
Site Address:	Unit 3, Station Approach, North Street, Emsworth, PO10 7PW		
Proposal:	Proposed demolition of existing single storey warehouse and replacement with a new two-storey warehouse.		
Application Type:	Full Planning Permission		
Application No:	APP/21/01370	Expiry Date:	13/04/2022
Applicant:	Mr Otton Racquet Sports Group		
Agent:	Mr Swan Temple Ford Design	Case Officer:	Lesley Wells
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 Unit 3, Station Approach, North Street, Emsworth, comprises a detached single storey warehouse that was built in the mid-20th Century and is situated in the old railway goods yard. It is the final most westward property located on the north side of Station Approach and lies between the rail line to the north and the gardens of residential dwellings to the south. The railway station lies some 150m to the east and the existing residential properties served by Victoria Road lie over 50m to the south, with further residential properties served by Washington Road to the south west. The site is elevated relative to the nearby residential properties by approx 3 to 4 m, with a steep bank on the southern boundary.
- 1.2 Current car parking comprises of 3 spaces informally positioned around the existing building. Vehicular access for staff, customers and deliveries is via the station access road. The parking area is also via the same route, which forms a cul-de-sac. Pedestrian access is via North Street and the station access road and footways joining from North Street. There is also pedestrian access under the railway, using the underpass via Emsworth Rail Station.

2 Planning History

APP/19/00253 - Replacement of cladding to the roof and the walls with new insulated cladding panels, the addition of rooflights to the south and north elevation and replacement of all windows and doors; installation of photovoltaic panels to the south elevation; creation of ancillary trade counter., PERM,23/05/2019

APP/20/00061 - Proposed two storey extension to warehouse and parking platform., WD,20/04/2020

APP/20/00529 - Single storey extension as a continuation from the existing warehouse with the addition of a single storey link building between the two, new parking platform near the entrance to building.(Revised).(23.10.20). Request to discharge conditions 3,4,5,6,7,8,9 (20.05.21)., PERM,23/10/2020

3 Proposal

- 3.1 The proposal is for the demolition of an existing single storey warehouse to be replaced with a new two-storey warehouse, car parking and cycle provision.
- 3.2 As to the planning history, application ref: APP/20/00061 was for a 'Proposed two storey extension to warehouse and parking platform'. The two storey extension was at the western end of the site in closer proximity to dwellings in Washington Road to the south. This was withdrawn on 20/4/20 on the advice of the Case Officer as it was considered that the height of the development and difference in level from the application site and the dwellings to the south west, would have an excessive impact on these properties. Subsequently planning permission was granted on 23/10/20 under APP/20/00529 for a 'Single storey extension as a continuation from the existing warehouse with the addition of a single storey link building between the two, new parking platform near the entrance to building.' This single storey extension is at the western end of the site, which at the time of the site visit had not been erected; nor was there evidence that works had commenced.
- 3.3 The current proposal is for the demolition of existing single storey warehouse and replacement with a new two-storey warehouse, which would be approximately 8m high with a floor area of 620 sm. The location of the proposed two storey warehouse is located further away from 25/27 Washington Road (approximately 30m, as opposed to approximately 13m), thereby being materially different to the withdrawn application under ref: APP/20/00061.
- 3.4 The proposal for a new 2 storey structure to be constructed would act as a continuation of a single storey extension that received planning permission in October 2020 (Ref: APP/20/00529). The structure would consist of an aluminium frame with the roof and walls clad in insulated cladding panels. There would also be facing brickwork at a low level on the south elevation. The doors and windows would be aluminium double glazed with security systems in place throughout, with loading door and customer entrance to the trade/retail area on the south elevation. In the roof would be a series of rooflights and photovoltaic panels.
- 3.5 As to the floor area this would mainly comprise of racking, packing benches and ancillary trade/retail/office areas. Refuse bins would be in an enclosure along the southern boundary.
- 3.6 With regard to car parking 16 spaces are shown, including 2 disability spaces. 5 of these spaces would be under the jetted first floor on the east elevation. The remaining car parking spaces would be adjacent to the boundary to the south of the access road. Cycle storage is also provided.
- 3.7 The application is supported by the following reports:
- Ecology Report
 - Noise Report
 - Flood Risk Assessment
 - Transport and Parking Assessment

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS2	(Employment)
CS6	(Regeneration of the Borough)
DM10	(Pollution)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_W1	(Employment Premises & Design Quality)
ENP_D2	(Height, Mass & Materials)
ENP_D7	(Mitigate Light Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control, Havant Borough Council

Building Regulation consent will be required for this work

No other comments at this time

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment.

