

Application Number: 18/10541 Full Planning Permission

Site: HAVEN MARINE PARK, UNDERSHORE ROAD, BOLDRE
SO41 5SB

Development: Two buildings to comprise a total of 11 separate units to be used as car parking, storage (Class B8) including marine based business use on the ground floor and on the first floor as offices and light industrial (Class B1), removal of existing car park and boat storage to restore Site of Importance for Nature Conservation, boardwalk terraces; bin/cycle storage; access road; parking; landscaping; demolition of existing.

(AMENDED PLANS, DESCRIPTION & ADDITIONAL INFORMATION)

Applicant: Yacht Havens Group Ltd

Target Date: 23/07/2018

Extension Date: 15/11/2018

RECOMMENDATION: Grant Subject to Conditions
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Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

Green Belt

Flood Zone

Adjacent to SSSI

Adjacent to National Park

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
6. Towns, villages and built environment quality
7. The countryside
8. Biodiversity and landscape

Policies

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS4: Energy and resource use
CS6: Flood risk
CS10: The spatial strategy
CS17: Employment and economic development
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation
DM2: Nature conservation, biodiversity and geodiversity
DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Parking Standards
SPD - Lymington Local Distinctiveness
SPD -Lymington Conservation Area Appraisal

6 RELEVANT PLANNING HISTORY

- 6.1 Change of Use from Light Industrial to General Industrial Use (86/31046) - refused 18/3/86 - appeal allowed 7/5/87
- 6.2 Access to Haven Marine Park & Island Point Flats (16/11137) - granted 12/4/17
- 6.3 14 office/ light industrial units in 2 linked blocks with covered boardwalk (Use Class B1) including marine based use, access road, parking, landscaping - demolition of existing (17/10121) Refused on the 10th May 2017.

7 PARISH / TOWN COUNCIL COMMENTS

Boldre Parish Council

Boldre Parish Council supports the need for the redevelopment of this site with suitable work units in this area.

However we question whether these proposals fulfil the criteria required by local industrial/commercial needs and states that clarification is required as to:

- 1. The definition of storage in practical terms.
- 2. Parking is not explained adequately. The agent has explained that Hampshire Highways have given an explanation but BPC has not been given this information. Despite the agent's explanation BPC believes:
 - a. A significant quantity of ground floor parking is likely to be used for storage

- b. The central outside parking area will be unusable when any significant deliveries are received
- 3. The provision of flexibility of unit size and space provided.
- 4. How this relates to specific business requirements.
- 5. Reassurance that existing permission for industrial use should be allowed to continue on this site.
- 6. Significant flooding has been experienced on this site in recent years. No explanation of flood alleviation has been provided. Parking and storage will be impossible at times.
- 7. The extension in gross internal area, which must include the ground-floor (from 1796 to 3130 square metres) is not explained

Without this critical information Boldre Parish Council feels it has to oppose permission at this stage. However, we would hope a delay would allow the details of concern to be addressed.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Southern Water: No objections to the proposal. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, 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.
- 9.2 Environment Agency: No Objection Subject to conditions. It is considered that the proposals represent an improvement in flood risk terms compared to the existing site.
- 9.3 Natural England: No objection subject to condition. This application is in close proximity to Lymington River Site of Special Scientific Interest (SSSI), Hurst Castle and Lymington River SSSI and Lymington River Reedbeds SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application
- 9.4 Waste Management (NFDC): Waste and Recycling recommend that the bin store is relocated for ease of access for refuse vehicles who may have difficulty manoeuvring to the current placement.
- 9.5 Hampshire County Council Highways Engineer: No objection subject to condition. The level of car parking proposed accords with the recommend guidance set out in the SPD and the proposal would not materially increase the use of the existing access. The proposed layout also provides tracking plans for all vehicle types.

