

**Application Number:** 19/10208 Full Planning Permission

**Site:** LAND AT HANNAH WAY, PENNINGTON, LYMINGTON  
SO41 8JD

**Development:** One block of 3 industrial units; parking

**Applicant:** Horatio Properties Guernsey Ltd

**Target Date:** 15/04/2019

<b>RECOMMENDATION:</b> Service Manager Development Management
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<b>Case Officer:</b> Jim Bennett
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**1 REASON FOR COMMITTEE CONSIDERATION**

Departure from Green Belt Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside  
Green Belt

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy 2009**

CS2: Design quality  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS18: New provision for industrial and office development and related uses

**Local Plan Part 2 Sites and Development Management Development Plan Document**

DM22: Employment development in the countryside

**National Planning Policy Framework - Achieving Sustainable Development**

NPPF Ch. 6 - Building a strong, competitive economy  
NPPF Ch. 12 - Achieving well-designed places  
NPPF Ch. 13 - Protecting Green Belt Land

**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**

None

**6 RELEVANT PLANNING HISTORY**

17/10483 - One block of three industrial units; parking - granted July 2017

**7 PARISH / TOWN COUNCIL COMMENTS**

Lymington & Pennington I - (1): Recommend PERMISSION.

**8 COUNCILLOR COMMENTS**

None

**9 CONSULTEE COMMENTS**

9.1 Scottish and Southern Electricity - comments awaited

9.2 Hampshire County Council Highway Engineer - The revised plan shows that although the locations of some of the parking bays have been altered, the level of parking provision, turning space for HGV remain the same as those contained within the original application. .No objection subject to parking and turning conditions.

9.3 Environmental Protection Section (Pollution) - comments awaited

9.4 Environmental Protection Section (Contaminated Land) - recommend an informative be applied due to the close proximity of potentially infilled ground with unknown material.

9.5 Southern Gas Networks - give informatives

**10 REPRESENTATIONS RECEIVED**

None

**11 CRIME & DISORDER IMPLICATIONS**

None

**12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

**13 WORKING WITH THE APPLICANT/AGENT**

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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

## 14 ASSESSMENT

### 14.1 The Site and Proposal

14.1.1 The proposal relates to provision of 3 no. industrial buildings totalling 720 sq.m in internal area. They would be finished in metal profile sheeting and be sited to the north eastern extent of Gordleton Industrial Estate. The site is unallocated and lies within an area of open countryside designated as Green Belt. Access would be via the existing internal industrial estate roads from Sway Road.

14.1.2 The proposal would be located quite sensitively between a large industrial building to the south and a planted bund to the north, which separates the site from Sway Road. The proposal is very similar to one approved under ref. 17/10483 in July 2017 (which remains extant), the only difference being modest changes to the siting to move the structure away from overhead power lines, following refusal of consent by Scottish and Southern Electricity to site the building in the previously proposed location.

### 14.2 Main Considerations

14.2.1 While Policy CS17 encourages redevelopment and intensification of existing employment sites and Policy DM22 allows redevelopment of an existing employment site, within the countryside, these issues must be balanced against design, scale and appearance considerations. The appropriateness of the development must also be considered with regard to the site's location within defined Green Belt as well as its impact upon the openness of the Green Belt, in accordance with Policy CS10 and Chapter 13 of the NPPF.

14.2.2 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

- i) Is the development appropriate in the Green Belt by definition?
- ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii) Would there be any other non-Green Belt harm?
- iv) Are there any considerations which weigh in favour of the development?
- v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
- vi) Are there 'very special circumstances to justify allowing inappropriate development in the Green Belt?

#### 14.2.3 i) Is the development appropriate in the Green Belt by definition?

National Policy (NPPF) attaches great importance to Green Belts, designated in order to keep land permanently open. This site lies within the Green Belt where national policy states that the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.

The development of industrial units of the scale proposed does not fall within any of the exceptions to the general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development and harmful by definition. The NPPF urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

14.2.4 ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

The proposed development would result in the provision of buildings, access road, car parking area and loading area, which would have an impact on the openness of the Green Belt. However, the site is not elevated and is not prominent within the Green Belt, being set well back from any road frontage and surrounded by landscaping and existing and proposed buildings on all sides. Furthermore, the site is brownfield in nature, development being located over the footprint of existing open storage areas. Due to the site's lack of prominence and the existence of existing structures and outdoor storage, the proposal would not impact significantly upon the openness of the Green Belt, which weighs in favour of the proposal as does that fact that there is an extant consent for a very similar form of development on this site.

14.2.5 iii) Would there be any other non-Green Belt harm?

a) Landscape and visual impacts

The proposal must be considered in light of its visual impact upon the character of the immediate area. Policy CS2 requires new development to respect the character, identity and context of the area's towns, villages and countryside. Visually, the proposed buildings would be of a reduced height and scale compared to existing buildings to the south and east and would be constructed from profiled metal cladding on its elevations and roof similar to existing buildings. While the proposed development would create a new structure within the countryside, it is within the confines of Gordleton Industrial Estate and bound by larger buildings to the south and east and by mature trees to the north and west. The proposal is of acceptable design and would be constructed of acceptable materials. The site is visually well contained, due to the surrounding buildings and landscaping. There are no private views of the site that would be considered significant. It is considered that the proposal is unlikely to impact significantly or harmfully upon the character of the area or countryside, in accordance with Policies CS2, CS3 and CS10.

b) Highway Impacts

No concerns are raised by the Highway Authority over the proposed access, parking and turning arrangements, subject to conditions to ensure adequate car and cycle parking and turning provision is provided.

c) Residential Amenity Impacts

Policy CS2 also requires new development to limit adverse impacts upon the amenity of adjoining occupiers. There is unlikely to be any adverse impact to the surrounding area or residential amenity in terms of overbearing presence, loss of light or privacy given the degree of separation and the industrial nature of the wider site. However, the issue of noise outbreak and associated impacts on residential development to

the east must be considered. The Environmental Protection Section have suggested the imposition of conditions to mitigate any harmful impact in this respect, consequently the impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy - *to be updated*

d) Impact upon overhead lines

Southern Electricity - no comments have been received at the time of writing this report. Any response will be updated at the meeting.