County Ecologist

The application is accompanied by a Biodiversity survey/assessment (Louise Lowans, December 2019). Whilst this assessment is now over two years old I am satisfied that given the generally low ecological value of the application site its findings and recommendations remain valid. The site comprises predominantly hardstanding, with a single industrial building and some woody vegetation situated at the site's northern and southern boundaries. The vegetation is considered to offer some potential for supporting nesting birds, common reptiles and common amphibians.

Standard avoidance and mitigation measures are proposed, including: the timing of vegetation clearance to avoid the bird nesting period; the staged removal of vegetation to avoid impacts to reptiles and amphibians. These measures are proportionate to the likely impact.

If you are minded to grant permission can I suggest that all ecological mitigation measures are secured by condition.

Development shall proceed in accordance with the ecological avoidance and mitigation measures detailed within the submitted Biodiversity survey/assessment (Louise Lowans, December 2019) unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer comment: *if permission is granted the above condition is recommended.*

Crime Prevention -Major Apps

No comment.

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements
The proposed surface water flows from the building are reduced from the existing contributing flows.

Any existing discharge of surface water run off to the public sewer will have to be proven by means of Topographical and/or CCTV survey report showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

Southern Water Services Ltd, Registered Office: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX Registered in England No. 2366670

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Please note: There is 1520 mm private surface water culvert crossing the site.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Officer Comment: *If permission is granted Southern Water's comments would be an informative together with a condition in respect of the construction of the foul and surface water drainage.*

Engineering/Drainage - No Comment

Environment Agency - No Comment

Environmental Health Manager, Community Group - Pollution - No Objection

Ground Contamination

I have briefly reviewed the application documents and can confirm that I would agree with the design & access statement text under the 'Land Contamination' section. No further investigation of soils at or underlying the site is considered necessary - see comments made under an application for pre-planning advice (GEN/21/00892) for rationale.

Air Quality

The design & access statement highlights that the quantum of development would marginally exceed the 1000m² NPPF threshold for major development, and so the LP2036 Air Quality policy E23 would have applied to this development (current local plan status notwithstanding).

Given the inherently sustainable location of the development, it's purpose to modernise a thermally inefficient structure, and the quantum of additional floorspace; I would consider the photovoltaic installation to be a reasonable & proportionate response to the policy aim to offset the emissions associated with new or intensified land use. If the aims outlined within the covering letter to the application are achieved (business aggregate electricity demand met by local aggregate generation, and elimination of oil-fuelled space & water heating), it can reasonably be expected that a reduction in local emissions should be achieved in real-terms.

Construction Impacts

I understand that my colleague, Mark Moss, has addressed construction impacts. The applicant has highlighted the presence of asbestos within the existing structure. I would recommend that applicant commission an asbestos survey to identify asbestos removal tasks that require specially licenced practitioners/contractors. Where non-licensable work is undertaken professionally by a non-specialist contractor, particular attention should be paid to the dust control provisions of the **CEMP required by condition 4 (proposed in consultation response ref CONS/22/00268, 14/03/2022)**. It may be appropriate for the CEMP to make specific provisions for asbestos both as 'other airborne pollutants' (4.d.) and as a waste-stream.

Conclusions

No objections arise. No additional conditions are proposed.

Officer Comment: *If permission is granted a CEMP condition, incorporating specific provision for asbestos as 'other airborne pollutants' is recommended.*

Environmental Health Manager, Community Group - Noise - No Objection

Observations / Comments:

It is understood that this application is for the demolition of the existing single storey facility at Unit 3 & to replace it with a new two storey facility, in addition to the erection of the previously approved single storey extension.