- 9.6 Conservation Officer: The design has improved since the previous application and now presents a much more positive built form. The design of the individual buildings has more quality and a number of other elements have been enhanced. The frontage elevations are well designed and this could be thought about at the rear where the materiality looks a little plain. The restoration of the SINC and the landscaping along the waterfront is positive step. The proposed courtyard car parking is rather bland.
- 9.7 Ecologist: No objection subject to conditioning final detail of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration. The outline details already provided indicate accordance with policy is capable of being delivered, particularly in the light of the footprint changes which have occurred, however to ensure appropriate control over the delivery final details would be necessary. These may usefully address the issues raised by Natural England in their response.
- 9.8 NFDC Environmental Health (Pollution): No objection subject to condition. The proposed site is close to residential flats. Although this proposal is for B1 use, which should have a limited impact on residential properties, experience has shown that B1 use can have a negative impact on residential properties when they are in close proximity and the use is not suitably controlled. The applicant has submitted an 'Environmental Noise Survey and Noise Impact Assessment Report' as part of the application which puts forward plant noise emission criteria, using BS4142:2014 to establish a background level, and advising that the rating level from plant and equipment (including any penalties) should not exceed the measured background levels. Noise levels from plant and equipment should be restricted to within the levels outlined in this report and a condition will need to be imposed.

In addition, this department has concerns regarding the use of the outside areas for storage, as experience has shown that vehicle movements (such as forklift trucks) and other such noises associated with storage can cause significant loss of amenity when in close proximity with residential properties. As a result it is recommended that a condition is imposed to limit the use of the area as B8 storage. Further to the above, concerns are also raised in respect of the impact associated with noise during the construction/ demolition phases and therefore a condition limiting the hours of construction/ demolition works is requested.

- 9.9 Environmental Health (Contaminated Land): No objection in principle to the proposed development as submitted, however, the planning permission should only be granted to the proposed development as submitted if conditions are imposed. Without these conditions, the proposed development on this site could pose risks to human health and/or the environment and we would wish to object to the application.
- 9.10 Economic and Business Development Manager: Support. This proposed employment site strongly aligns with the identified action in the New Forest District Council Economic Development Strategy 2018-23 of "*Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business expansion*". In this respect it is important that such developments are supported in order to facilitate a strong, vibrant economy where indigenous business has the opportunity to expand, in so doing retaining their local workforce and associated

supply chains. The development of this site will significantly improve the quality of premises on the site; attracting high added value businesses, particularly those within the marine sector for whom there is currently poor local supply. I believe that this development will offer a substantial asset to the local commercial property provision through its offer of units not supplied in sufficient volume elsewhere in the southern area of New Forest District.

- 9.11 New Forest National Park Authority: Object. In summary, the development would have a detrimental impact on the adjacent National Park landscape and local distinctiveness with light spillage from large glazed elevations and also an intensive built form which does not reflect the rural qualities of the neighbouring area.

10 REPRESENTATIONS RECEIVED

- 10.1 12 letters of objection concerned with the following:

Whilst there is general support for the proposed redevelopment of the site, the proposal submitted is unacceptable for several reasons. The proposed buildings are significantly bigger and taller than the existing buildings and would have a more imposing impact on the character and appearance of the area. The previous application was refused and it is considered that this current proposal has not addressed these concerns. The proposal would fail to comply with the Green Belt test.

The proposal has a significant increase in floor space compared to the existing building. Concerns over car parking. The use of the 22 parking spaces within the fully enclosed building is a device to avoid the parking requirement for this large scale development. As a result the total proposed number of parking spaces is unworkable unacceptable and would result in random parking across the site. The proposal should be refused for insufficient car parking.

The application forms relating to the proposed floor space measurements are inaccurate. Such errors have implications for parking, green belt and planning fees. The Planning Certificates are incorrect in which the red line extends across the existing access and the other owners have not been served notice on. The application should not have been validated. Potential for mezzanine floors.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

No relevant considerations

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

Officers raised concerns over certain aspects of the proposal including design and layout issues, and car parking. Revised plans have been submitted and the application has been re-advertised. The roof form to units 1 and 2 has been simplified, enhancements made to the design of the rear facing elevation and additional car parking has been provided, which is mainly within the proposed ground floor units.

