension of existing business centre to provide 2 additional units (243sqm in total) plus amended parking layout and cycle parking.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00486	Expiry Date:	28/08/2023
Applicant:	Thomas Hickman		
Agent:	Mr Jeremy Butterworth	Case Officer:	Lesley Wells
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the eastern side of Furniss Way and sits at the southern end of the existing Business Centre which was constructed as the result of a December 2015 planning permission, under reference APP/15/00919
- 1.2 The development site currently consists of a grassed area which was not developed when the 2015 permission was granted. This area rises gently to the south.
- 1.3 The site is bounded to the south and east by residential development. To the west of the site is Furniss Way. The other side of Furniss Way consists of older commercial units, within the industrial estate.
- 1.4 The Environment Agency online flood risk mapping confirms that the site is located within Flood Risk Zone 1, which on current information would remain so in 2115 with climate change.
- 1.5 The area of the Business Centre is approximately 0.40 hectares, with trees and hedging along the southern and western boundaries; with the former not protected. There is also a sapling tree within the site, which would be removed if permission is granted.

2 Planning History

APP/13/00639 - Outline planning permission for mixed-use development comprising up to 59 dwellings and 1,250sqm of light-industrial accommodation (Use Class B1). Off-site highway works including widening of footpath. Granted 23/12/2013

APP/15/00919 - Mixed use development comprising 76 residential units (4No. 1bed, 22No. 2 bed, 31No. 3bed; and 19No. 4 bed dwellings; and 1000sqm of light-industrial accommodation (use Class B1) with associated parking, access, landscaping and surface water drainage, (approved 23.12.15).

APP/17/00058 - Change of use from light Industrial units (B1), to an MOT Testing Station (B2) - Granted 31/3/17.

3 Proposal

- 3.1 The proposed development seeks the extension of the existing terrace of business units at Furniss Way Business Centre with the creation of two additional units, with a floor space of 140 sqm (Unit 1) and 103 sqm (Unit 2) (ie total 243 sqm). The two additional units would be of the same design and materials as the existing terrace of industrial units, with mono pitched roofs, located at the southern end of the Business Centre
- 3.2 The proposed units would be approximately 5.6 metres in height adjacent to the site boundary to the east, with the same distance from this boundary as the existing units (approximately 1.6m separation distance). The height of the units would rise to 7.2m along the west boundary, due to the mono pitched roof design.
- 3.4 The new units will extend the length of the existing terrace by approximately 20 metres, albeit it would be set back into the site by approximately 15m from Furniss Way (at its narrowest points), as per the existing two units to the north.
- 3.5 The proposed development provides 8 additional car parking spaces, which includes 2 disabled bays in a re-configured parking area, in front of the proposed two units. In addition, 6 enclosed cycle racks would be provided to the west of the disabled parking bays.
- 3.6 The existing vehicular access from Furniss Way would be maintained, with no changes proposed.
- 3.7 The boundary trees to the south would be retained, with the loss of one small sapling within the site, which is not visible from outside of the site.
- 3.9 The proposal has been amended since first being registered, which includes the following changes.

A reduction in the number of units from three to two, albeit unit one has increased in size from 103 sqm to 140 sqm.

Reduction in car parking and cycle provision, (with the latter enclosed), in response to the reduction in floor area.

Some lighting details submitted.

Elevations as proposed which show the change in levels of the site to the south along the rear east elevation

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

- CS10 (Gypsies, Travellers and Travelling Showpeople)
- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
- CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))
- CS13 (Green Infrastructure)
- CS14 (Efficient Use of Resources)

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS3	(Skills and Employability)
CS7	()
CS8	(Community Safety)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
HY2	(Hayling Island Mixed Use Allocations)
HY2	(Hayling Island Mixed Use Allocations)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboricultural Officer - No Objection

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The proposed development would be for the extension of the existing business centre with two additional units to the south with associated parking. The site is part of a small industrial estate with other units to the north and west, but is in close proximity to residential properties to the south and east. The amended scheme increases the distance between the planned car parking and the boundary southern boundary.

There are no trees subject to a Tree Preservation Order (TPO) on or adjacent to the site and the development is not within a Conservation Area. There are young trees growing around the south and western boundaries, which have an amenity value to the local area.

The agent has stated their intention to retain the boundary trees along with the boundary hedge to Furniss Way (Planning Statement, J Butterworth Planning, June 2023). The County Ecologist also highlights the hedges as being of value and should be retained 'The section of hedging along the western boundary with Furniss Way and the sites southern boundary are however of value and should be retained and ideally enhanced.' It is therefore encouraging that the agent has indicated their support for a condition for landscaping details to be secured by condition and in discussion with the planning officer it was confirmed that the condition would be to enhance and retain the hedging on the western boundary.

Based on the information submitted, if the officer was minded to grant permission the potential impact of the surrounding trees and hedges should be secured by way of condition, and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommendation:

No objection subject to the following conditions;

a) Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

b) Landscaping:

A scheme of hard and soft landscaping, with the hedge on southern and western boundaries retained and enhanced, including details of existing trees and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance and to safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

Officer Comment: *If permission is granted a condition as to the enhancement of the existing landscaping along the southern and western boundaries is recommended. As to tree pruning works such a condition is considered unnecessary as there is no evidence that such works are required. Therefore such a condition does not meet the test for conditions. However, this is recommended as an informative on the decision notice if permission is granted.*

Building Control - No Comment

Community Infrastructure

As this development does not contain any retail it is not considered to be CIL liable, if this changed in a future application this could be CIL liable.