I would advise that whilst this office has no objection in principle to the proposal, I have concerns related to the possibility of operational noise nuisance from loading / off-loading of vehicles and external air moving plant, and also to potential external lighting issues. In a previous noise report it was advised that fork lift trucks would not be used at this site and that a hand operated pallet truck only is to be used instead. This would need confirmation. Also I note from the latest proposed floor & elevation plans, that no indication is given for the proposed positioning of any external air moving plant. Whilst it might be that a position alongside the north facing facade, might shield residential receptors to the south and the south west from noise impact, no indication is given as to numbers of units, detail of such units, confirmation they will not cause nuisance without mitigation, and also as to whether these will only be operational during the previously conditioned times for usage of the buildings as advised for the approved single storey extension.

During demolition, excavation and construction phases there is the potential for amenity impact of residential receptors within the vicinity of the site, from noise and dust especially. This should be addressed within a Construction Environmental Management Plan.

It is noted that the facade of nearest residential receptors, are within 15 metres of the site in Washington Road, and about 60 metres of those in Victoria Road. Therefore, with regard to the above, I would ask that if the Planning Authority were to approve this application, that the following conditions be attached to any favourable decision notice:

Condition 1: Noise from any proposed plant and equipment

No development shall take place until an acoustic assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the existing background levels, has been submitted to and been approved in writing by the Local Planning Authority. The assessment must 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.

Reason: In order to safeguard the amenities of adjoining residential occupiers. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

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: Hours of usage and occupation

The proposed structures, including the previously approved buildings, hereby permitted, shall not be used / occupied other than between the hours of Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 18.00 only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Condition 4: Construction Environmental Management Plan

The following should be in addition to any other items required for this plan, and should be in operation for all phases of the development i.e. demolition, excavation, clearance and construction:

- 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 site. 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. If any piling is envisaged for this site, full details must be submitted to this office, with regard to the proposed method/s to be employed, and the probable duration of these operations;
- h. Measures for controlling the use of site lighting whether required for safe working or for security purposes to ensure no impact on neighbouring properties.
- i. Procedures for maintaining good public relations including complaint management, public consultation and liaison .

The above comments shall in no way prejudice any response / comments that may be or have been, submitted by Jonathan Driver, Environmental Control officer, Environmental Health

Officer Comments: *the above conditions are recommended.*

Hampshire Fire & Rescue - No Objection

General fire safety response and advice

Hampshire Highways - No Objection

The Highway Authority are satisfied that the above proposals will not have a detrimental impact on the wider highway network and thus provide no objection 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 Comment: *If permission is granted the above condition is recommended.*

Landscape Team, Havant Borough Council - No Objection

From a landscape perspective we have no adverse comments in relation to this application.

Local Lead Flood Authority HCC - No Comments

Network Rail - Comments

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website

<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-andoptimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team) **Asset Protection Informatives for works in close proximity to Network Rail's infrastructure**

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings

- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary.

This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any thirdparty access to its land.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage.

Soakaways, as a means of storm/surface water disposal must not be constructed within **20 metres** of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information.

The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights

notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.

If you would like to discuss any of the above, please contact your local Network Rail's Asset Protection team:

Anglia: AssetProtectionAnglia@Networkrail.co.uk

Kent and Sussex: AssetProtectionLondonSouthEast@NetworkRail.co.uk

Wessex: AssetProtectionWessex@NetworkRail.co.uk

To identify your route, please use the link:

<https://www.networkrail.co.uk/running-the-railway/our-routes>

Officer Comment: *If permission is granted the above information would be an informative on the decision notice.*

Southern Gas Network- Final Comment - No Objection

Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal. However, should your proposal change please contact us immediately and we will re-assess.

The pipeline is of prime importance to the gas supplies of this area. It is essential that you comply with the restrictions detailed below and in the document SGN/WI/SW2 in order to protect our plant and equipment and for the safety of your own operatives. A SGN representative must be contacted before any works commence.