14 ASSESSMENT

14.1 Site and Location

14.1.1 Haven Marine Park is an industrial development on the eastern side of the Lymington River in an area that is designated as Green Belt. The existing building on the site, which dates from the 1950s and 1960s, is partly single-storey and partly 2-storey. The building, which has a number of distinct visual elements, is broken up into a number of individual units occupied by different marine related businesses. It is evident that the building on the site which is constructed from concrete block, brick work, render, painted masonry and asbestos cladding is not attractive and fails to enhance the character of the area. The site has a long river frontage, and the existing building extends along roughly the southern two-thirds of that river frontage, leaving the northern third of the site a more open area for boat storage and vehicle parking.

14.1.2 The site is set immediately to the north side of the railway line leading to Lymington Pier. The nearest residential properties to the application site are 1-10 Island Point, which is a 3-4 storey apartment block set immediately to the east of the application site. Both this apartment block and Haven Marine Park itself are currently served by a long gravel access track that leads onto Undershore Road. The land to the

east side of Undershore Road is within the New Forest National Park, and also forms part of a designated Conservation Area known as the Forest East Conservation Area. Closer to the site, the railway bridge that almost abuts the south-western corner of the site forms part of the Lymington Conservation Area. The site lies within Flood Zone 3.

14.1.3 The development located on the opposite side of the Lymington River is the former Webbs Chicken factory, now known as Lymington Shores, that is nearing completion. This provides new housing, retail and commercial uses. The development immediately faces the application site, overlooking the waterfront and consist of large contemporary apartments rising to three and four stories.

14.1.4 It should be noted that although a B2 General Industrial use was permitted at this site on appeal in 1987, that permission restricts the B2 use to very specific boat building activities. The site cannot therefore be used for unrestricted General Industrial purposes.

14.2 The proposal

14.2.1 The submitted planning application essentially seeks to redevelop the whole site for business and commercial purposes. The proposals seek to demolish the existing building and to replace them with 2 two storey buildings, car parking, landscaping and a boardwalk. It is also proposed to remove the unauthorised hardstanding used for car parking on the northern part of the site and to restore this land as a Site of Importance for Nature Conservation.

14.2.2 The proposal seeks to provide 11 separate units within 2 buildings. The ground floor of the buildings would be used for car parking and storage uses (Use Class B8) including marine based business use (this will be ancillary to the main storage use). The ground floor level storage has been designed so that it is could be flooded in an extreme storm/tidal event with minimal impact. The first floor of the buildings would be used for office and light industrial (Class B1). The use of the ground floor storage space would be linked directly with the first floor B1 uses.

14.2.3 The proposal would provide around 1565 (Gross External Area) square metres of ground floor space to be used for car parking, storage and marine related activities. The proposed first floor would provide 1246 square metres (proposed internal useable floorspace) and would be used for offices and light industrial. It should be noted that some of this floor space is for ancillary accommodation (bike stores/ lobby etc). The overall internal floorspace of the proposed buildings would exceed the internal floor space of the existing building. However, the gross ground floor footprint of the proposed building would be less than that of the existing building.

14.2.4 The proposed buildings would broadly be sited in the same position as the existing building. The main difference is that one of the proposed buildings (Units 1 and 2) would extend further along the waterfront. In addition, the proposed buildings would not extend as far back on the site to the east. Equally, the proposed buildings would be taller in height, but there are more open gaps between the buildings.

- 14.2.5 The application specifically proposes that the development be served by the existing access onto Undershore Road and not the new access that was recently approved. Car parking for the development would mainly be provided on land to the east. In total 55 car parking spaces would be provided, 33 of which would be on the external courtyard and 22 to be provided on the ground floor of the buildings.

14.3 Planning history

- 14.3.1 A planning permission was refused under reference 17/10121 to redevelop the site, by demolishing all of the existing buildings and replacing them with 14 office units in 2 linked blocks. The detailed layout showed that the ground floors of the 14 units would be used for storage only, with all office accommodation being sited at first floor level. A total of about 1500 square metres of first floor office space was proposed.
- 14.3.2 That planning application was refused for two reasons. The first reason was on the grounds that the proposed redevelopment of this site would be detrimental to the character and appearance of an area of countryside that forms part of a designated Green Belt, and which is in close proximity to the New Forest National Park, the Forest East Conservation Area and the Lymington Conservation Area.
- 14.3.3 The second reason for refusal was on the grounds that part of the application site where car parking was proposed forms part of a designated Site of Interest for Nature Conservation (SINC). It was considered that the submitted Ecological Appraisal failed to adequately assess potential impacts on the ecological interest of this land, and therefore it had not been adequately demonstrated that the development could be provided without adversely affecting ecological interests.

