

Application for removal or variation of a condition following grant of planning permission

Supporting report for section 5 and section 6 of the Application

Introduction

Hayling Trailers has operated commercially on the site for the last 30 years. Due to new European legislation affecting trailer manufacturing in the UK, and the downturn in the economy, which has caused the cessation of discretionary spending on many leisure-based activities such as sailing, Hayling Trailers has elected to cease trading before being forced into receivership. D.A. & J.J. Colliver Ltd, which owns the land on which Hayling Trailers operated, is now left with a good quality building on the site that is suitable for a wide range of uses.

The site has never had an issue with its neighbours, or caused any traffic related issues on the A3023, and has become a familiar sight over the years. We are seeking to vary the conditions placed on the building to allow flexibility of use and to enable another business to occupy the site, thus ensuring the site is maintained and that employment opportunities are secured within the Borough.

Original planning permission given in May 1987 gave the factory all the flexibility it needed, however, the granting of permission to build an extension (given in November 2008) imposed a number of conditions which, in their current form, make the whole site untenable for letting and so makes the entire land worthless. We are seeking a relaxation of these impositions to permit the site to be used as it was originally was intended (but now with a larger building on it).

Reasons for Seeking Variation

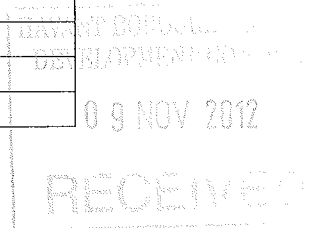
Planning for an extension was granted to the factory at 254a Havant Road on 12th November 2008, after two years of consultation with Havant Borough Council, with numerous conditions attached. The Condition which is relevant to this application for variation is Condition 9, which reads as follows:-

"The site shall be used only for manufacturing of trailers and related metal products by Hayling Trailer Company Limited, and for no other purpose whatsoever including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: *In the interests of the amenity of the area and highway safety, and having due regard to Policies C3, PC1 and T7 of the Havant Borough District Wide Local Plan 1996 – 2011, and T5 of the Hampshire County Structure Plan 1996 – 2011."*

This Plan only lasted until 2008 when it was superseded by the Local Development Framework and policy numbers were changed to those in the chart below.

C3	Development in the Coastal Zone	Now DM9
PC1	Control of Potentially Polluting Uses	Now DM10
T7	Criteria for Access to Development	Now CS20
T5	Transport & Development	



DM9: Development in the Coastal Zone

DM9 states:- Planning Permission will only be granted for development in the coastal zone which addresses all of the relevant criteria as set out below as shown on the Proposals Map:

1. Has no harmful effects on nature conservation within the Chichester and Langstone Harbour SSSIs and SPA, Solent Maritime SAC and Ramsar site, or any SINC's and Local Nature Reserves.

2. Maintains and enhances the appearance and distinctiveness of existing settlements and landmarks along the coast.
3. Has no harmful effects on nature conservation within the Chichester and Langstone Harbour SSSIs and SPA, Solent Maritime SAC and Ramsar site, or any SINC's and Local Nature Reserves.
4. Maintains and enhances the appearance and distinctiveness of existing settlements and landmarks along the coast.
5. Contributes positively to the landscape and has regard to best practice on the design of new buildings in coastal locations.
6. Upgrades existing footpaths and ensures that public access is retained and provided to connect existing paths along the waterfront where appropriate.
7. Would result in improvements to or redistribution of moorings, marine berths or launch on demand facilities (dry berths) in the harbours.
8. Would not be detrimental to infrastructure for, and quality of, water-based recreation, or be detrimental to the safety of navigation.
9. Provides recreational opportunities that do not adversely affect the character and appearance of the coast.

Our site complied with all of the above relevant criteria (or permission would not have been granted in the first place); there is no reason to doubt that the subsequent occupier would willingly or be able to unduly harm the local environment in any way. As tenants, they will not be permitted to carry out any obnoxious process that can damage the environment, or alter the structure of the permitted buildings or let it fall into disrepair either.

If the new tenant were marine-based, and already operated from the south of Hayling Island, their relocating to the north end of the Island will reduce the traffic burden to the south of the Island (especially if that business was based in Wilsons, Sparkes, Hayling Yacht or Hayling Sailing Club). They would be able to use the facilities for launching at Northney Marina and augment the longevity of the marina.

DM10: Control of Potentially Polluting Uses

DM10 states:- Development that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where all of the following relevant criteria can be met:

1. The health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk.
2. National air quality standards or objectives would not be breached.
3. The water environment would not be detrimentally affected.
4. It would not lead to an unacceptable deterioration in the quality or potential yield of coastal, surface and ground water resources.
5. External lighting is of the minimum level of illumination and duration required for security and operational purposes.
6. The health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk.
7. National air quality standards or objectives would not be breached.
8. The water environment would not be detrimentally affected.
9. It would not lead to an unacceptable deterioration in the quality or potential yield of coastal, surface and ground water resources.
10. External lighting is of the minimum level of illumination and duration required for security and operational purposes.
11. External lighting would not interfere with safe navigation in either Chichester or Langstone Harbours and other coastal locations.