1. No mechanical excavation is allowed within 3 metres either side of pipeline.
2. No plant or storage of equipment shall be made within any easement strip.
3. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
4. All precautions stated in publication SGN/WI/SW/2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW/2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
5. No thrust boring shall take place within 3 meters of the pipeline.
6. All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'.
7. Before commencing work on site you must contact our Pipeline Maintenance Section on the number above at least seven days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to highpressure gas pipelines can then be discussed.
8. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
9. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
10. Intrusive construction methods will require an agreed method statement prior to work starting.
11. Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.
12. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

Please ensure these conditions, together with any relevant drawings are forwarded for use by the construction personnel of your works.

Officer Comment: Southern Gas's comments have been forwarded to the applicant's agent to pass onto the contractor and are recommended as an informative if permission is granted.

Southern Gas Network - 1st Comment - Objection

There are high pressure pipelines in the vicinity of your proposed work area. SNG formally object to this planning application until such times as a detail consultation has taken place.

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: 16

Number of site notices: 1

Statutory advertisement: 04/02/2022

Number of representations received: 1

Comment	Officer Comment
More information needed plans & drawings not easily available	The plans and drawings, which are comprehensive are available to view on the Council's website.
Don't want a two storey building looming over garden	See Section 7 below.

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) Access and Parking
- (v) Environmental considerations
- (vi) Flood Risk
- (vii) Ecology
- (vii) Utilities

(i) Principle of development

7.2 The application site is situated within an urban area and an industrial estate where further development is considered acceptable subject to the usual development control criteria.

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

- 7.3 The proposal seeks to replace an existing commercial building within an industrial estate, adjacent the railway line, which would bring economic benefits to the locality. The proposal would be two storey, as per Unit 1 at the entrance to Station Approach. It is of an appropriate design and form in respect to the site and the location. The increased height of the development over the existing, is approximately 3.5m with the site on a higher level than the residential development to the south/south west. Therefore, it would have more of an impact on the locality to the south/south west than the existing building. However, due to the separation distance with development to the south and south-west it is not considered to be overbearing or dominant and this commercial development would be in keeping with the character and appearance of the industrial site. As to a two storey building this has already been accepted on this industrial estate, with the grant of permission of Unit 1.

(iii) Impact upon residential amenity

- 7.4 Residential development backs onto the access road, with the closest property in Victoria Road being about 60m to the south. The site is set at an appreciably higher level than the rear gardens to these properties, however, the separation distance is such that they would not be impacted by the loss of light or outlook. In order to mitigate potential loss of privacy from the use of the parking area proposed to the south of the access road, the applicant has agreed to a condition in respect to the submission of screen fencing details for further consideration. Additionally to address potential noise nuisance the condition recommended by the Environmental Health Officer restricting the hours of use to 08:00 - 18:00 Monday to Friday and Saturday working hours (08:00 - 18:00) is recommended, if permission is forthcoming.
- 7.5 In respect to properties fronting Washington Road, which lie to the south west, and in particular Nos. 25/27 which are located closest to the application site and at a significantly lower level, the two storey proposal it located further to the north east, than the application withdrawn, which adequately mitigates any potential loss of light or outlook to these properties from this 2 storey development. Whilst there is a height difference in the region of 3.5m over the existing building, the proposed development would be approx 30 m from these properties. As such the impact is not considered to result in unacceptable detriment from loss of light and/or outlook.

(iv) Access and parking

Access

- 7.6 The existing access would be used for the proposal on which the Highway Authority has been consulted and raised no objection, subject to a Construction Management Plan, which the applicant's agent has agreed to.

