
Site Address: Land adjacent to Fulflood Road, Havant
Proposal: Erection of approx 1,920sqm of Warehouse, 890sqm of office space and a 220sqm training school facility with associated enclosed loading areas, car parking and refuse storage.
Application No: APP/15/01233
Applicant: Mipa Paints Ltd
Agent: Mr M Saunders
Ward: Warren Park

Expiry Date: 21/04/2016
Team: Team 2
Case Officer: Heather Lealan

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located in the Dunsbury Business Park which is located off Fulflood Road in Leigh Park. The site is presently used for temporary coach parking. It is surrounded by industrial uses to the north, west and east, with a stream to the southern boundary and a tree buffer separating residential uses to the south of the site.

2 Planning History

06/71302/000 - Erection of a building comprising 1,669sqm of Industrial (Use Class B2) floorspace with associated car parking utilising the existing access to Downley Road., S106,05/06/2006
APP/15/01201 - Variation of Condition 1 of APP/14/00805 to allow permanent change of use from B1 to D2 for aerial fitness classes, PERM,08/01/2016

3 Proposal

- 3.1 Erection of approx 1,920sqm of Warehouse, 890sqm of office space and a 220sqm training school facility with associated enclosed loading areas, car parking and refuse storage.
- 3.2 This application is for a new storage and distribution centre for MIPA Paints Ltd, which wishes to expand its base of operations (presently based opposite the proposed site at Dunsbury Way Industrial Estate). The site is a brownfield site which forms the remaining part of the redeveloped former Proctor and Gamble site. It is allocated in the Local Plan (Allocations) as Mixed use allocation LP3 (BD65): Land South of Fulflood Road. The allocation indicates the site could accommodate 1,300 sqm of manufacturing or warehousing employment uses and a skills centre.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS14 (Efficient Use of Resources)
CS16 (High Quality Design)
CS2 (Employment)
CS3 (Skills and Employability)

DM10 (Pollution)
DM12 (Mitigating the Impacts of Travel)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

LP3 (Leigh Park Mixed Use Allocations)
AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) are secured by way of a planning condition on any planning permission. 5 planning conditions suggested

Officer comment - Planning conditions included within suggested conditions at the end of this report. The EA condition 4 has been changed inline with Eh comments as this broadens the requirements of the condition. If the application is permitted the Environment Agency must be consulted again at discharge of Condition stage and it is then when details of how the suds scheme will be designed.

Building Control

Part of the building is within 3m of a public foul sewer.

Officer comment - Both the applicant and agent have been advised of the matter and amended plans have been invited. However, they have declined to submit amended plans and have requested the determination of the application as submitted

Southern Water

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

Officer comment - Both the applicant and agent have been advised of these matters and amended plans have been invited. However, they have declined to submit amended plans and have requested the determination of the application as submitted. Conditions will be added inline with EA recommendation and EA will be consulted again at this stage with regard to the details submitted.

Arboriculturalist

No tree removal is required to facilitate this project. The supporting arboricultural evidence is comprehensive and there are no concerns provided that the methodology prescribed in the submitted Ms & TPP report is strictly adhered to. However, I would require details of the proposed construction of the refuse store and palette store.

Officer comment - This information can be conditioned

County Archaeologist

No concerns given the nature of the site and the low potential for archaeology

Economic Development

Support the application in terms of job creation and the overall enhancement of the industrial park

Hampshire Highways

No objection

Environmental Health- Commercial team

No objection in so long as ventilation and mitigation measures are in place to prevent odours

Officer comment: An email (12/01/2016) from the applicant acknowledges this and advises that all filtration and extraction health and safety standards will be complied with. This is not a matter that planning enforcement can monitor but is an EH issue.

Environmental Health - Air and Ground Contamination

I note that the Environment Agency has requested a comprehensive suite of conditions - the wording of which is similar to that which would normally be applied by Environmental Health. I would support the application of the first 3 conditions proposed within the Environment Agency's response (i.e. i) investigation, assessment, remediation & verification plan, ii) verification, and iii) unexpected contamination), but would request that reference to Human Health (e.g. ...risks to future employees) is also made within the stated reason.

Surface Water Drainage, Flooding

With regards, infiltration drainage; I would agree with the agency that soakaway or other infiltration drainage should be avoided within contaminated ground, but that it may be desirable from a sustainability and flood mitigation perspective. It is considered sensible to require that any proposals for infiltration drainage on the site be subject to prior approval, in line with the 4th condition proposed by the Environment Agency.

I note that no detailed surface water drainage strategy, nor any indicative drainage solution has been proposed at this stage and that the Lead Local Flood Authority has declined to comment in the absence of this detail.

I am not aware of the existing drainage arrangements within the red-line area, however I am aware that road gully drainage discharges direct to the Riders Lane Stream. Whilst it may be appropriate for clean roofwater runoff to be disposed of direct to the stream via control flow structures, it is not considered to be ideal for car parking, access road or yard areas to discharge to this destination without measures capable of intercepting & retaining pollution / contaminated runoff (e.g. automotive fuels, fluids, and metallic particulates, etc., and/or liquid product stock being handled in yard / loading areas).