14.4 The principle of development

- 14.4.1 The application site falls outside the defined built-up area of Lymington and is therefore subject to countryside policies and in particular, Green Belt policy.
- 14.4.2 The Council's spatial strategy, as expressed in Policy CS10 of the Local Plan (part 1) seeks to retain existing employment and business sites and more generally, the policy also seeks to safeguard the countryside and coast from encroachment by built development.
- 14.4.3 There would be no 'in principle' objection to the redevelopment of the existing building for employment purposes. The proposed redevelopment would be consistent with the Council's Core Strategy Policy CS17 which seeks to keep all existing employment sites. Moreover Policy CS21 which relates to the rural economy encourages improvements and redevelopments that will help maintain and enhance the environment and contribute to local distinctiveness, together with encouraging enterprises that have little adverse environmental impacts (such as design/ research activities).
- 14.4.4 This said, the proposal would result in some change to the character of the employment uses on the site, the existing boat building uses being essentially replaced by offices and light industrial uses which

could include research and development. Although it should be noted that the applicant has made it clear that some of the existing tenants that are currently based at Haven Marine Park would be re-located on the new development, the new development would also provide a range of other employment opportunities.

- 14.4.5 However, because the site is not expressly safeguarded for marine-related businesses under Policy DM11, the site does not have a slipway; and the use proposed would not preclude marine related businesses occupying the site, it is felt that the use proposed would be an acceptable one. Indeed the Economic and Business Manager fully supports the proposal and states that the proposed employment site strongly aligns with the identified action in the New Forest District Council Economic Development Strategy 2018-23 of “*Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business expansion*”. In this respect it is important that such developments are supported in order to facilitate a strong, vibrant economy where indigenous business have the opportunity to expand, in so doing retaining their local workforce and associated supply chains. The development of this site will significantly improve the quality of premises on the site; attracting high added value businesses, particularly those within the marine sector for whom there is currently poor local supply.
- 14.4.6 The Government attaches great importance to Green Belts. The National Planning Policy Framework (NPPF) advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Those policies indicate that the construction of new buildings in the Green Belt is inappropriate, other than for specific exceptions. One of the exceptions, as set out under Paragraph 145, c), includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. A further exception, (set out under Paragraph 145, g) applies to the complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 14.4.7 The proposal certainly amounts to the complete redevelopment of this brownfield site and, therefore, could apply providing the new development does not have a greater impact on the openness of the Green Belt than the existing development.
- 14.4.8 In assessing the impact on the openness of the Green Belt, the existing building occupies a significant proportion of the site, with built form covering most of the southern and central part of the site extending across the waterfront. The external space is generally laid to hardstanding used for car parking, open storage (mainly boats being stored) and there are a number of shipping containers. Other than the existing building, the remainder of the site is laid to concrete and used for storage and car parking with little greenery or trees. It is also noted that the existing building is one structure with no gaps between.
- 14.4.9 The supporting Statement states that the total combined floor area (Gross external areas of the existing main building) equates to 1596 square metres and spans the majority of the site. The total combined floor space of the existing main building, including the outbuildings and

containers is 1647 square metres. There are also areas of open storage and hardstanding. This is considered to have a negative impact on the openness of the Green Belt. The proposed gross ground floor area equates to approximately 1565 square metres.