Parking

- 7.7 16 car parking spaces are proposed, including 2 disabled spaces. A cycle store for 6 bicycles are proposed, which would be more than adequate for the development and that granted under the earlier permission,

- 7.8 The business relates mainly to online sales, rather than physical trips to the warehouse (other than staff). It is anticipated that the number of on site staff will increase from 6 to 9, over the next few years. The adopted parking standard for a B8 warehouse use is normally 1 car space per 90 sqm, plus 1 long stay cycle stand per 500 sqm and 1 short stay cycle stand per 1000sqm. Currently on the site there is 725 sqm of floorspace, which according to standards should be served by 8 car parking spaces. However, it was accepted when planning permission APP/20/00529 was approved that there was only 3 spaces on site, amounting to an existing shortfall of 5 car parking spaces. This historic shortfall of 5 spaces cannot be considered as part of the current proposal. As to this proposal, when combined with that approved under APP/20/00529, there would be a net increase of 1185 sqm. According to standards the 1185 sqm net increase should be served by an additional 13 car parking spaces, which are provided by the development. Therefore adding together the existing historic car parking provision for the 725 sqm already there (ie 3 spaces), plus the spaces required for the 1185 sqm net increase to meet current standards (ie 13 spaces) this adds up to 16 spaces, (2 of which would be disabled bays) which would be provided for the development. Therefore, having regard to the historic car parking provision, sufficient on site car parking would be provided by the proposal.
- 7.9 Further, it is accepted that the site is in a sustainable location as to accessibility to the site, which is set out in the applicant's Transport and Parking Assessment (hereinafter referred to as 'The Assessment'). The Access and Movement Framework within the Assessment highlights the provision of nearby transport facilities, the modes of transport by which people visit the site and the inter-connection between the likely different modes of transport to be used to access the development, using existing evidence from the site. The Assessment sets out that the site lies within 150m of Emsworth Railway Station, with the site's access road connection to the B2148, North Street, with close access to local shops and bus services.
- 7.10 Policy CS2 of the HBLPCS supports existing business clusters and new commercial development proposals within the Borough. Policy W1 of the Emsworth Neighbourhood Plan supports employment development, where the location provides practical opportunities to do so, are appropriate in scale and location and provide clear and convenient connections with the town centre, which the proposal would achieve for this business, if permission is granted. The National Planning Policy Framework advises that "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." The proposal would achieve the objectives of these policies and would accord with the car parking standards for the proposal, having regard to the historic car parking provision, as set out in Havant's Car Parking SPD.

(v) Environmental considerations

Contamination

- 7.11 Owing to the previous use of the site as a coal yard there is potential for contamination with the site. Environmental Health (EH) has commented, advising that:

"Soils at the site have been investigated in connection with the related application (APP/20/00529), and the outcome of those investigations was that no remediation was considered to be necessary. The risk driver for the investigations was controlled waters receptors (which are more sensitive than human receptors under a commercial use scenario), and the investigation targeted made-soils underlying the site.

- 7.12 Whilst the investigations omitted any physical investigation within the footprint of the existing building, there is no reason to expect that a materially different conceptual model might apply within this area of the site relative to the investigated areas (made soils were broadly similar in all trial holes). On this basis, Environmental Health will not seek any further investigation as a condition of consent for the proposed scheme." However, they go on to advise that in the recommended Construction Environment Management Plan (CEMP), specific reference to asbestos be included in measures to control dust and other air-borne pollutants. If permission is granted, this would be included in the CEMP condition.

Noise

- 7.13 EH has also commented on the potential for noise and disturbance associated with this commercial use. No objection has been raised subject to conditions, in respect of noise from plant and equipment, external lighting, hours of operation and the need for a Construction Environment Management Plan. If permission is granted, these conditions are recommended. All pre-commencement conditions have been agreed by the agent.

(vi) Flood Risk & Drainage

- 7.14 The site lies within FRA 1 and the proposed use is classified as less vulnerable under the NPPF.
- 7.15 The proposal would replace an existing single storey building, with the area already entirely underlain by concrete hardstanding. Therefore, there should be no increase in hardstanding at the site. Additionally, all surface water runoff calculations have been based upon providing attenuation storage for the western section of the extension already granted permission, amounting to 271m², which was previously found to be a significant betterment post development.
- 7.16 As to foul sewer this would link into the main public sewer, with both surface and foul drainage covered by Building Regulation requirements. Notwithstanding, Southern Water raised no objection to the proposal, but has suggested an informative regarding the approval of foul and surface water details. If permission is granted this is recommended as a condition. Therefore, there are no unacceptable flood or drainage risks associated with the development, in accordance with policies CS15 and CS19 of the HBLPCS.