If there are any obligations arising out of consultee responses there may be HBC monitoring fees due <https://www.havant.gov.uk/monitoring-fees>

Officer Comment: *the proposal does not include any retail element, so CIL is not liable.*

Former Councillor Brenda Linger - No Comment

Former Councillor Julie Richardson - No Comment

Councillor Paul Gray - No Comment

Councillor Jonathan Hulls - No Comment

Councillor Will Forrow - No Comment

Crime Prevention - Minor Apps - No Objection

The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance advises: "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides." It continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult."

Cycle stands are to be provided adjacent to unit number 1. The cycle stands appear to be unprotected Sheffield stands. If the cycle stands are to be used by staff and other visitors they should be protected from the weather. The cycle anchor points should provide for the frame and a wheel to be secured. We would recommend that the cycle anchor points are certificated to Sold Secure Silver standard.

Officer Comment: *Following the above comments amended plans were submitted enclosing the cycle racks.*

Council's Drainage Engineer

Final Comment - No Objection

[Bond] Not required if they are connecting to existing SuDS infrastructure which has been designed to cope with the extension.

Officer Comment: *The applicant confirmed in an email dated 17/4/24 that " the existing SUDs infrastructure is designed to cope with the planned extension to Furniss Business Centre." Therefore, on the information provided a bond is not deemed necessary.*

Initial Comment - No Objection

There is nothing to be gained by separating the flows into the ditch by putting them into the surface water sewer system – as that goes into the ditch system. The prevention train is appropriate for the existing layout, but (as the report comments) maintenance will be key.

I would expect a construction phase bond for the SuDS to be taken.

Ecology - No Objection

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The application site comprises a relatively small area of managed grassland situated between the existing commercial units to the north and west and new residential housing to the south and east. I am confident that, although a valuable area of open green space within a densely developed area, the application site is unlikely to be of particular ecological value, comprising a relatively recently established area of amenity grassland with planted saplings. The section of hedging along the western boundary with Furniss Way and the site's southern boundary are however of value and should be retained and ideally enhanced.

Natural England have commented on the need for a Construction Environment Management Plan (CEMP) in order to ensure that potential construction and operational phase impacts to international and national designated sites are avoided. Potential impact pathways identified include noise and visual disturbance, and airborne and waterborne pollution. The site is reasonably close to areas offering supporting terrestrial habitat to bird species associated with the Solent Special Protection Areas (SPAs) and any drainage will inevitably link to existing infrastructure and ultimately discharge into the Solent. The proposed surface water drainage will discharge to existing drainage ditches at the site's western boundary, and foul water will discharge to existing foul drainage.

There are apparent inconsistencies within the submitted Drainage (SuDS) Strategy (Patrick Parsons, May 2023). For example, the text at 8.1.4 contradicts the accompanying table in stating that the hazard risk from run-off is very low/low. I would concur with the table in that the potential hazard risk is medium-to-high: there is a high probability of commercial units resulting in hazardous substances entering the local hydrological system. For the identified hazards (total suspended solids, heavy metals, hydrocarbons, see 8.3.6) it is stated that catchpits, an existing petrol interceptor, and filtration textiles within the porous paving will suffice to remediate the potential risks.

I am not qualified to determine if these measures are appropriate/deliverable and I would therefore defer to your Drainage consultee. It is noted that Natural England have requested that the SuDS assessment takes full account of the sensitive nature of water quality in relation to protected sites and that this may require additional remediation measures. Havant Borough Council must be confident that the permitted drainage strategy will not impact water quality entering the Solent and that any drainage solution is subject to necessary funding and ongoing inspection and maintenance.

I would also request clarification on lighting and the potential for new artificial light spillage onto retained vegetation.

Following confirmation that the proposed drainage is suitable, and if you are minded to grant permission, can I suggest that a Construction Environment Management Plan is secured by condition.

Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not necessarily be restricted to):
full details of waterborne and airborne pollution control measures;
full details of any measures for ensuring that noise at the nearest sensitive receptor does not exceed LA (max) (fast) (1 hour) 69 dB during the period 1st October to 31st March.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer Comment: *The hedging along the western boundary would remain, with a landscape condition requiring its enhancement. As to lighting, some information has been provided which the Ecologist has asked to be conditioned. If permission is granted the requirement for a Construction Environment Management Plan would be condition, together with a lighting condition.*

As to the drainage strategy a revised document has been submitted which has addressed the contradictions noted above. The strategy has been considered by the Council's Engineer who has raised no objection, with their initial comments being subject to a construction phase bond being secured for the maintenance of the SuDS. Following further information the Council's Engineer has advised that a bond is not required if the connection is to the existing SuDs infrastructure designed to cope with the extension. The applicant confirmed in an email dated 17/4/24 that "the existing SUDs infrastructure is designed to cope with the planned extension to Furniss Business Centre." Therefore, a bond is not deemed necessary.

Environmental Health - Final Response -Contamination - No Objection

I've reviewed the application docs and the planning history (APP/15/00919, specifically regarding the consideration of contamination & SuDS). I also note that CELT has provided advice on SuDS in the absence of any consultation comment from the LLFA. I've nothing further to add to the comments of other consultees – the restriction of use class to Class E alleviates any concerns about industrial process emissions. No objections from me.

Environmental Health -

Final Response - Noise - No Objection

Observations / Comments:

I have read the additional documentation of a noise impact assessment provided by the applicant, and can comment as follows:

This office has no objection in principle to this application. The application notes that the Planning Class usage proposed will be Class E Light Industrial. Class E can potentially encompass a number of other uses which previously fell under different class usages, so could potentially include external air moving plant such as air conditioners, extractor systems, fans and so forth, plus any internal operational machinery and equipment.

The noise assessment now provided, indicates that

11.3 Plant noise limits have been given such the rating level at the nearest residential façades will be no higher than the existing background sound level during the day and the specific noise level will be no higher 30dBA at night at the same locations.