- 14.4.10 The existing building is between one and two storeys high and parts of the building incorporate sloping roofs and low eaves. The height of the buildings range from approximately 3 metres to 7.5 metres, but predominately, the buildings range between 6 and 7 metres in height. Equally the existing building has a very solid appearance. Accordingly it is considered that the site has a very congested appearance with buildings, cars and open storage.
- 14.4.11 In assessing the case made and whether the proposal has a greater impact on the openness of the Green Belt, although the number of proposed buildings and overall internal floor space is above that of the existing building, the Courts have held that the concept of “openness” in the Green Belt is not simply about the quantum of development but includes an assessment of how “built-up” the site would appear following redevelopment as compared to before redevelopment.
- 14.4.12 In terms of the proposed layout of the development, the site coverage of the new buildings would be marginally smaller than the existing building. The main difference is that the proposed buildings would extend further along the waterfront compared to the existing building, whereas the current building extends deeper into the eastern part of the site. Because the proposed buildings would extend further across the waterfront, this has created a larger open area behind the proposed buildings to the east. This would give the impression of the site being less congested and cramped and would also be perceived as being more spacious creating a larger area of openness on the site. In addition, the proposed buildings would have a number of gaps created, whereas the existing building is one single solid building. Overall, it is considered that the proposed layout does provide a number of positive benefits in terms of visual impact.
- 14.4.13 Visually the proposed buildings would be taller than the existing building, which doesn't help the applicants case in terms of assessing the impact on the openness. However, the design and form of the proposed buildings with front gables and gaps between the roofline creates articulation and this reduces the overall scale and massing of the buildings. In addition, the front elevation facing the riverside would incorporate large areas of glazing, which helps reduce the perception of the building given its reflective appearance. This is an important point given that the existing building has a much more solid appearance.
- 14.4.14 Overall, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development and would therefore not be inappropriate development in the Green Belt which would accord with Policy CS10 of the Local Plan Part 1 and Paragraph 145 of the National Planning Policy Framework.

14.5 Landscape and Design Considerations

- 14.5.1 With regard to the general countryside and landscape protection policies. Policy DM22 of the Local Plan Part 2 allows for the redevelopment of existing employment sites in the countryside, provided the development is of an appropriate design, scale, and appearance, and is not harmful to the rural character of the area by reason of visual impact, traffic and other activity generated or other impacts. In this case, the site is one with a prominent riverside frontage. The applicants have submitted a Landscape and Visual Impact Assessment.
- 14.5.2 The whole of the site lies within the countryside and Green Belt and lies immediately adjacent to the boundary of the New Forest National Park, which runs along the east side of Undershore Road. In addition, the area of National Park closest to this site lies within the National Park Authority's Forest East Conservation Area. There are a number of listed buildings within this area, but not immediately adjacent to the site. A portion of the site within the application boundary is designated a Site of Importance for Nature Conservation and as such could not be developed. However this area has been used for storage and car parking.
- 14.5.3 The site is clearly visible from a range of public viewpoints on the western side of the Lymington River (notably the town quay) and the recent development at Lymington Shores, together with the tollbridge to the north, and the railway line that runs very close to the site. The existing buildings on the site are solid unattractive industrial buildings which do not positively contribute to the riverside or the wider character of the area. The existing units are of poor quality and have been extended and adapted in an ad hoc manner over a number of years using a mix of facing materials. Some of which are in a poor state of repair. There is no existing landscape structure or planting on the site. In addition, the external spaces are dominated by hardstanding, containers and open storage (including boat storage).
- 14.5.4 The proposed development seeks to create an attractive riverside frontage comprising a run of individual buildings with front facing glazed gables. The materials used would be modern and sympathetic to the 'marine' surroundings. For the most part, the proposed buildings would broadly be sited on the footprint of the existing building, but would stretch further along the riverside, and would not extend so far back from the waterfront. The proposed buildings have been designed with a strong vertical emphasis and simple roof form, which would be taller than the existing building, with a number of gaps between the buildings. Equally the proposed building would have a far more elegant form with its pitched roofs which have the appearance of 'old boat sheds', one might expect to see along a waterfront. Indeed, it is considered that the overall design of the individual buildings has more quality and the frontage elevations are well designed which would make a positive enhancement to the character of the area.
- 14.5.5 The site would be landscaped, with amenity and car parking, which will deter any open storage and use of containers. Moreover, it is proposed to restore the former SINC which will enhance the visual appearance of the site and also benefit ecology. The final details of the SINC restoration can be dealt with by condition.

14.5.6 As such, it is not felt that the proposal would cause significant harm to the rural character and appearance of the area. The proposal would not diminish the visual appreciation of the New Forest National Park and the associated Forest East Conservation Area from key viewpoints across the river, nor would it be to the detriment of the special qualities of the National Park, the character and appearance of the Forest East Conservation Area or Lymington Conservation Area. The development's design would enhance the character of the riverside and wider character and appearance of the area.