(vii) Ecology

- 7.17 The application is supported by a bio-diversity survey/assessment, which has been considered by the County Ecologist.
- 7.18 The site comprises predominantly hardstanding, with a single industrial building and some woody vegetation situated at the site's northern and southern boundaries. The vegetation is considered to offer some potential for supporting nesting birds, common reptiles and common amphibians. Standard avoidance and mitigation measures are proposed in the survey/assessment including: the timing of vegetation clearance to avoid the bird nesting period; and the staged removal of vegetation to avoid impacts to reptiles and amphibians. These measures are proportionate to the likely impact.

The report identifies a number of recommendations and a condition in respect of compliance with the recommendations set out in the Bio-Diversity Assessment is proposed. If permission is granted such a condition is recommended.

(vii) **Utilities**

- 7.19 Southern Gas initially raised an objection to the proposal until such time as detailed consultation had taken place, due to high pressure pipelines in the vicinity of the proposed work area. SNG subsequently withdrew their objection subject to a number of restrictions to be followed when development takes place. These restrictions have been forwarded to the applicant's agent and would also be recommended as an informative if permission is granted.

8 Conclusion

- 7.20 The proposal is materially different from the withdrawn application submitted under reference APP/20/00061, due to the location of the proposal. The development of this commercial property is of appropriate design and form in this industrial estate, which would not adversely impact on the locality or residential amenity, with the provision of adequate parking and access. The proposal is also acceptable in environmental terms. Therefore, conditional planning permission is recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01370 subject to the following condition.

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:

Proposed Site Location & Block Plan - Drawing No. D00
Proposed Floor Plan - Drawing No. D01F
Proposed Elevation - Drawing No. D02E
Proposed Vehicle Tracking - Drawing No. D03A

Design & Access Statement
Ecology Report
Noise Report
Flood Risk Assessment
Traffic Assessment - 10 December 2021

Reason: To ensure provision of a satisfactory development.

- 3 The development hereby permitted, shall not be used / occupied other than between the hours of Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 18.00 only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No floodlighting or other form of external lighting scheme shall be installed on the development hereby approved unless it has received the prior approval in writing 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 and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 5 Development shall proceed in accordance with the ecological avoidance and mitigation measures detailed within the submitted Biodiversity survey/assessment (Louise Lowans, December 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 6 Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 as amended, the development hereby permitted shall not at any time be used for any other Class B8 uses (i.e., storage and distribution), (except any ancillary floorspace) without the prior written approval of the Local Planning Authority. This condition shall apply notwithstanding any Town and Country Planning (General Permitted Development) Order.

Reason: In the interests of parking and the amenity of residents and having due regard to policies CS16, DM11 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 **Pre-commencement**

No development shall take place until an acoustic assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the existing background levels, has been submitted to and been approved in writing by the Local Planning Authority. The assessment must 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.

Reason In order to safeguard the amenities of adjoining residential occupiers in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 8 Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The details in respect of the proposed SuDs shall include:

- (i) the responsibilities of each party for the implementation of the SuDS scheme;
- (ii) a timetable for implementation; and
- (iii) Provision of a management and maintenance plan for the lifetime of the development.

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.

- 9 No development shall commence on the site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall be in operation for all phases of the development i.e. demolition, excavation, clearance and construction, which shall include:

- 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, asbestos 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 site. 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. If any piling is envisaged for this site, full details must be submitted to this office, with regard to the proposed method/s to be employed, and the probable duration of these operations;

- h. Measures for controlling the use of site lighting whether required for safe working or for security purposes to ensure no impact on neighbouring properties; and
- i. Procedures for maintaining good public relations including complaint management, public consultation and liaison.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 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 having due regard to policy DM10 and CS16.

- 11 **Above ground**
- Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 **Prior to occupation**
- The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted 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.

- 13 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be maintained and retained.

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