This development is not considered to meet the requirements of the National Planning Policy Framework in the absence of a detailed scheme of surface water management that achieves control of runoff rates (to be no greater than that calculated for the undeveloped site) & effectively mitigates pollution pathways between potential sources at the site and sensitive receptors (either the secondary aquifer, or Riders Lane stream). Ideally this should form part of the approved details, however if this is not possible, it would be acceptable to secure this by condition.

Pile installation by means of vibration or percussion could however cause contamination within soils to be mobilised. This could be treated as a material consideration of the site investigation / remediation.

It is regarded that Air Quality concerns can be 'screened out' / dismissed, however the above notes on vehicle trip rates may be relevant to highway & parking considerations, where additional vehicle trips might impact in line with the proportion of existing movements.

The training school area is shown to include a 10 sq.m mixing room and 40 sq.m 'spray pod' with extract ducting shown on the plan. Coating activities are subject to controls under the Environmental Permitting Regulations. It is not thought that the training activities are likely to exceed the thresholds above which an environmental permit would be required; however it is considered prudent to include an informative on any consent granted.

Officer comment - Suggested conditions and informative should be attached to any planning consent

Development Engineer

No objection so long as submitted travel plan is implemented

Officer comment - The Travel Plan will be included within the list of permitted plans and details.

Local Lead Flood Authority HCC

If the proposals include works to an ordinary watercourses prior consent is required from the Leading Flood Authority. No surface water details have been provided.

Officer comment - Informative has been added regarding changes to watercourses. Regarding drainage, such details will be required to discharge condition.

Crime Prevention

No Comments

Planning Policy

Promoting Havant Borough's economy:

The proposed development would provide in excess of the amount of employment floorspace required by policy LP3 (sub policy BD65).

In accordance with policies CS2 and CS3 of the Core Strategy, the scheme would priorities previously developed land for the provision of new employment floorspace, promote local employment and training initiatives and safeguard an existing fit-for-purpose employment site from development for non-employment uses.

Caring for our Borough:

The site is almost entirely outside the flood zone apart from a small area in the south eastern corner of the site. This is not part of the area that would be built on.

Spatial distribution and strategic sites:

Policy CS14 states that major developments of over 500 sq m must ensure that on-site renewable energy production and resource efficiency are maximised, and should meet the BREEAM standard of 'very good'. The applicant has not supplied evidence of the development's potential BREEAM rating and this should be requested.

The site falls within the Leigh Park urban area and is therefore a sustainable location under policy CS17.

Principle of development:

The applicant should provide further evidence to address the energy efficiency requirements of policy CS14. However in other respects I feel that this scheme could be approved from a policy perspective. It positively addresses many of the Local Plan policies and would be beneficial for Havant's local economy.

Traffic Management Team

No comments

Engineering/Drainage

Acceptable to condition drainage details. S106 not required to determine future management of drainage as this is a brownfield site and has a manager.

Officer Comment - Noted and the drainage provision is unlikely to be Suds given EA and EH concerns

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: 56

Number of site notices: One

Statutory advertisement: 04/12/2015

Number of representations received: 1

Summary:

(a) Concerns regarding paint fumes

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Appropriateness of the design and impact on nearby residential amenity
- (iii) Highway considerations
- (iv) Drainage
- (v) Other Matters

- (i) Principle of development

7.2 In relation to the principle of development at this site, it is recognised that the site is located within the long established Industrial Estate. As such, Policies CS2 and DM3 (Employment) of the Local Plan are relevant. These policies advise that planning permission will be granted for development proposals which prioritizes the use of previously developed land for the provision of new employment floor space and safeguard existing employment sites and allocations that are fit for purpose from development proposals for non-employment uses. The proposed development would provide in excess of the amount of employment floorspace required by Allocations

Plan policy LP3, (BD65). In addition to new warehousing (use class B8) it would also provide B1 office floorspace and a training school facility (use class D1). If the business takes on new staff then the combination of new jobs that would be locally accessible to residents of Leigh Park and training centre on this site would provide a real opportunity to raise skill levels in the Borough, which is one of the objectives of the Core Strategy. Therefore, it is considered that the scheme to redevelop this site for a B class use would accord with policies CS2 (employment) and policy CS16 (design) of the Local Plan (Core Strategy) and Allocations Plan policy LP3, (BD65).

(ii) Appropriateness of the design and impact on nearby residential amenity

- 7.3 It is considered that the general design and materials are appropriate for the industrial location of the site. The site is separated from the nearest residential areas to the south of the site (in High Lawn Way) by a tree screen and area of undeveloped land. The scale of the proposed development is acceptable in connection with the industrial surroundings and distances of separation from the closest residential dwelling. The unit is not proposing to manufacture paint but is a distribution centre. The proposal does incorporate a mixing and testing area but this is ancillary to the main use and will have to comply with all health and safety requirements for such a facility in regard to filtration and extraction mitigation. Therefore, it is considered that the scheme would accord with policies DM10 and CS16 (design) of the Local Plan (Core Strategy).