14.5.7 A concern has been raised that the proposal would harm the setting of the Grade II* Listed Burrard Neale Monument, which is set up the hill from the application site within the National Park. Because the proposed new building would be set (and seen) well below the level of this monument, it is not considered the impact on the setting of this structure would be materially affected.

14.6 Ecology

14.6.1 This application site is in close proximity to the Lymington River Site of Special Scientific Interest (SSSI), Hurst Castle and Lymington River SSSI and Lymington River Reedbeds SSSI. The site lies approximately 360 metres away from of Solent and Southampton Water SPA and Ramsar. The application site is directly adjacent to Walhampton Reedbeds and Lymington Mudflats Site of Importance for Nature Conservation (SINC). It is noted that part of the previously refused application site included car parking proposed in part of a SINC. Indeed, the area of land has been covered in gravel. This planning application seeks to restore this area. This is considered to be of significant benefit and has addressed one of the concerns previously raised.

14.6.2 The Council's Ecologist raises no objection subject to a planning condition which provides the final details of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration. Natural England have raised no significant concerns, subject to conditions and on this basis, it is felt the proposal would not be likely to have any significant effect on any European site or indeed the SSSI.

14.7 Transportation & Highway Considerations

14.7.1 The proposal seeks to use the existing access to the site. Although planning permission has been granted for an alternative access into the site, this does not relate to this current planning application.

14.7.2 The main issues in this case are whether the proposal would intensify the use of the existing access, whether the site would have sufficient car parking spaces to serve the proposed development and whether the internal access arrangements are acceptable for all vehicle types, including refuse collection and emergency.

14.7.3 The application is accompanied with a Transport Statement. The statement concludes that the existing access is considered to be safe and the proposal would not intensify the use of the access onto Undershore Road. The application also demonstrates that all vehicles can enter and egress the site in a safe manner.

14.7.4 With regard to the proposed car parking provision, the site layout does not benefit from any dedicated car parking spaces and generally car parking is provided in an informal way. A total of 11 individual units are proposed with an overall useable floor space at ground floor of 865 square metres (B8 use) and usable first floor of 1246 (B1 use). The site will have 33 external car parking spaces, including three disabled spaces with a further 22 parking spaces located at ground floor level within the units.

14.7.5 The required level of parking provision for 1247 sqm of B1 and 865 sqm B8 use is 52 car parking spaces and secure storage for 14 cycles. The submitted plans show a total provision of 55 spaces. The proposed development would provide sufficient car parking spaces which accord with the car parking standards. The Highway Authority does not raise any objections to the proposal.

14.8 Flooding

14.8.1 The site lies within Flood Zone 3, and has a high probability of flooding and the main risk to the site is tidal flooding. There is an existing flood wall between the site and the estuary, but as the submitted Flood Risk Assessment notes this is not high enough to provide full protection to the site throughout its lifetime.

14.8.2 The proposed development has been designed to significantly improve the flood risk issues on the site. This includes the use of the ground floor of the buildings for storage uses and the finished floor levels of the office/ light industrial space being set no lower than 3.6 metres AOD. The Environment Agency does not raise any objections subject to condition and considers that the proposal represents an improvement in flood risk compared to the existing situation.

14.9 Residential amenity

14.9.1 With regard to the effect on the living conditions of the adjoining neighbouring properties, it is considered that the neighbouring flats at 1-10 Island Point would be most affected by the proposal. The Lymington Shores development is located a sufficient distance away not to result in any unacceptable impact. Equally the proposed development would be sited a considerable distance away from the existing residential properties along Undershore Road.

14.9.2 Island Point is sited immediately to the south of the application site. The occupiers of these flats currently share the access track onto Undershore Road. There is some vegetation and tree planting that surrounds the perimeter of the boundary to Island Point, and car parking is provided to the front and side of the building (north and west). To the rear of the flats is a grassed amenity area. The flatted building is orientated with its main outlook facing north and south, although it is noted that there are windows on the side elevation including balconies facing the application site.