11.4 Noise breakout from activities within the new units will be below the level at which a low impact is expected, as assessed using the methodology in BS 4142:2014+A1:2019. Noise levels in the gardens due to noise breakout will be below the No Observed Adverse Effect Level described in PPG Noise.

11.5 Noise from deliveries is predicted to have no worse than a negligible impact at the nearest noise-sensitive receptors.

Furthermore, due to the close proximity of residential receptors, if approved, any excavation, construction works associated with the erection of the units must have a Construction Environmental Management Plan submitted for approval prior to these works commencing.

If this application is to be viewed favourably by the Planning Authority, I would ask that the following conditions be included with any decision notice:

Condition 1: Noise from plant and equipment & operational noise

Each business unit shall provide an acoustic assessment to show that the rating level of any plant, equipment & / or operational noise, as part of their unit, will meet or be lower than the rating levels as calculated in the NSL Noise assessment report dated 14 November 2023, which must be submitted to and approved in writing by the Local Planning Authority. The assessment should be carried out by a suitably qualified acoustic consultant / engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Background levels have been established at nearest residential receptors.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

Condition 2: External lighting

No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance / nuisance.

Condition 3: Construction Environmental Management Plan:

No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for but not be limited to:

- a. no works or ancillary operations associated with the above phases at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00;
- b. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- c. No bonfires to take place on this site, during any phase of the operation;
- d. Control measures for dust and other air-borne pollutants. It should advise as to what measures are to be put in place for the control of any dust that might emanate from the development. Furthermore the methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities.
It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also be kept damp at all times.;
- e. Procedures for emergency deviation of the agreed working hours.
- f. Details of measures to be employed to control the emission of noise during the above phases to be provided. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, and Part 2: Vibration (BSI, 2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria.
- g. Measures for controlling the use of site lighting whether required for safe working or for security purposes to ensure no impact on neighbouring properties.
- h. Procedures for maintaining good public relations including complaint management, public consultation and liaison

Reason: To protect the amenities of nearby residential premises during the ground works/ construction phase of the development

Condition 4: Piling

If any piling is envisaged for this site during ground works /construction phase, full details must be submitted to the Local Planning Authority, with regard to the proposed method/s to be employed, and the probable duration of these operations, prior to the ground works starting. The least intrusive noise and vibration method of piling shall be employed at this site. This should be accompanied by a justification as to the reasons why a particular piling method has been chosen , and additionally the proposed mitigation methods to be employed, Reason: To ensure minimal impact on nearby residential receptors.

Please do not hesitate to contact me if you wish to discuss any of the above matters raised or would like further explanation.

The above comments shall in no way prejudice any response / comments that may be or have been, submitted by Contamination Officer.

Officer Comment: *If permission is granted the above conditions would be recommended.*

Initial Response - Further Information Required

The application seeks the intensification of an already established business centre to the southern part of the site. There are residential properties within that location that could be adversely impacted by excessive noise from the proposed additional units. In order for the Pollution Team to consider this application further, a noise impact assessment must be carried to determine the likely impact of the proposed scheme upon the immediate noise sensitive receptors. The assessment should be robust and based on the principle given by BS4142:2014 A:2019 and WHO community noise. Where necessary, appropriate noise mitigation measures should be implemented to preserve the peace and tranquillity of the neighbouring properties

Economic Development - No Comment

Hampshire Highways - No Objection

To address the highway implications of the proposed development, the applicant has submitted a Transport Statement (TS). Following a review of this document, the Highway Authority wish to make the following comments.
Planning History

The proposed site has been subject to two previous planning applications, both of which received planning permission. Whilst the wider residential/employment development was built out, the land subject to the latest planning application was not constructed.

Whilst the site has therefore previously been assessed and considered suitable from a highways perspective, the applicant's TS provides an updated assessment for consideration. This response covers matters which may have changed since the previous permission was granted.

Personal Injury Accident Data

Personal Injury Accident (PIA) data has been gathered from Crashmap between 2017-2021, noting two accidents during the study period on Station Road.

The Highway Authority notes that the data is two years out of date and Crashmap is not an accepted source of accident data. However, the Highway Authority has checked the most up-to-date accident data for the area and is satisfied that there are no nearby accident clusters which may be exacerbated by the proposed development.

Proposed Development

The proposed development totals 309sqm, split between three units use Class E(g). Access to the site is provided via the existing two bellmouth junctions on Furniss Way. This arrangement will not be altered as part of the latest development. Tracking has been undertaken in drawing number 020.0788.001 Rev A for a number of vehicles, which demonstrates that there is sufficient space to enter and egress the site via the in/out arrangement.

Car Parking

The proposed development is supported by 10 car parking spaces which is above the spaces required by Havant Borough Council's adopted parking standards. It is noted that some of the existing parking bays are being relocated to accommodate the new building but as the overall quantum remains the same, the Highway Authority are satisfied with this arrangement.

Tracking has been undertaken in drawing number 020.0788.002 Rev A for a box van passing the parking bays before manoeuvring into one of the loading bays. The Highway Authority notes that the manoeuvre is tight, particularly if a car is parked incorrectly in the bay and subsequently overhangs towards the carriageway. Consideration should be given towards moving the bays further north to provide additional width for turning vehicles.

In their capacity as local parking authority, Havant Borough Council should confirm whether they are satisfied with the quantum of parking proposed in support of the new industrial units.

Trip Generation

A revised TRICS assessment has been undertaken to forecast trip generation from the proposed industrial units. Whilst it is noted that there is a lack of sites used within the TRICS assessment, the AM and PM peak hour trip rate is similar to that agreed through the previous application, resulting in peak hour trips of 4 and 3 respectively (two-way).

