

**Application Number: 21/10131** Reserved Matters

**Site:** SITE L, POND 1, EAST ROAD, MARCHWOOD INDUSTRIAL PARK, MARCHWOOD SO40 4BJ

**Development:** Development and setting out of four plots within Site L for the purposes of B8 open storage use; each plot will comprise of a one-storey building, car parking, cycle storage, fencing and B8 open storage space. Approval of reserved matters – layout, scale appearance and landscaping pursuant to condition 1 of Outline Planning Permission (12/99485).

**Applicant:** Associated British Ports

**Agent:** Adams Hendry Consulting Ltd

**Target Date:** 05/05/2021

**Case Officer:** Warren Simmonds

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Consideration of the layout, scale appearance and landscaping pursuant to Condition 1 of Outline Planning Permission (12/99485)
- 2) Impact on the character of the surrounding area
- 3) Highway safety
- 4) Public health and amenity considerations

This application is to be considered by Committee due to Marchwood Parish Council objection to the proposals under Paragraph 4 of the Council's Scheme of Delegation.

## 2 SITE DESCRIPTION

The application site is situated at the southern corner of the Marchwood Industrial Estate and formerly comprised a large pond (or lake) which extended to approximately 4 hectares, together with adjacent developed areas to the north and west sides of the pond.

In February 2013, outline planning permission was given for the partial infill of the pond (planning reference 12/99450), whilst at approximately the same time the Local Planning Authority also granted separate outline planning permission for industrial and storage development on the pond infill areas under planning permission 12/99485.

Since the works to partially infill the pond have been completed, the site has been partially hard surfaced to varying degrees (see submitted Existing Site surfacing plan) and using a variety of materials in different areas across the site. Fencing has been erected, sub-dividing the site into areas (which approximately represent the areas now proposed) and it appears a variety of open storage uses have been/are being undertaken on certain areas of the site.

### 3 PROPOSED DEVELOPMENT

The application is a reserved matters application for *'Development and setting out of four plots within Site L for the purposes of B8 open storage use; each plot will comprise of a one-storey building, car parking, cycle storage, fencing and B8 open storage space. Approval of reserved matters - layout, scale appearance and landscaping pursuant to condition 1 of Outline Planning Permission (12/99485)'*.

The proposed development comprises the development and setting out of four plots within Site L for the purposes of B8 open storage use. Each plot is to comprise of a single storey building, car parking, cycle storage and B8 open storage space. Vehicular access to plots L2.3, L3, and L4/L5 will be from South Road (Approved Access A), whilst vehicle access to plot L6 will be from Central Crescent (Approved Access B). Each plot is to be hard surfaced and an additional area for planting and landscaping is designated at the eastern edge of the site.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10638 Approval of reserved matters - appearance - pursuant to condition 1 of outline permission (12/99485) is sought for Unit 5a as shown on the drawings enclosed with the application	15/09/2020	Granted	Decided
19/10326 South road and footpath, erection of 2.4 metre high fencing, and associated landscaping. Approval of reserved matters - layout, scale, appearance and landscaping pursuant to condition 1 of outline permission (12/99485).	20/06/2019	Granted Subject to Conditions	Decided
16/11099 Variation of Condition 4 of Planning Permission 12/99450 to allow landscaping in stages	13/10/2016	Refused	Decided
16/11098 Variation of Condition 5 of Planning Permission 12/99485 to allow landscaping in stages	13/10/2016	Refused	Decided
12/99485 Flexible employment uses B1(b) & (c), B2 & B8 including open storage; associated parking; landscaping on partially infilled pond (Outline Application with details only of access)	19/02/2013	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC1: Safe and healthy communities  
Policy ECON1: Employment land and development  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards  
Policy STR1: Achieving Sustainable Development  
Policy STR6: Sustainable economic growth

## **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity  
DM5: Contaminated land  
MAR5: Marchwood Industrial Park

### **Relevant Advice**

NPPF & NPPG

### **Constraints**

Plan Area  
Pipelines  
Flood Zone  
Planning Agreement  
SSSI IRZ Air Pollution  
Landfill (Former)  
Historic Land Use

### **Plan Policy Designations**

Employment  
Built-up Area

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Marchwood Parish Council: PAR4**

Marchwood Parish Council would like to raise an objection to the application and would like it referred to the Development Control Committee if the case officer is minded to approve the application.

Despite the passage of time between the outline permissions of 12/99485 and this application it would appear that the current application appears to have been hastily prepared. Noting the application contains an area where B2 use should be restricted when a restriction against B8 use would make more sense.

In any case the Parish Council would be unhappy for any part of the site to be allocated within class use B8 Storage or Distribution and it objects to the application on this basis.

## **7 COUNCILLOR COMMENTS**

*No comments received*

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Building Control**

No adverse comments

**Environment Agency**

No objection, subject to a Condition.

**HCC Highways**

Response not yet received

**Environmental Health**

Environmental Health continues to express significant concern over the granting of such an unrestricted B8 use in close proximity to residential properties, particularly plot L6 which lies approx. 40m to the north of properties in Gardiner Close. A similar site located within the industrial estate which is also used for open storage has caused substantial noise issues; therefore, it is desirable that some form of mitigation is implemented to reduce any potential impact in this instance.

