
Site Address:	14A Tournurbury Lane, Hayling Island, PO11 9DH		
Proposal:	Replacement of single storey workshop. (Revision to Planning Permission APP/11/01265).		
Application No:	APP/13/00683	Expiry Date:	03/09/2013
Applicant:	Mr Green	Team:	Team 1
Agent:	Mr Walker	Case Officer:	Richard Nash
	Island Design		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located to the rear of the frontages of Legion Road and Tournurbury Lane (and accessed from the latter), and contains a group of buildings in an L-shaped arrangement with a separate toilet block and freestanding containers. The building to the north of the 'L' is currently occupied by JV Autos, the central building by Hayling Print and that to the west (a Nissen hut) by R B Littlemore Engineering. The containers are stored, and also used for storage, by A Green Builders. The lawful planning use of the site is for Class B1 and B2 purposes. There are residential properties to the north, east and west of the site and Legion Field is located to the south. A public right of way runs along the southern boundary of the site. The area is predominantly residential in character.

2 Planning History

10/00748/CMP

Alleged unauthorised business use of the site. It was concluded that the site had been in B1/B2 use for more than 10 years and no further action was taken.

18518/2

Planning permission for the erection of industrial buildings at the site, including a condition restricting hours of operation to 8am-7pm on Mondays to Saturdays and not at all on Sundays.

APP/11/01265

Demolition of existing substandard metal Nissen hut. Erection of replacement single storey workshop on southern boundary. Approved.

3 Proposal

The current application proposes a replacement single storey workshop at the site and is effectively a revision of the scheme approved under APP/11/01265.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)
CS2 (Employment)
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))

Listed Building Grade: Not applicable

Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Access Officer:

None received.

Building Control:

Bin storage to be provided. No public sewer.

Economic Development:

Supportive of application, which will improve this employment site and safeguard or create new jobs.

Environmental Health (noise):

Understand this application is to demolish the metal Nissen hut on site and construct a new workshop in its place. Have previously dealt with a long running noise complaint regarding the JV Autos vehicle repair business and welcomes any opportunity to construct a purpose built workspace, which should help reduce noise levels.

If intended workshop is to be used for vehicle repair business, then remain concerned that new workshop would have opening doors directly in line with residential properties, which run adjacent to the site. There is therefore a clear line of travel for any noise. The section drawing also indicates the roof is to be made of plastic coated metal sheeting, which will offer minimal sound insulation.

APP/11/01265 included the following conditions:

"No development hereby permitted shall commence until a scheme for protecting the dwellings to the north of the site from noise from the new development has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, in particular, specify the manner in which work is to be carried out in the building to prevent noise breakout; the sound insulation properties and manner of construction of all doors and windows to the unit; and the management measures to be put in place to minimise noise from activities on the site."

"The building hereby approved shall not be brought into use until the implementation of all works and measures forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme and the building shall not be occupied other than in accordance with the approved scheme."

"The premises hereby permitted shall not open to the public before 08.00 hours or remain so open after 19.00 hours on Monday to Saturday or at any time on Sunday." Bearing in mind the concerns above, would request these conditions are applied to this revised application.

Would also request a standard condition with regard to construction noise:

"Construction, clearance or demolition work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays."

Environmental Health (contamination):

Do not object to proposals in principle. If minded to grant consent would like to take this opportunity to make a small amendment to the condition applied to the 11/01265 consent for the purpose of clarity; and additionally to provide some comment on required scope, which may be useful to provide to the applicant as an informative: Condition "Prior to the commencement of the 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), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority:

- A desk study identifying: 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.
- A site investigation scheme based on the above for the purpose of informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.
- The results of the site investigation and risk assessment above and if appropriate, a method statement based on these results giving full details of the remediation measures required and how they are to be undertaken.
- A verification report or statement shall be prepared (as appropriate) on completion of the works set out above (if any), confirming the remediation measures that have been undertaken in accordance with the method statement and setting out any measures necessary for maintenance, further monitoring and reporting. All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: To prevent future site users, and occupants of adjacent residential properties being exposed to unacceptable risks from contamination and mitigate the effects of contaminants in, on, or under the ground (as the site may be contaminated due to previous land uses); and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011), and DM17 of the Draft Local Plan (Allocations) 2012.

I am mindful that the proposals do not represent a comprehensive redevelopment of the site in its entirety, and similarly that the proposed end-use is of a commercial nature. Whilst it remains appropriate to quantify the degree of risk associated with the use of the site to date, Investigation and reporting should be proportional to the scale of the development.

An intrusive investigation need not (for example) seek to directly investigate land beneath existing hardstanding and structures to be retained (i.e. not forming part of this application). It may be beneficial however for a desk study and site walkover to include all units on the site, in order to inform consultation responses from Environmental Health to any future development control applications.

Given the lack of groundwater sensitivity previously noted in this area, it is envisaged that intrusive investigation could consist of trial-pits of <2.0m depth, and could be undertaken in conjunction with excavations undertaken for geotechnical purposes, provided the locations are suitable to target any features of interest identified by means of the desk study.