As a result, the Highway Authority are satisfied that the proposed development will not result in an adverse impact on the local highway network.

Recommendation

Following a review of the TS, the Highway Authority are satisfied that the proposed development will not result in a detrimental impact on the local highway network.

The Highway Authority therefore recommends no objection to the proposed development, subject to the following condition:

CONSTRUCTION METHOD STATEMENT REQUIRED

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;

(g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

Officer Comments: *The HA's reference to 3 units and 10 car parking spaces have been superseded by amended plans showing 2 units and 8 spaces.*

If permission is granted the above condition is recommended.

Natural England Government Team - No Objection

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC).

In order to mitigate these adverse effects and make the development acceptable, Natural England advises that the following mitigation measures are required / or the following mitigation strategy should be secured:

• Submission of a Construction Environmental Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further Advice on Mitigation

Construction Environmental Management Plan (CEMP)

Without the submission and implementation of a full Construction Environmental Management Plan (CEMP), Natural England considers that this proposed development would be likely to have an adverse effect on the integrity of the SPA. Natural England advise that a full and detailed CEMP should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats.

The CEMP should address the following impacts throughout construction:

- Storage of construction materials/chemicals and equipment
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site
- Timing of works outside of bird breeding season

The Construction Environmental Management Plan should detail how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds.

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority. Additional consideration should be placed on what the landscape mitigation plan needs to include to mitigate impacts on the protected landscape.

SPA Functionally linked land

The proposals have the potential to affect SPA functionally linked land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. Please see the Solent Wader and Brent Goose Strategy (SWBGS) for more information.

The site affected (Sites H34C and H34E) are classed as a Core Site (H34C) and Secondary Support Area (H34E) and supports Solent Waders and Brent Geese. It is advised that the impact is properly assessed and any identified impacts are addressed in line with the SWBGS Guidance on Mitigation and Offsetting Requirements.

Please note, where financial contributions are proposed, for example to mitigate impacts on Low Use sites, it is advised that a sufficient level detail of the measures to which they will be directed is provided to inform your authority's appropriate assessment, in order to provide the necessary confidence and certainty that such mitigation will be effective and deliverable in perpetuity.

Protected species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Surface Water Drainage

Best practice SuDS should be designed and installed in accordance with the requirements in the CIRIA SuDS Manual (C753).

Please note, the pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

The detailed design of a Sustainable Drainage System (SuDS) should be submitted and agreed with Havant Borough Council. This should include evidence to show that the proposed SuDS scheme will ensure there will be no deterioration in water quality [or changes in water quantity] in discharges from the site. Information on the long term management and maintenance (including funding) of the SuDS for the lifetime of the development should also be secured prior to the commencement of any works.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Council's Ecologist's response to NE's comments.

I personally consider the potential risk of noise and visual disturbance to nearby SWBGS sites to be minimal – the nearest site (H34C) is currently a building site so no risk there, and I am content that the location of the proposed development at Furniss Way is likely sufficiently distant and screened to avoid impacts to H34E.

The main impacts are from drainage and the potential for impacts to water quality affecting the Solent protected areas.

I'm not sure that a 'landscape mitigation plan' is necessary – and I'm not entirely sure what they mean by that.

Officer Comment: *If permission is granted the above Construction Environmental Management measures, would be combined with those recommended by the Ecologist and Environmental Health in a pre-commencement condition.*

As to the drainage strategy this was considered by the Council's Engineer (CE) who raised no objection, subject to a construction phase bond for the SuDS to be taken. However, following further information the CE has advised that a bond is "Not required if they are connecting to existing SuDS infrastructure which has been designed to cope with the extension." The applicant confirmed in an email dated 17/4/24 that "the existing SUDs infrastructure is designed to cope with the planned extension to Furniss Business Centre." Therefore, a bond is not deemed necessary as no new SuDS development is required to take place..

An HRA/AA was undertaken which found that there would be no significant effect on the loss/degradation of supporting habitats, surface water drainage and construction impacts, subject to appropriate conditions which are recommended. Natural England was consulted on this HRA/AA in November 2023 to which no response was received, the assumption being they agree with its findings, and the Council have been able to conclude the HRA/AA on this basis..

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: 32

Number of site notices: Two

Statutory advertisement: Not applicable.

Number of representations received: 5

The following is a precis of the representations received

Residential Amenity

- Over development of the site
- Too close to existing housing
- Adverse impact on amenity of neighbouring properties
- Outlook over industrial site
- Loss of natural light
- Increase in noise, dust, pollution, fumes and vehicles leaving at unsociable hours
- Covered cycle structure would increase anti social behaviour - Police unable to attend due to lack of resources
- Disabled parking to rear of property - increased disturbance
- No consideration to design & layout of neighbouring properties

Ecology

- No reply from NE - protected species present in area
- Current use of land more environmentally sustainable

Highways

- Site unsustainable in transport terms
- Development generates additional traffic
- Roads on Hayling Island in poor state of repair - only one way off and on
- Furniss Way one-way street with minimal parking - subject to racing with noisy exhausts
- Infrastructure cannot cope

Trees

- Tree screening irrelevant - does not offer screening - mainly comprises of brambles - site visible approx 9 months of year
- Large tree in south-western corner - appears to have been poisoned by nails driven into it - to provide disabled parking

Other Matters

- Loss of property value
- Full dimensions of proposal not given - new building states will be approx 5.7m - west elevation 7.1m high
- Planning permission states no building within 10m of curtilage - 6m from boundary
- Advised nothing would be built in area
- Previously permission of 1,250 sqm reduced to 1,000 sqm - floor area built to 1,014 sqm - proposal would lead to 1257 sqm of LIU - concerned proposal may be built larger if permission granted.
- Refer to reason for refusal for 1,250 sqm of light industrial
- Permission of units restricted to B1 use - then change of use granted to B2, MOT centre - no guarantee that the units would remain B1
- Insufficient school places and doctors' surgery on Island
- No need for development - Island severely overbuilt in recent years
- Adverse impact on Bakery next door to the site, during construction work