14.2.6 iv) Are there any considerations which weigh in favour of the development?

The applicant provided details in relation to justifying the development within the Green Belt, which seeks to demonstrate that very special circumstances exist which justify allowing inappropriate development in the Green Belt. They point out that this brownfield site represents an opportunity to create employment opportunities (smaller business units), within an existing industrial area, which together with environmental controls would be an appropriate form of development, notwithstanding its location within Green Belt.

Officers concur with the view that the proposal would be beneficial to the economic prospects of the District, in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policy DM22, which seek to encourage the redevelopment and intensification of existing employment sites in an appropriate manner. The site is brownfield and suitable for redevelopment and given that it lies within an established built up industrial estate and would not extend into the open countryside, it is not considered that the proposal would significantly adversely affect the openness of the Green Belt.

There is no compelling evidence to counter the applicant's justification statement, which weighs in favour of the proposal. It is considered that the case put forward in relation to the need for the development are sufficient to outweigh the presumption against development of this Green Belt site.

14.2.7 v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. Moreover, while the majority of the site would remain open, the building and the parking areas would lead to some loss of openness. It would not however constitute encroachment into the countryside.

With respect to 'any other harm', the site would be visually enclosed and it is not envisaged that the proposal would result in any significant harm to the openness of the Green Belt or character of the area. With regard to highway matters, the proposal is regarded as satisfactory by the Highway Authority. With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact, which would weigh against the scheme. Officers are not aware of any other matters raised in representations that would weigh against the scheme.

In respect of those matters which weigh in favour of the scheme, the applicant has provided evidence in relation to the need for the development. The proposed development is on a brownfield site, well

related to existing buildings, likely to make a positive contribution to the local economy and with only very limited harm to the openness of the Green Belt. The matters which weigh in favour of the development clearly outweigh the harm to the Green Belt and all other harm identified above.

14.2.8 vi) Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

In light of the above, it is concluded that 'very special circumstances' do exist, in the form of the need for the development and benefits derived to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance and has already been established by the previous permission which remains extant.

14.3 Conclusion

14.3.1 In conclusion, while the proposed development is inappropriate development within the Green Belt, it is considered that it would not have any significant adverse effect on the countryside and designated Green Belt, and would help support the economy. Subject to conditions the proposal would have no significant adverse impact upon the character and appearance of the area, adjoining amenity or highway safety. In light of these considerations and the fact that the applicant has demonstrated very special circumstances to warrant a departure from Green Belt Policy and the extant permission for a similar development on their site, the proposal is recommended for approval. As the proposal is for a building under 1000 square metres floorspace, the application does not need to be referred to the Secretary of State to determine whether or not to call the application for a decision.

14.3.2 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.

## 15. RECOMMENDATION

That the Service Manager Development Management be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of no new material objections following advertising of the proposal as a departure from Green Belt policy by 19th April 2019.
- ii) the imposition of the conditions set out below.

### **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. The development permitted shall be carried out in accordance with the following approved plans: drawing numbers 001, 002, 003, 004 Rev A, 2017-F-002-002 and Planning Statement by Allies Associates dated 31/03/19

Reason: To ensure satisfactory provision of the development.

3. 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.

4. Before use of the development is commenced provision for parking, shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

5. Before use of the development is commenced provision for turning to enable vehicles to enter and leave in a forward gear shall have been provided within the site in accordance with the approved plans and shall be retained thereafter.

Reason: In the interest of highway safety in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

6. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved details before the use of the development is commenced and shall be retained thereafter.

Reason: To ensure adequate on-site cycle parking provision for the approved development in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park

7. No goods, plant or machinery shall be stored in the open on the site and no manufacturing activities shall be undertaken outside the building without the express planning permission of the Local Planning Authority.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

8. There shall be no loading or unloading of vehicles in the open on the premises other than between the hours of 07:00hrs and 19:00hrs Monday to Friday, and 08:00hrs and 13:00hrs Saturdays. There shall be no loading or unloading of vehicles in the open on Sundays or Bank Holidays.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

9. The rating level of any noise emitted from the site shall not exceed the background level (LA90) as measured or calculated at the boundary of any noise sensitive premises. The measurements and assessment shall be made in accordance with BS4142:2014.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

10. No air extraction equipment shall be installed externally without the express planning permission of the Local Planning Authority.

Reason: To protect the amenity of residential occupiers in the locality in accordance with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

1. 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.



2. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

GS5 8JD

Tel: 0141 184093 OR 0845 0703497

Search online at:

[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)

SGN personnel will contact you accordingly.

3. The Council's Environmental Protection Section (Contaminated Land) advise that there are a number of sites near to this property which have had past contaminative uses. It is possible that some contamination may have migrated through the ground and groundwater. Whilst the Authority has no evidence to suggest that this is the case, any observed presence of contamination during any ground invasive works should be reported to the Local Authority Environmental Health Officer and works halted whilst the matter is considered. It is advisable to obtain specialist advice concerning the potential for contamination and its recognition. Under the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing a safe development and/or new use, rests with the developer and/or landowner and as a minimum requirement the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

**Further Information:**

Jim Bennett

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
**April 2019**

**Item No: 3b**

Land at Hannah Way  
Pennington  
Lymington  
19/10208

Scale 1:2500

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