From the condition above "appropriate assessment of risks" would include a qualitative assessment (screening) using published values, such as ATRisk SSV's or similar; more detailed assessment would only be necessary following adverse screening results. Not all elements of the condition necessarily require a written report, instead, it is intended that an iterative assessment process is undertaken,

which will be deemed to be complete where it is demonstrated that either no sources are likely to exist on site, sources have not resulted in significant contamination, or that there is no pathway between an identified source and sensitive receptor (etc.); if none of these outcomes can be demonstrated, then remedial actions may be necessary, and all elements of the condition are likely to be required. The applicant is advised to contact Environmental Health to informally discuss the scope of required works in order to avoid delays or expense.

Development Engineer:
No Adverse Comments.

Crime Prevention:
No comments.

Rights of Way Officer:

Havant Footpath 101 runs along the southern boundary of the site. It would appear the proposal should have no adverse effect on this footpath. That being the case no objection to the proposal, but would ask the applicant be made aware that :

- All boundary features should be retained.
- There must be no surface alterations to this public footpath, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.
- Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

In addition, no builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

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: 6

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: Nil

7 Planning Considerations

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 on application site and locality
- (iii) Impact on neighbouring amenities

(iv) Soil contamination, Efficient use of Resources, Public Right of Way and Highways

(i) Principle of development

The use and redevelopment of the site have been established by the planning permission granted under APP/11/01265.

(ii) Impact on application site and locality

The previously approved proposal would have joined the existing building and followed its lines, and would thus effectively have appeared as an extension to it. The current proposal would be of the same width as that adjoining, but would be detached from it by approximately 1 metre (this would also have the effect of moving the entire proposed building to the west by a similar distance).

The building would also be of a different shape than previously approved, with a monopitch roof sloping down towards the southern boundary of the site. The ridge of the roof would be approximately 1 metre higher than the adjoining and previously approved buildings. The building would be of a painted render and dark green steel-clad finish and of functional design, improving on that of the Nissen hut and appropriate within the context of an existing industrial complex. It is considered that the proposal would not have a detrimental impact on the character and appearance of the application site or wider locality.

(iii) Impact on neighbouring amenities

Historically, a number of complaints have been made to the Environmental Health Officer (EHO) regarding noise and other alleged nuisances emanating from the use of the site. The EHO view the current proposal as an opportunity to achieve a better standard of industrial building on the site and has raised no objection, subject to the conditions set out in Section 5 above and aimed at minimising noise pollution.

The proposed building would be located approximately 10 metres from the boundary of the nearest residential properties and, given its context, should not result in any detrimental additional impact to their outlook, or material additional impact in other regards. The building would be more apparent when viewed from Legion Field to the south, but would be screened by fencing and trees (the latter located within the Field) and would have a minimal additional impact on the amenities of users of the public open space.

(iv) Soil contamination, Efficient use of Resources, Public Right of Way and Highways

There are 10 parking spaces within the application site and the Highway Engineer has raised no objection to the proposal. The size of the proposed building would be below the threshold for BREEAM requirements set out under the Core Strategy. The historic use of the site has potential to have caused soil contamination and the EHO has recommended a condition that should address any issues arising from this. The proposal should have no impact on the adjacent Public Right of Way, but the Rights of Way Officer has recommended an informative in the event of planning permission being granted.

The proposed replacement single storey workshop would be acceptable in principle and would not have a detrimental impact on the character and appearance of the application site or wider locality, the amenities of occupiers of neighbouring properties or the highway network. Issues regarding soil contamination and the adjoining Public Right of Way can be addressed by way of planning conditions. The planning application should therefore be approved.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00683, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with 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:

Location Plan
Block Plans
Proposed Layout (1:100)
Proposed Layout (1:50)
Proposed Elevations

Reason: - To ensure provision of a satisfactory development.

- 3 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

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 the National Planning Policy Framework 2012.

- 4 Prior to the commencement of the development hereby approved (or at such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority.

(1) A desk study identifying:

1. All previous uses;
2. Potential contaminants associated with those uses;
3. A conceptual model of the site indicating sources, pathways and receptors;

4. Potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme based on (1) for the purpose of informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.

(3) The results of the site investigation and risk assessment (2) and if appropriate, a method statement based on these results giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification report or statement shall be prepared (as appropriate) on completion of the works set out in (3) [if any], confirming the remediation measures that have been undertaken in accordance with the method statement and setting out any measures necessary for maintenance, further monitoring and reporting.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: To prevent future site users, and occupants of adjacent residential properties being exposed to unacceptable risks from contamination and mitigate the effects of contaminants in, on, or under the ground (as the site may be contaminated due to previous land uses); and having due regard to policy DM10 of the Havant Borough Adopted Core Strategy (2011) and the National Planning Policy Framework 2012.

- 5 No development hereby permitted shall commence until a scheme for protecting the dwellings to the north of the site from noise from the new development has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, in particular, specify the manner in which work is to be carried out in the building to prevent noise breakout; the sound insulation properties and manner of construction of all doors and windows to the unit; and the management measures to be put in place to minimise noise from activities on the site.

The building hereby approved shall not be brought into use until the implementation of all works and measures forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme and the building shall not be occupied other than in accordance with the approved scheme.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Construction, clearance or demolition work shall take place only between the hours of 0800 and 1800 hours on Mondays to Fridays and 0900 and 1300 on Saturdays and not at all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The premises hereby permitted shall not open to the public before 0800 hours or remain so open after 1900 hours on Monday to Saturday or at any time on Sunday.

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 2012.