Officer Comment: *most of the points raised are covered under Section 7 below. Whilst fear of crime is a material consideration, the Local Planning Authority has no evidence that the proposal would result in or lead to an increase in anti-social behaviour/criminal activities. Loss of property value is not a material planning consideration. The plans submitted have been scaled, so full dimensions of the proposal have been provided. The reference to no building within 10m of a curtilage relates to permitted development rights and when they would not apply. If permission is granted and the proposal is built larger than permitted, the development may be open to enforcement action. The application has to be determined as submitted, which is for a Class E (g) use (former B1 use), not a Class B2 use, which if made the subject of a future application (on assumption permission is granted for the proposal) would be considered on its individual merits. The reference to lack of school places and doctors' surgery is not material to the determination of the application.*

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA) of the proposed development. This focussed on the following areas of potential impact on the natural environment.

Impact on protected landscape

Natural England (NE) was consulted over the proposal and whilst raising no objection has advised that without appropriate mitigation the application would have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC).

In order to mitigate these adverse effects and to make the development acceptable, NE has recommended a condition, which would be for a Construction Environmental Management Plan (CEMP).

The CEMP condition would address the following impacts throughout construction which should be adhered to at all times:

- Storage of construction materials/chemicals and equipment
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site
- Timing of works outside of bird breeding season

The Council's Ecologist (CE) has been consulted over the proposal, raising no objection, whilst also recommending a CEMP in the form of the following condition:

"Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not necessarily be restricted to):

full details of waterborne and airborne pollution control measures; full details of any measures for ensuring that noise at the nearest sensitive receptor does not exceed LA (max) (fast) (1 hour) 69 dB during the period 1st October to 31st March.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011."

NE also advised that additional consideration should be placed on what a landscape plan needs to include to mitigate impacts on the protected landscape. This point has been reviewed by the Council's Ecologist, who is of the view that such a plan is not necessary. The reason for this is that the site is surrounded by existing developments, well-screened and some distance from the protected landscape to the north and west. Therefore, it is the LPA's view that the proposal would not have an impact on the protected landscape and a landscape plan is not required. However, a condition would be imposed to secure the enhancement of the existing landscaping along the southern and western boundaries in the interests of amenity.

SPA functionally linked land

NE also raised that the proposal has the potential to affect SPA functionally linked land. The sites considered to be affected by NE are Sites H34C and H34E which are classed as a Core Site (H34C) and Secondary Support Area (H34E) and supports Solent Waders and Brent Geese - as such, the impacts on these sites are required to be properly assessed and any identified impacts are addressed in line with the SWBGS Guidance on Mitigation and Offsetting.

The Council's Ecologist has been consulted over the likely impact on the two sites identified in the above paragraph and has advised that:

“I personally consider the potential risk of noise and visual disturbance to nearby SWBGS sites to be minimal – the nearest site (H34C) is currently a building site so no risk there, and I am content that the location of the proposed development at Furniss Way is likely sufficiently distant and screened to avoid impacts to H34E.”

Having considered this, the LPA is of the view that the proposal would not have an adverse impact on sites H34C and H34E.

Protected Landscape

The measures to mitigate the adverse effects and to make the development acceptable would be a CEMP, together with a landscape condition which would be secured by planning conditions.

Water Quality/Surface Water Drainage

The measures to mitigate the adverse effect and to make the development acceptable would be a condition requiring the surface water drainage to be implemented and maintained in accordance with the Drainage (SuDS) Strategy (Patrick Parsons, May 2023), with the existing SuDs infrastructure designed to cope with the planned extension to Furniss Business Centre.

Surface Water Drainage

Both NE and the Council's Ecologist have referred to the need to ensure that the surface drainage strategy should be considered in relation to the discharge to environmentally protected sites to ensure no deterioration in water quality.

A Drainage (SuDS) Strategy (Patrick Parsons, May 2023) has been submitted as part of the application. This has been considered by the Council's Drainage Engineer, which having due regard to the sensitivity of the water quality has raised no objection to the proposal, subject initially to a construction phase bond for any SuDs.

It was subsequently confirmed by the applicant that “... *the existing SUDs infrastructure is designed to cope with the planned extension to Furniss Business Centre.*”. The Council's Drainage Engineer has advised this negates the need for a construction phase bond.

A condition would also be imposed on the planning permission, requiring the development to be undertaken in accordance with the SuDs Strategy.

Appropriate Assessment Conclusion

The ensuing HRA/AA represents Havant Borough Council's Appropriate Assessment as a Competent Authority in accordance with requirements under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework.

The HRA/AA concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above Solent European sites. It concluded that the potential adverse effects arising from this proposal can be effectively mitigated by the imposition of conditions, with sufficient information provided which includes a Drainage (SuDS) Strategy.

The Authority's assessment is that the application is able to provide mitigation to remove the significant effects that otherwise would have been likely. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Natural England was consulted over the Council's HRA/AA as a statutory consultee, but did not respond to the consultation, with a presumption that they concur with the assessment and the Council have been able to conclude the HRA/AA on this basis.

7.1 In other respects, having regard to the relevant policies of the development plan and all other material considerations 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) Drainage & Flooding
- (v) Highways & Parking
- (vi) Impact on Ecology
- (vii) Impact on Trees
- (viii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area and an existing industrial site where further development is considered acceptable subject to the usual development control criteria. Policy CS2 of Havant Borough Local Plan (Core Strategy) promotes employment floorspace within the Borough.