Whilst the options for mitigation are limited within the confines of this reserved matters application, there are options for the installation of an acoustic fence along the Southern and Western boundaries of plot L6 where it is noted that a 2.4m metal meshed fence is currently proposed. A suitably designed and maintained acoustic barrier of an equivalent height would afford a degree of attenuation from site activity to those living in Gardiner Close and should be considered to preserve the amenity of the area. Consequently, it is recommended that the applicant engages with an acoustic consultant to provide a suitable specification and design for an acoustic fence.

**Contaminated Land officer**

Conditions to cover land contamination remediation requirements are already covered under the outline consent.

**Marchwood Power Ltd (PensPen Contractor)**

No objection

**Scotia Gas Networks Ltd (SGN)**

Standard letter of advice (no objection)

**Scottish & Southern Electricity Networks(SSEN)**

Standard letter of advice (no objection)

**Southern Water**

No objections

**Environmental Health (Pollution)**

Comment Only

**Natural England**

Natural England has no comments to make on this application

**Ecologist**

No comments from an ecological perspective

**HCC Surface Water**

Given that the surface water condition was consulted on and discharged in 2019 (12/99485), and providing that the current proposals do not amend any of the previously agreed drainage information, we do not have any comments.

## 9 REPRESENTATIONS RECEIVED

No third party representations were received

## 10 PLANNING ASSESSMENT

### Principle of Development

#### Background to the reserved matters application

The principle of the development of the site for flexible employment uses B1(b) & (c), B2 & B8 including open storage; associated parking; landscaping on partially in filled pond has previously been established by the granting of outline planning permission under planning reference 12/99485 (Outline Application with details only of access).

Whilst the outline consent included indicative proposed site layout(s) which included large industrial buildings, these were illustrative only as the outline consent only had regard to 1. the principle of the proposed uses of the land and 2. the means of access to the land. All other matters (i.e. appearance, landscaping, layout and scale) constituted reserved matters to be considered as part of a future application.

However, in this case as part of the outline application, matters of landscaping were considered and formed part of the outline approval (and Conditions relating thereto), securing additional landscaping adjacent to East Road and the key southern edges of the site to mitigate the visual impact of the development. Such landscaping was shown on both alternative layout plans for the outline consent, and the provision of additional soft landscaping in these areas was secured by Condition.

Also secured by Conditions on the outline consent were matters including:

- A biodiversity and landscape management / maintenance plan for the retained pond and area of enhanced landscaping
- Drainage and Flood Risk measures/mitigation
- Land contamination investigation & remediation
- No external lighting (unless otherwise agreed)
- No B2 use(s) within a defined specified (yellow shaded) area closest to dwellings

In terms of the approved accesses, the details for the outline consent show the main part of the application site served by a vehicular access onto East Road (one of the main existing industrial estate roads). A secondary point of access is onto Central Crescent. At the time of considering the outline application the Highway Authority raised no objection to these points of access, which were therefore be treated as acceptable from a highway safety perspective. The Highway Authority was also satisfied that the level of traffic that would be generated by the proposed development could be safely accommodated on existing roads without the need for additional highway works / transportation contributions (the Highway Authority pointed out at the time that based on contributions collected previously, the site would still benefit from a 'credit' in vehicular movements).

Since the works to partially infill the pond have been completed, the site has been incrementally/partially hard surfaced to varying degrees (see submitted Existing Site surfacing plan) and using a variety of materials in different areas across the site. Fencing has been erected, sub-dividing the site into areas (which approximately represent the areas now proposed) and it appears a variety of (unauthorised) open storage uses have been/are being undertaken on certain areas of the site.

A subsequent reserved matters application in 2019 (planning reference 19/10326)

for 'South road and footpath, erection of 2.4 metre high fencing, and associated landscaping. Approval of reserved matters - layout, scale, appearance and landscaping pursuant to condition 1 of outline permission (12/99485).' was approved and included the planting and landscaping which has subsequently been implemented.

A further reserved matters application seeking the retrospective approval of reserved matters for the appearance of an industrial building (unit 5a) following the outline consent (12/99485) was granted in September 2020. The building (unit 5a) was constructed in 2015 and is located at the junction of South Road with East Road. The overall length of the building measures 42m, the width is 21m and the height of the roof 11m (9m to the eaves). The building has limited fenestration, mainly at first floor level and within the roof. The external materials include corrugated metal cladding (grey and navy blue).

Unit 5a and its curtilage are not included in the current reserved matters application.

#### The current reserved matters application

The proposed layout of the site is for the provision of four separate plots of varying sizes, with each plot containing a modular/prefabricated style building, 6no. vehicle parking spaces for staff, a cycle storage shelter for staff and an area of uncovered impermeable hardstanding for open storage.