14.9.3 The main views are from the front elevation of the residential flats, which currently face north and onto the existing unattractive buildings. The proposed development would be sited further away from the front (north) elevation than the existing building. This is considered to be an improvement. While units 10 and 11 would be sited closer to the side

(west) elevation of the flats, the distance between the buildings would measure some 15 metres, which would not unacceptably compromise light or outlook.

- 14.9.4 In terms of overlooking, a number of first floor windows are proposed on the south and east elevation of the proposed building which would face the flats. The distance from the first floor windows at units 6, 7, 8 would be more than 20 metres away from the existing flats and together with the oblique angle, it is considered that the proposal would not result in any unacceptable overlooking. Proposed Units 10 and 11 would be sited slightly closer and would be about 15 metres away. The first floor windows proposed on the eastern elevation would incorporate louvres which would help reduce overlooking to the neighbouring flats, which can be secured by condition.
- 14.9.5 In relation to noise and disturbance, the applicant has submitted an 'Environmental Noise Survey and Noise Impact Assessment Report'. The Environmental Health Officer does not raise an objection to the proposal subject to conditions. Indeed, the removal of the General Industrial Use (Class B2) and the use as light industrial and office uses are likely to improve the situation.
- 14.10 Other matters
- 14.10.1 Foul drainage would be routed to a bio sewage treatment plant and the waste water pumped into the river. The roof surface water would discharge via a pumping station into the river. The concern over the right of way within the site is not a planning matter because this is not Designated Public Right of Way.
- 14.10.2 Representations have been made as to whether the existing industrial uses can continue to operate on this site. The answer to this question is yes. The planning application broadly proposes the same use class as that currently operating on the site (i.e light industrial) which would be acceptable.
- 14.10.3 Concerns have been expressed that, because of the height of the proposed buildings there is potential for mezzanine floors. In response, a planning condition can be reasonably imposed removing permitted development for mezzanine floors to be inserted
- 14.10.4 In relation to the concern over land ownership issues and that the correct notices have not been served, the applicants agent has now submitted a Certificate B serving notices on all interested owners of the land within the red line of the application site.
- 14.11 Conclusion and planning balance
- 14.11.1 It is considered that the proposed development would make significant enhancements to the appearance of the site and surrounding area and would provide a higher quality appearance than the structures they would replace, and they would also not impinge upon the openness of the Green Belt, which weighs in favour of the proposal. The proposed increase in floor space would provide employment and economic benefits, which weighs in favour of the development. The Councils Economic and Business Development Manager supports the application.

14.11.2 The proposed development would not have any adverse impact on the living conditions of the adjoining neighbouring properties. The proposal would make improvements to flooding related matters. No highway concerns are raised and the proposal is not considered likely to have any harmful impact on residential amenity, again subject to conditions. Accordingly approval is recommended.

14.11.3 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings			
Financial Contribution			
Habitats Mitigation			
Financial Contribution			

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

3. The development permitted shall be carried out in accordance with the following approved plans: 7811 102; 7811 101; 7811 100; 7811 P100; 7811 P101 Rev B; 7811 P102 Rev A; 7811 P103 Rev A; 7811 P104 Rev A; 7811 P105 Rev A; 7811 P106 Rev A; 7811 P107 Rev B; 7811 P108 Rev A, 7811 P110, 7811 P111; LGO-200-Rev C

Reason: To ensure satisfactory provision of the development.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. All external works (hard and soft landscape) as approved within condition 5 shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. Prior to the commencement of development, and in accordance with the submitted Abbas Ecology Report dated April 2016, the details of the Construction Environment Management Plan (CEMP) and measures for biodiversity mitigation and enhancement, including SINC restoration, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing prior to the first occupation of the development hereby approved. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To safeguard protected species in accordance with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

8. The development hereby permitted shall not be occupied until the spaces shown on plan P101 Rev B for the parking and garaging (including the car parking spaces provided within the ground floor of the buildings) of motor vehicles have been provided. The spaces shown on plan P101 Rev B for the parking and garaging of motor vehicles shall be retained and kept available for the parking and garaging of motor vehicles for the commercial units hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by (Gyoury Self Partnership, ref: 6029/2.3F, dated December 2015) and the approved Design and Access Statement (Simpson Hilder Associates Ltd, dated April 2018) and the following mitigation measures:

- f) The finished floor levels of the office space on the first floor of each unit shall be set no lower than 3.6mAOD.
- g) The ground floor of each unit will be used solely as a storage, parking and marine type activities.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To minimise the risk of flooding to the proposed development and future occupants and to comply with Policy CS6 of the Core Strategy for New Forest District outside the National Park.