7.3 The proposal is for two light industrial units in Class E (g) use, (former Class B1c use). The definition of such a use "is any light industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

7.4 As to the planning history for the site, as stated above under paragraph 2., 'Outline planning permission for [a] mixed-use development comprising up to 59 dwellings and 1,250sqm of light-industrial accommodation (Use Class B1). Off-site highway works including widening of footpath' was granted on 23/12/23. The commercial element was shown in this application to be in the form of 2 separate industrial units, with the southernmost building located in relative close proximity to the south boundary and existing residential development to the south. Therefore, the principle of up to 1,250 sqm of light industrial development on the site was found to be acceptable, subject to Reserved Matters being subsequently approved. Policy HY2 of the Havant Borough Local Plan (Allocations) identified a mixed use development to deliver 1,000sqm of new business premises within this allocation.

7.5 Planning permission was subsequently granted on 23/12/15 under reference APP/15/00919 for the 'Mixed use development comprising 76 residential units (4No. 1bed, 22No. 2 bed, 31No. 3bed; and 19No. 4 bed dwellings; and 1,000sqm of light-industrial accommodation (use Class B1) with associated parking, access, landscaping and surface water drainage'. The commercial part of the proposal was for one industrial unit, divided into 8 units. The area the subject of the current application was identified as 'Residual Site' on the plans attached to the 2015 planning permission, within the curtilage of the industrial estate. At the time of the permission the units were restricted to a Class E use (formerly Class B1) light industrial. Subsequently permission was granted under reference APP/17/00058 for a change of use of units G & H at the northern end of the industrial estate to an MOT Testing Station (Class B2) on 31/3/17.

7.6 If permission is granted for the proposal, the total floor space within the industrial estate would be 1,243 sqm. This would be slightly under that approved at outline stage under reference APP13/00639, with the principle of up to 1,250 sqm previously found to be acceptable by the 2013 outline permission.

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

7.7 As mentioned above, the residual land to the south is marginally higher than the industrial estate to the north, with the agent advising that *"The level of the residual land drops away to the boundary so at the point where the new gravel path around the building meets the residual land the change in level is only 450mm (the gravel path is 150mm below the unit level), where the parking meets it is only 200/230 mm so a double set kerb or an edging to the back of the kerb will be fine, there is no real need for a retaining wall ."*

7.8 The site is currently an open grassed area, with trees and vegetation along the western, southern and eastern boundaries, which provides an amenity area for the occupiers of the commercial units to the north. The existing size of this area is appropriately 0.1 hectares. The proposal would result in the loss of approximately 0.06 hectare of grassed area. It is acknowledged that the proposal would change the appearance of this small grassed space, within this part of the industrial estate, with restricted visibility from the public realm.

7.9 As to the impact on the character and appearance of the wider area, the site is within an existing industrial estate, albeit adjacent to residential developments on two fronts, with views of it screened from the public realm, due to landscaped boundaries. Therefore, the proposal's impact on the wider locality and the public realm would be limited, with an acceptable impact on the character and appearance of the area. The proposal would accord with Policy CS 16 of the Havant Borough Local Plan (Core Strategy) and the aims of Policy CS2 of the Core Strategy which recognises the significance of jobs created by this class of development.

(iii) Impact upon residential amenity

7.10 As stated above, the definition of a Class E use is that of a light industrial process that may be carried out in any residential area without detriment to the amenity of the area.

7.11 The properties most likely to be impacted by the development would be Nos. 76c, 84 and 86 Station Road to the south and 9 - 17 Billy Road to the east. These properties back onto the site.

- 7.12 As to the properties in Station Road, the closest to the site would be No. 84, which would have a separation distance of approximately 14m from the flank wall of proposed unit 1, which would be off set to the east from this property. The units would be cut into the land and off set to the east, to ensure the proposal would be no higher than the existing terrace of industrial units further to the north. As to the southern boundary's treatment to the site, this is made up of mainly 1.8m high wooden fencing, and established trees and vegetation, over 3m in height at the time of the site visit, along part of this boundary, which includes the boundary for No. 84. As to No. 86 this is located slightly further to the south, with the units to be erected to the east, the main car parking/cycle storage to the north of the property, and with a separation distance of approximately 11m. The boundary treatment to the rear of this property is fencing. Concerning No. 76c this lies to the south east of the proposal, with the proposal partially screened by the boundary trees, and with a separation distance of approximately 17 m. The orientation of the proposal is also to the north of Nos. 76c, 84 and 86. Therefore, when giving consideration to the impact of the development, and having regard to the existing boundary treatment and the cutting into the site to ensure the height of the 2 units is the same as the existing ones, it is considered that the proposal would not give rise to overshadowing, unacceptable scale or bulk, or significant residential disturbance to properties to the south.
- 7.13 As to the properties in Billy Road to the east the separation distance would be approximately 16m at the closest point, which would be the same as that already permitted and built out at the site, with the existing industrial units to the north. The eastern boundary also benefits from tree screening. Therefore, the scale of development would not adversely impact on the residential amenity of properties backing onto the site from Billy Road to any greater extent than the existing, approved and implemented units do to their immediate Billy Road neighbours.
- 7.14 As to the parking and cycle areas these would be provided to the west of the two units and to the north of existing residential properties. Whilst there would be some level of activity associated with parking and cycling this is not considered to amount to significant harm to residential amenity.
- 7.15 The Council's Environmental Health Team has been consulted over the proposal and, following the submission and review of a Planning Noise Assessment Report, has raised no objection, subject to conditions relating to noise levels from plant, equipment & operational noise, controls over external lighting, the submission of and approval of a Construction Environmental Management Plan and details of piling if envisaged. Such conditions are recommended, if permission is granted. (All the recommended conditions have been agreed with the applicant's agent).
- 7.16 It is concluded that the expansion of this light industrial Class E (g) use on the site due to its proposed use, siting and scale would not give rise to detriment to residential amenity in accordance with Policies CS16 and DM10 of the Core Strategy.