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We again complied with all these requirements (or planning would not have been granted) and as part of our building scheme we improved the drainage with purpose-made storm water attenuation, installed a waste

recycling area and a shower room, a cycle store, installed movement activated security lights that only illuminate at night-time and come on for short periods. We have minimised the chances of causing ground pollution by getting rid of the old 'hardcore' and mud carpark and storage areas and replacing them with 8" of reinforced concrete, so any possible contaminants can be cleaned safely before they have a chance to enter the groundwater. We also have a good relationship with our neighbours who have never found fault about noise or activity on the Site. The subsequent occupier will be able to run their business in the knowledge that they too can 'keep a tidy house' with minimum effort and minimum effect on the local environment too.

C20: Transport & Access Strategy

Policy CS20 states:- Development will be permitted that:

1. Is consistent with and contributes to the implementation of the 'Reduce, Manage and Invest' strategy.
2. Does not increase congestion and promotes better use of existing transport networks.
3. Improves accessibility to goods, services and employment and promotes equality in the transport system.
4. Provides transport management measures to ensure the safe and efficient operation of the strategic and local road network.
5. Ensures that highway design responds positively to the characteristics of the area and delivers a high quality public realm for all users.
6. Maintains or improves the range of transport modes accessible to the users of the development site with specific emphasis on public transport, especially high quality/frequency buses and includes walking and cycling where appropriate.
7. Improves highway, cycling and pedestrian links between the western built up area of the borough (Waterlooville) and the eastern area of the borough (centred on Havant) to create a strong east/west communication axis that passes through Dunsbury Hill Farm/Leigh Park.

The relevant purpose of this policy are that the new factory (granted permission back in 2008) will not increase congestion on the roads. Back in 2008, when planning was granted, Hayling Trailers were employing 11 people on site and the leisure and sailing industry was at its peak. The Council recognised that the road access and site could sustain these numbers comfortably and agreed to the new building being erected.

To date, (October 2012), there has not been a single safety related incident on the Havant Road outside 256 (our neighbours to the north), the Site, or Hill Field (our neighbours to the south). It is implausible that any subsequent occupier of the Site would need more than 11 staff to operate, and if they did, then the number of trips generated would still fall greatly short of the trips generated by the Texaco garage/Co-op store 200 metres to the north of our site.

There has been official wording since 1984 regarding the capacity of the main road onto Hayling Island (A3023) when it was referred to as 'fragile'. Now, nearly 30 years later, there has not been any significant improvement to the road to help ease traffic congestion. The road is in the same place, has the same width and speed limits and there is no new bridge. This indicates that the road is still capable of sustaining more traffic (as confirmed by the new hotel complex at the northern end of the A3023) and all the infill of housing and new estates that has intensified the road use since 1984, notwithstanding the 130 houses that are about to be given the green-light at Goldring Close near the south end of Hayling Island. If this is not the case, then all further development down the south end of the Island would be rejected out of hand by the Council for the sake of the road.

Planning permission was granted for the new hotel at Bosmere Field and the Highways Department expert from Havant Borough Council could not decline permission, as the traffic movements would not create 'severe' congestion. As there has never been a tailback caused by drivers waiting (as specified by the Highway Code) to leave the Site, our level of trip generation is many layers below the 'severe' that was permitted on the same road at the north end of the Langstone Bridge.

The Bosmere Field site has just been given the green light for a hotel, pub and restaurant. These are all very high trip generators and this location empties out onto the same road as the old Hayling Trailers' site. The trip generation for a pub/restaurant is 145 vehicle movements / 100sq metres of building per day, compared to 15

vehicle movements/ 100 sq metres of building per day that a business park generates. So, clearly, the amount of traffic generated by the Site will be 950% lower than the newly permitted development at Bosmere Field.

As a footnote, Bosmere Field was previously designated to be occupied by a business from the B1, B2 or B8 category; it has now been given permission to be A3, A4 and C1.

By offering the former Hayling Trailer's site to other occupiers, there is a good chance that the business is going to recruit from inside the Borough and more likely from Hayling Island, so reducing the number of out-commuting journeys from Havant Borough. Our site also embraces the 'cycle to work' initiative, with safe provision for cycles and a new shower and changing room facility for staff. The site is less than 30 metres from a Sustrans route which allows people to make smarter, safer travel choices

All the other infrastructure that was in place when the planning permission was granted in 2008 has developed and matured (Havant bus station is now one of the busiest in Hampshire). The Site is less than 350 metres from the Hayling Island bridge to the mainland, so many of the transport issues that are prevalent at the south end of the Island (3.5 miles by the shortest route to the seafront) are of no significance to this the Site.