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination no 11 to 13 have been complied with.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the

unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i) a survey of the extent, scale and nature of contamination;
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. Where a remediation scheme has been approved in accordance with condition 12, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. Where a remediation scheme has been approved in accordance with condition 13, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS5 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used on the ground floor as Class B8 and marine activities and car parking and on the first floor Class B1 purposes only and for no other purposes, whatsoever of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

18. No delivery activity shall take place on the site in connection with the approved uses other than between the hours of 7:30am and 21:00 Monday to Fridays, and 8:00 am and 17:00 on Saturdays not including recognised Sundays or public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

19. The combined rating level of noise emitted from all plant and equipment as calculated in accordance with BS4142:2014 (to include any penalties required for tonal or impulsive characteristics) shall not exceed 40dBA LAeq(1hr) between the hours of 07:00hrs and 23:00hrs, and shall not exceed 32dBA LAeq(15mins) between the hours of 23:00hrs and 07:00hrs measured or calculated at a distance of 1m from the façade of the nearest noise sensitive properties.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

20. The louvres shall be installed on the first floor windows on the east elevation of approved Units 10 and 11 before first occupation as illustrated on Plan No P107 Rev B and shall remain at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

21. Before development commences, details of the means of foul sewerage disposal from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the sewerage arrangements are appropriate and in accordance with Policies CS2 and CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local development Frameworks.

22. No external lighting shall be installed on the site unless details of the position, size and type of lighting to be installed has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to minimise impact on ecological interests in accordance with policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park.

23. Before development commences, details of the cycle parking facilities that are to be provided in connection with the approved development shall be submitted to and approved in writing by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To ensure that adequate provision is made towards cycle parking and to promote means of travel alternative to the private car in accordance with Policy CS24 of the Core Strategy for New Forest District outside the National Park.

24. No goods, plant, or machinery shall be stored in the open on the site, without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

25. Written documentary evidence demonstrating that the development hereby approved has achieved as a minimum a rating of EXCELLENT against the BREEAM standard shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation, unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority. The evidence shall take the form of a post construction certificate as issued by a qualified.

Reason: In the interests of resource use and energy consumption in accordance with policy CS4 of the Core Strategy for the New Forest District outside the National Park.

26. No percussive piling or works with heavy machinery, resulting in a noise level in excess of 69dBA Lmax when measured at the nearest point of the Special Protection Area, shall be undertaken between the specified period of 1st October and 31st March inclusive, unless the existing noise level at the Special Protection Area already exceeds 69dBA Lmax. In the case where the existing noise level at the Special Protection Area already exceeds 69dBA Lmax, no percussive piling or works with heavy machinery shall be undertaken during the specified period if the resulting noise level would exceed the existing noise level measured from the Special Protection Area.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

27. Before development commences, details of a Construction Method Statement (CMS) shall be submitted to and agreed in writing to the Local Planning Authority. Works shall only be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disturbance to overwintering birds using the Special Protection Area and to comply with Policy CS3 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. This decision relates to amended / additional plans received by the Local Planning Authority on the 5th September 2018.
2. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

Officers raised concerns over certain aspects of the proposal including design and layout issues, and car parking. Revised plans have been submitted and the application has been re-advertised which have addressed the initial concerns. The roof form to units 1 and 2 have been simplified, enhancements made to the design of the rear facing elevation and additional car parking has been provided, which is mainly within the proposed ground floor units.

3. Note to applicant:

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Lymington River, which is designated a 'main river'. Some activities may be [excluded](#) or [exempt](#). A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Further Information:

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**Planning Development
Control Committee**
November 2018

Item No: 3a

Haven Marine Park
Undershore Road
Boldre
18/10541

Scale 1:1250

N.B. If printing this plan from
the internet, it will not be to
scale.