(iv) Drainage & Flooding

Drainage Surface Water

- 7.17 Accompanying the application is a Drainage (SuDS) Strategy, which states, amongst other matters, that " *The surface water system will discharge into the existing drainage network currently serving Furniss Business Centre, which then drains to a landscaping swale. Tanked permeable paving will be provided for the parking bays and then discharged via a 33mm orifice plate (1 l/s) into the existing ditch to the south west*".
- 7.18 The Council's Engineer (CE) was consulted over this Strategy and raises no objection whilst stating " *There is nothing to be gained by separating the flows into the ditch by putting them into the surface water sewer system – as that goes into the ditch system. The prevention train is appropriate for the existing layout, but (as the report comments) maintenance will be key*". However, if permission is granted the initial recommendation was " *that a construction phase bond for the SuDS to be taken*." to ensure that if new SuDS were installed and those SuDS were not properly maintained then the Council would be able to call in the bond to ensure that any required works are undertaken.

However, following further information the CE has advised that a bond is " *Not required if they are connecting to existing SuDS infrastructure which has been designed to cope with the extension*." The applicant confirmed in an email dated 17/4/24 that " *the existing SUDs infrastructure is designed to cope with the planned extension to Furniss Business Centre*." Therefore, a bond is not deemed necessary, with a condition instead recommended that the surface water drainage be carried out in accordance with the submitted Drainage (SuDS) Strategy dated May 2023..

Foul Drainage

- 7.19 The Drainage (SuDS) Strategy states: " *The foul water will discharge into the existing private foul sewer located within the site boundary to the south*." This would fall within the remit of Building Control.

Flood Risk

- 7.20 A Flood Risk Assessment accompanied the application. The site falls wholly within Flood Zone 1. Overall, the development is a low flood risk (less than 0.1%. AEP) and so is suitable for the proposed development. Based on current information, the site would remain in Flood Zone 1 with climate change in 2115.
- 7.21 The proposal is considered to accord with policy CS15 of the Core Strategy

(v) Highways & Parking

Highways

- 7.22 The site is accessible by public transport with a bus stop being located on Station Road less than 100 metres from the site. This provides regular services between Hayling Island and Havant (up to 2 per hour).

- 7.23 The site is also accessible by walking and cycling and the shops and facilities of West Town are within 300 metres of the site. A cycle route passes to the west of the site providing access to Havant and Portsmouth (via the Hayling Ferry).
- 7.24 No changes are proposed to the access as part of the proposal. A Transport Statement (TS) has been submitted, which provides an updated assessment from a highway's perspective. The Highway Authority (HA) has been consulted over the proposal and having reviewed the TS is "*...satisfied that the proposed development will not result in an adverse impact on the local highway network.*" No objection is raised by the HA subject to a Construction Method Statement, which is recommended, if permission is granted.

Parking

- 7.25 Following a reduction in the number of units (and floor space) from 3 to 2, amended plans were submitted which reduced the level of new parking spaces to be provided from 10 to 8, 2 of which would be disability spaces. The proposal's floor area would be 243sqm. This requires 6 car parking spaces, and the 8 proposed would exceed the minimum car parking standards as set out in Havant's Car Parking SPD by two spaces, which in this location is welcomed due to limited on-street parking. As to cycling provision, 6 enclosed racks would be provided, which would be greater than the SPD minimum requirement of 2, which in the interest of encouraging alternative sustainable means of transport is also welcomed. The refuse bin would be as existing, to the north west of the site.
- 7.26 On this basis the proposal is considered to accord with policy DM14 of the Core Strategy and Havant's Car Parking SPD.

(vi) Impact on Ecology

- 7.27 The Council's Ecologist has been consulted over the proposal, as has Natural England (NE). The Ecologist raised a query concerning drainage, which the CE has raised no objection to, following clarification that the existing SuDs infrastructure is designed cope with the proposal. The Ecologist also sought clarification on lighting and the potential for new artificial light spillage onto retained vegetation. The agent has advised "*In relation to lighting my understanding is that the only lighting on site is the one light above each roller shutter door which is the same as the existing units.*" In response further information is sought on lighting by the Ecologist which is conditioned, together with a Construction Environmental Management Plan (CEMP), if permission is granted.
- 7.28 As to NE no objection has been raised subject to appropriate mitigation being secured through the submission of a CEMP, which is recommended if permission is granted. NE also provided advice on mitigation and the potential impact on Solent Wader and Brent Goose sites (SWBGS). NE's comments have been reviewed by the Council's Ecologist who is of the view that the potential risk of noise and visual disturbance to nearby SWBGS sites to be minimal, with the nearest site (H34C) currently a building site. The Ecologist is therefore "*...content that the location of the proposed development at Furniss Way is likely sufficiently distant and screened to avoid impacts to H34E.*"

7.29 As to the suggestion of a 'landscape mitigation plan' the Ecologist is of the view this is not necessary for the development. However, a condition is recommended as to the enhancement of the trees and hedgerow along the southern and western boundaries.

7.30 An HRA/AA has been undertaken which found that there would be no significant effect on loss/degradation of supporting habitats, Surface Water Drainage and Construction Impacts, subject to appropriate conditions. Natural England was subsequently reconsulted over the HRA/AA who have not responded, with the assumption being that they do not disagree with its findings, and the Council have been able to conclude the HRA/AA on this basis.