T5: Transport & Development

Hampshire County Structure Plan Policy T5 is concerned with Transport & Development and covers similar requirements to the HBC CS20. To reiterate, the Site is now well landscaped, offers cycle-friendly employment and transport, so there is a choice of transport options for staff. Visitors, suppliers and customers will probably opt for the traditional method of travelling (by car). There seems to be no solution in the world to prevent this!

Supporting Data for helping Havant Borough Council back our request for relaxation of the planning restrictions placed on the Site

Point 1

As part of the new local plan promoting Havant Boroughs Economy, the Council will seek to accommodate flexibly a net total of 162,000 square metres of new employment floorspace between 2006 and 2026 as follows:

- 75,000 square metres of B1 offices
- 45,500 square metres of B2 manufacturing
- 41,500 square metres of B8 warehousing.

The Council states that planning permission will be granted for development proposals that prioritise the use of **previously developed land** for the provision of new employment floorspace.

The bold type is my own highlight, but this is the Number One priority in the Borough Plan. Whilst it is obvious that these numbers are vast compared to the floor area that the Site offers by itself (417 square metres), this property is ready to be occupied and offer gainful employment immediately. The site is suitable to be included in these figures as any enterprise moving onto the Site will need a degree of office (B1) and storage (B8). B2 is also a suitable use here as there are no nearby residential areas to disturb and the access is within 1.4 miles of the A27 corridor to assist logistics.

Regarding the current classification of the land at the Site – below is a copy of the table used by Havant Borough Council for the Employment Land Review in 2010:

<http://www.havant.gov.uk/PDF/Havant%20ELR%202010%20Appendices%201-3.pdf>

As this document is 162 pages, I have copied only the Use Class Assumptions page here. Property Descriptions supplied by the Valuation Office Agency have been converted to standard use classes based on the assumptions set out in the chart below.



Offices and Premises	B1a	Vehicle Repair Workshop and Premises	B2
Radio Studios	B1a	Boat Pound, Store and Premises	B8
Laboratories	B1b	Caravan Storage	B8
Business Unit and Premises	B1c	Land used for storage and Premises	B8
Workshop and Premises	B1c	Storage depot and Premises	B8
Boat Yard	B2	Store and Premises	B8
Builders Yard	B2	Warehouse and Premises	B8
Factory and Premises	B2	Commercial Unit	B1c /
Industrial Unclassified	B2		B2 / B8

The bold type is again mine and it should be generally accepted that any of the above uses would be eminently suitable and appropriate for employment purposes at the Site. These highlighted activities have been occurring on the Site for the past 30 years.

Point 2

Information derived from Havant's Employment Land Review

Summary of Employment, Business Base and Labour Market

- 1.55. In conclusion Havant's economy, like many others, has seen a shift in employment towards service sector based employment and away from manufacturing. This is shown in the shift in Use Classes with growth in B1 based employment and decline in B2 employment. However, manufacturing employment remains an important part of the local economy, supporting a higher than average level of employment when compared to the national average. There has also been a large increase in non-B Use Class employment.
- 1.56. The business population in Havant has been increasing in recent years. The vast majority of businesses are small in employment terms (employing less than 10 persons). This needs to be considered in terms of the provision of appropriate accommodation. Of particular note is the fact that whilst manufacturing employment has fallen substantially, the number of business units has not dropped to the same extent. This would suggest shedding of labour from existing businesses rather than wholesale closures. This could have important implications for employment floorspace provision as this trend would suggest firms may not vacate entire units. Therefore in order to accommodate new entrants, new premises will need to be provided.

From this extract, it concludes that Havant Borough Council is trying to offer new employment opportunities and premises. The Site is able to support this plan as the buildings and secure off-road parking that come with the Site are exactly what is required for a business to develop.

Whilst it is obvious that the Council needs to fully support the B1, B2 and B8 space at Harts Farm Way and Dunsbury Hill Farm for growth in the Borough, some particular companies will benefit from the unique attributes of the Havant Road site. For example, it is surrounded by trees rather than hemmed-in by other industrial units, motorways and houses. This can be a great mental stimulus for staff, and very welcoming from the point of view of the customer! Plus, the Site is up and operating, with high quality buildings already in place rather than waiting for investment to get the foundations poured.

Point 3

Whilst there are no statistics to the best of our knowledge for travelling to work for Hayling Island, there are statistics for commuting out of the boundaries of the Borough for work – and 25,000 Havant Borough residents out-commute each day. If this Site had the Council's blessing it could offer local employment for Hayling residents, saving fuel, time, pollution and money for the Borough.