(iii) Highway Considerations

- 7.4 The industrial area has an existing vehicular access from Fulfood Road and this would be utilised to provide access to and from the site. A Travel Plan was submitted with the application to indicate how it would operate and promote sustainable means of travel to its employees. The Highways Officer has considered this and found it to be acceptable.

(iv) Drainage

- 7.5 The Environment Agency have noted that the site lies over the Bognor Sand Member over London Clay, the former classified as a Secondary A Aquifer. The site also lies adjacent to the Riders Lane Stream which is a tributary to the Hermitage Stream. Contamination may be present at the site as a result of its historical uses and that any contamination present may pose a risk to groundwater underlying the site. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). This is a matter for consideration and must be addressed through the imposition of conditions suggested by the consultees and re-consultation with those consultees at that stage. This will ensure that both at development and implementation stage, when detailed plans will be commissioned, that matters of drainage and contamination will be fully addressed.

(v) Other matters

- 7.6 An assessment for BREEAM standards is required at discharge of condition stage to ensure that the new building meets the requirements of Core Strategy policy CS14.

- 7.7 Previously, Employment and Skills Plans have been sought as part of the S106 requirements for commercial units of more than 1000sqm. However, on the date that this application was submitted the Local Authority has a policy vacuum to this regard; the guidance note that set out how this requirement should be administered is being reviewed and accordingly has been withdrawn from the Council's website. Furthermore, this proposal seeks to provide a larger unit for an existing employer within the business/industrial park and there are no other S106 requirements for this development. Having regard to the specific circumstances of this case, and that none of the submitted consultee responses have requested an Employment and Skills Plan, it is not considered that the LPA can justify requesting one for this proposal at this time.

8 Conclusion

- 8.1 It is considered that a commercial building will broaden the commercial market offer and improve the appearance of the application site and also the industrial area within which it is located. The application should therefore be permitted subject to the conditions as listed below.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/01233 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsary Purchase Act 2004.
- 2 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 3 No development shall commence until details of the proposed construction of the refuse store and palette store have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that they will not impact negatively on the Root Protection Area off the adjacent Alders and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 4 The building shall not be brought into use until space for the loading, unloading and parking of vehicles and cycles has been provided within the site, in accordance with approved plan 27974-PD101 rev A. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 5 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: The site lies over the Bognor Sand Member over London Clay, the former classified as a Secondary A Aquifer. The site also lies adjacent to the Riders Lane Stream which is a tributary to the Hermitage Stream. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012, (paragraph 121).

- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To prevent pollution of the water environment and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012, (paragraph 121).
- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012, (paragraph 121).
- 8 No development hereby shall commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. Proposals shall be in accordance with the principles of CIRIA C753 section 26.7 (SUDS Manual, 2015; Managing pollution risks), and where appropriate shall include a schedule of operational and preventative maintenance for surface water drainage structures, pumps or separators required either for the proper operation of the system to it's design flow rates or for the effective retention of pollutants to prevent downstream release. Parties responsible for observing the maintenance schedule shall be clearly identified. All details submitted in accordance with this condition shall be implemented as approved.
Reason: To ensure the appropriate management of surface water runoff to control the rate of inputs to local surface waters and to mitigate potential pollution of local surface waters. This condition is imposed having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 9 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012, (paragraph 121).
- 10 No development hereby permitted shall commence until plans and particulars specifying details of any existing sewers to be diverted, and details of the layout, depth and capacity of all foul sewers proposed to serve the same, have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority and Southern Water.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and the National Planning Policy Framework, March 2012.
- 11 The landscaping works shown on the approved plan [ref. 27974-PD101 A] shall be carried out in accordance with the approved details, and in accordance with details of the tree species to be submitted and approved in writing by the Authority, within the first planting season following development hereby permitted being brought into use. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 12 No part of the development shall be brought into use until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 No development (except demolition and site clearance) hereby permitted shall commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.
Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 Prior to the development hereby permitted being brought into use a Post Construction Assessment shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of 'very good' BREEAM rating, unless otherwise agreed in writing by the Local Planning Authority following the submission of details and subsequent assessment to demonstrate that this rating is not attainable due to the financial or technical viability of the scheme.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 15 The development hereby permitted shall be carried out in accordance with the following approved plans:
Design & Access Statement Rev A dated June 2015 received 27 October 2015
Site location plan drwg.no 27974-PD100 rev A received 14 December 2015
Site plan drwg.no 27974-PD101 rev A received 27 October 2015
Proposed Ground Floor Plan drwg.no 27974-PD102 rev A received 27 October 2015
Proposed First Floor Plan drwg.no 27974-PD103 rev A received 27 October 2015
Proposed Roof Plan drwg.no 27974-PD104 rev A received 27 October 2015
Proposed Elevations drwg.no 27974-PD105 rev A received 27 October 2015
Proposed Elevations drwg.no 27974-PD106 rev A received 27 October 2015
Travel Plan prepared by Paul Basham Associates received 27 January 2016
Arboricultural Method Statement prepared by CBA trees ref CBA10529v1 received 21 January 2016
Email from application titled Additional Information received 12 January 2016
Reason: - To ensure provision of a satisfactory development.