(vii) Impact on Trees

7.31 The proposal would retain the existing boundary trees, along with the boundary hedge to Furniss Way. Within the site itself there is one sapling, which would be lost, which due to its small size adds little to the appearance of the site, or the locality. The Council's Arboricultural Officer has been consulted over the proposal, and has raised no objection subject to pruning works to trees being carried out to BS3998:2010 and a landscape condition. As to the two recommended conditions there is no evidence that pruning of trees would be required and therefore such a condition is unreasonable and does not satisfy the test for conditions. However, if permission is granted, the recommended pruning condition would be an informative one on the decision notice. As to a landscape condition, the enhancement of the planting along the southern and western boundaries is recommended.

(viii) CIL

7.32 The proposal is not CIL liable as it does not include a retail element.

8 Conclusion

8.1 The proposed expansion of an existing industrial site is acceptable and would not materially impact on the character and appearance of the area. The expansion of this Class E(g) light industrial use would not adversely impact on the residential amenity of surrounding residents.

8.2 The proposal is considered acceptable in drainage, flood risk, highways, parking, ecology and arboricultural terms, according with the development plan as a whole and the advice in the National Planning Policy Framework. Permission is therefore recommended.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00486 subject to the following conditions:

1 GENERAL

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

Plans

Proposed Site Plan - Drawing No. 22854 P 11 Rev H
Proposed Block & Location Plan - Drawing No. 22854 P 01 Rev D
Proposed Elevations - Drawing No. 22854 P 10 Rev E

Documents

Flood Risk Assessment - Patrick Parsons - dated May 2023
Drainage (SuDS) Strategy Patrick Parsons - May 2023
Transport Statement - Paul Basham Associated Ltd - dated May 2023
Planning Noise Assessment Report - 14 November 2023
Planning Statement 2023
Agent's email dated 17 April 2024

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall match, in type, colour and texture, those of the existing buildings on the industrial estate to the north so far as practicable.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order, no unit of building of employment accommodation hereby approved shall be used at any time for any purpose not falling wholly within the scope of Class E (g), in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulation 2020.

Reason: In the interests of 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.

- 5 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed on the east elevations of the light industrial buildings hereby approved until and unless details of the external appearance and acoustic performance of the same, including a report showing that the existing/current background levels will not be increased as per the requirements of BS4142:2014 have been submitted to and approved in writing by the Local Planning Authority.

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

- 6 No floodlighting or other form of external lighting scheme shall be installed unless it has first been approved by the Local Planning Authority in writing. Such details shall include, location, height, type and direction of light intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance / nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7 **PRECOMMENCEMENT**

Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not necessarily be restricted to):

- a. Full details of waterborne and airborne pollution control measures;
- b. Full details of any measures for ensuring that noise at the nearest sensitive receptor for the Special Protection Area (SPA) birds does not exceed LA (max) (fast) (1 hour) 69 dB during the period 1st October to 31st March.
- c. Storage of construction materials/chemicals and equipment
- d. Control measures for dust and other air-borne pollutants. It should advise as to what measures are to be put in place for the control of any dust that might emanate from the development. Furthermore the methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities. It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also be kept damp at all times.
- e. Chemical and/or fuel run-off from construction into nearby watercourse(s)
- f. Noise/visual/vibrational impacts
- g. Visual screening (for SPA birds)
- h. Timing of works outside of bird breeding season
- i. Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site

- j. No works or ancillary operations associated with the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:
Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00
- k. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above
- l. Procedures for emergency deviation of the agreed working hours
- m. No bonfires to take place on this site, during any phase of the operation
- n. Details of measures to be employed to control the emission of noise during the above phases for human receptors to be provided.
BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, and Part 2: Vibration (BSI, 2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria.
- o. Measures for controlling the use of site lighting whether required for safe working or for security purposes to ensure no impact on neighbouring properties.
- p. Procedures for maintaining good public relations including complaint management, public consultation and liaison.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011 and to protect the amenities of nearby residential premises during the ground works/construction phase of the development 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 development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) The provision of long term facilities for contractor parking;
- (b) The arrangements for deliveries associated with all construction works;
- (c) Methods and phasing of construction works;
- (d) Access and egress for plant and machinery;
- (e) Protection of pedestrian routes during construction;
- (f) Location of temporary site buildings, compounds, construction materials, and plant storage areas;

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 In the event that piling is used on the site during ground works /construction phase, full details must be submitted to the Local Planning Authority, with regard to the proposed method/s to be employed, and the probable duration of these operations, prior to the commencement of development. The least intrusive noise and vibration method of piling shall be employed at this site. This should be accompanied by a justification as to the reasons why a particular piling method has been chosen , and additionally the proposed mitigation methods to be employed.

Reason: To ensure minimal impact on nearby residential receptors having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10 **PRIOR TO OCCUPATION**

Each business unit shall provide an acoustic assessment to show that the rating level of any plant, equipment & / or operational noise, as part of their unit, will meet or be lower than the rating levels as calculated in the NSL Noise assessment report dated 14 November 2023, which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The assessment should be carried out by a suitably qualified acoustic consultant / engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound, with background levels established at nearest residential receptors.

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

- 11 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted, together with the cycle provision, shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The trees on the southern boundary and the hedging on the southern and western boundaries shall be retained, with soft landscaping along these boundaries enhanced in accordance with landscaping proposals, including details of existing trees and size, species, planting heights, densities and positions of any soft landscaping, which shall be submitted to and agreed in writing by the Local Planning Authority prior to occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance and to safeguard the health of existing trees and hedgerow which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 The surface water drainage details as set out in the approved Drainage (SuDS) Strategy dated May 2023, shall be fully implemented prior to the occupation of the development hereby permitted. The surface water drainage shall thereafter be maintained in accordance with the approved Drainage (SuDS) Strategy dated May 2023.

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