Point 4

Regarding our application to be permitted B8, there is an obvious shortage of storage facilities in the Borough as highlighted by the table derived from

<http://www.havant.gov.uk/PDF/Havant%20ELR%202010%20Report.pdf>:-

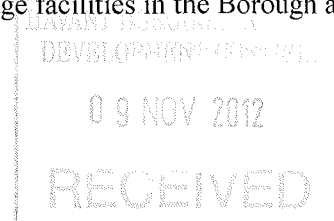


Figure 2.12 PUSH Employment Requirements v. Supply

	B1	B2	B8
Existing supply	523,000	191,000	166,000
Requirement	535,000	123,000	240,000
Surplus (+) or shortfall (-)	-12,000	+68,000	-74,000

The Site lends itself to B8 storage, as there is an abundance of outside storage on a professionally presented and drained, concrete secure compound, along with two individual buildings with their own facilities comprising offices, staff rooms, three-phase electricity, toilets and shower unit.

The original factory had permission for B1, B2 and B8, albeit restricted by a Section 106. Given that the new building is only 178 sq. metres, well below the threshold of 235 sq. metres where permission needs to be sought, it should also be afforded B8 permission.

The original building is 239 sq. metres and will need the Council's endorsement to remove the Section 106 restrictions.

Havant Borough Council have recognised that there has been a downturn of industrial land requirements during the current recession, but from our initial advertising and exploration of the viability of the Site to other businesses, the Site is sought after, provided the rigid planning restrictions could be relaxed by the Council.

Point 5

Taken from statistics in the document <http://www.havant.gov.uk/PDF/Havant%20ELR%202010%20Report.pdf>

Figure 1.2: Sectors with the Greatest Employment Growth and Decline 1998-2008

Sectors with the Greatest Employment Growth

Education & Health +1,150
Other Business Services +950
Electricity, Gas and Water +1,000
Hotels & Catering +750

Sectors with the Greatest Employment Decline

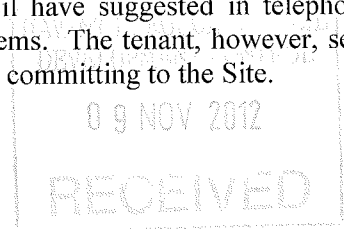
Electronics -1,400
Metals & Engineering -1,350
Transport Equipment -900

Note that Hayling Trailers fell into the 'Metals and Engineering' category and at its peak employed 11 staff. When it closed on the 31st October, no employees remained, having sadly contributed to the decline of 1,350 staff from the 'Metals & Engineering' employment decline (see table above).

This site can again become a valued site for the Borough, and could assist a local marine-based company that is looking to expand, or a company that simply needs space to grow that cannot be facilitated on a normal industrial estate.

We are seeking to ensure that the building attracts a new occupier and in doing so, will help the Borough of Havant prosper. We are not seeking to turn this employment site into a block of flats, a B&Q, or a Tesco Express, or even remove it from the dwindling number of sites that offer employment in the Borough. We are trying to expand the potential of the Site to give more opportunities for business success in the Borough.

The reason for applying for official relaxation of the strict terms of occupancy on the Site is that the terms have now frightened potential tenants away, even though Havant Borough Council have suggested in telephone discussions that the tenant **may be** permitted to occupy the Site with no problems. The tenant, however, sees the possibility of their lease being overturned by the Council as a huge barrier to committing to the Site.



We would therefore ask you to support this application and stop the Site at the gateway to Hayling Island becoming another rundown site that is only able to be used as a car-wash.

Section 106 Agreement

The use of the Site is also restricted under planning permission ref 16965/9 given on 23 July 1987.

This condition states:-

“Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order, no industrial use falling within any of the Classes B3, B4, B5, B6 and B7 in the Schedule to the Town and Country (Use Classes) order 1987 shall be undertaken on the application site and no goods other than goods manufactured or assembled mainly on the application site shall be sold or displayed for sale on the application site.”

The s106 Agreement associated with the original permission restricted use of the site to Class B1(c). This was in direct conflict with planning condition 7 of the same planning permission, which only excluded B3, B4, B5, B6 and B7. Our proposal now seeks removal of both clauses within the s106 Agreement (the other clause states that the land can only be used for manufacturing trailers by The Hayling Trailer Company, however, as Hayling Trailers have now ceased trading, this clause is obsolete).

As varying a portion of the s106 is more cumbersome than revoking it, we propose the s106 is abandoned and fully relieved as the agreement is now over 20 years old and no longer relevant because the site has been a factory serving business and retail users for the past 30 years.

On face of it, this was understandably a cautious and restrictive consent when the building was first established. However, commercial use on the Site has continued until recently without difficulty and without any objections from surrounding neighbours. It now seems appropriate to allow greater flexibility in the use of these premises. Fundamentally, its purpose is no longer relevant.