Each of the four buildings are proposed to be goosewing grey in external colour and each will have a gross external floorspace of approx. 24 square metres and internal building floorspace of approx. 21 square metres. As such, a total gross floorspace across the four buildings of approx. 96 square metres is proposed. Each building will have a flat roof and will be approx. 3m tall, including a raised foundation measuring approx. 0.43m. The proposed building heights are thereby significantly within the maximum building heights set by Condition 19 of the outline planning permission.

No lighting is proposed as part of the reserved matters application, however the applicant confirms that in accordance with condition 16 of the outline permission (12/99485), precise details of any external lighting to be installed across the site shall be submitted to and approved by the Council prior to installation.

In terms of reserved matters applications, while there is some scope for developers to change their schemes from that indicated at the outline stage, the essence of the proposal must remain the same. Much depends on the terms of the original application and the status of the documents/plans submitted with it, or the interpretation of conditions other than those dealing with standard reserved matters that have been imposed.

In this case the outline consent has already established (granted) in principle the development of the land by its use for flexible employment uses of any combination of B1(b) & (c), B2 & B8 including open storage uses; together with associated parking; landscaping on the partially in filled pond land. There were indicative/illustrative site layout plans submitted with the outline consent, but the final matters of what would be constructed and where were reserved for later consideration (with the exception of the area restricted to no B2 uses, set out in the approved outline plans).

The current application differs from the indicative/illustrative plans submitted with the outline application as the proposed buildings are reduced to small modular single storey units and the use of the sub-divided areas of the site is predominantly B8 open storage use. However, the proposed B8 open storage use is included as one of

the flexible uses approved under the outline planning consent and is therefore acceptable in principle - the outline consent did not impose any general restriction or limitation on the proportion or ratio of employment uses approved, but established the principle of the uses specified (i.e. B1(b) & (c), B2 & B8 including open storage.

Indeed, it is worthy of note that the officer report for the outline application commented;

*"The submitted illustrative layouts show 2 different ways in which 14,376 square metres of floorspace could be accommodated on the application site. In truth, neither of the illustrative layouts are likely to be pursued in practice."*

In summary, the current reserved matters application is considered accordant with the development approved in principle under 12/99485 in that it proposes a specified employment use detailed (and approved) by the outline planning consent.

In dealing with a reserved matters application, the Council as local planning authority can only have regard to the reserved matters being sought and cannot revisit the underlying principles of the development granted by the outline planning consent.

### **Impact on the character of the surrounding area**

Taking into consideration the location of the application site within an established industrial estate location, and taking into consideration the existing landscaping provided and additional landscaping intended (to be further imposed by Conditions\*) to improve the screening of the application site within the surrounding area, it is not considered the proposed would adversely affect the character of the surrounding area.

\*Additional landscaping is to be provided along eastern boundary of plot L4-L5. The area to be landscaped is shaded light green on Figure 3. The detail and implementation of the landscape planting scheme in these areas to be secured through a planning Condition (see proposed Conditions).

Whilst the height of building(s) on the site is controlled through Condition 19 of the outline consent (No building approved pursuant to this planning permission shall have an eaves height of in excess of 16.1 metres AOD in height, nor a ridge height in excess of 18.1 metres AOD in height.) in the interests of the residential and visual amenities within the surrounding area, it is considered an appropriate restriction should be imposed on the height of stored goods/materials in the most sensitive part of the site in terms of proximity to adjacent residential uses - i.e. the part of the site which is shown shaded in yellow on the approved outline drawings (drawing 962-LM-01 B refers, whereby Condition 17 of the outline consent states this area shall not be used for any B2 use - Reason: To protect nearby residential properties from potential adverse noise and odours impacts arising from a general industrial B2 use and to comply with Policy CS2 of the Core Strategy for New Forest District outside the National Park).

Within this more sensitive yellow shaded area it is considered reasonable and necessary to restrict the height of stored goods, containers and other materials to no more than 10 metres above ground level. The agent for the application has accepted the imposition of this Condition.

### **Highway safety**

The principle of the employment use of the land was established by the outline planning consent whereby the Highway Authority raised no objection and made no requirements in respect of Highway improvements in the local area.

Whilst a formal consultation response from HCC has yet to be received (at the time of writing of this report), the proposal is not considered to be detrimental in terms of Highway safety.

### **Public health and amenity considerations**

Land contamination investigation and remediation requirements are set out within the Conditions of the outline planning consent (Conditions 10 to 15 inclusive). These Conditions remain relevant and continue to apply to the intended use/development of the land.

In terms of amenity considerations, the area shaded yellow within the outline approved plans (whereby no B2 uses are permitted - Condition 17 of the outline consent refers) remains in force, however for the purposes of this reserved matters application, no B2 uses are proposed.

The comments of the EHO are noted whereby he expresses significant concern over the granting of an unrestricted B8 use in close proximity to residential properties, particularly plot L6 which lies approx. 40m to the north of properties in Gardiner Close. However, safeguards have already been put in place through Condition 17 of the outline planning consent, which restricts B2 uses within the yellow shaded area of the approved plan *'To protect nearby residential properties from potential adverse noise and odours impacts arising from a general industrial B2 use'*.

Officers consider it would be overly onerous on the applicant to require an additional acoustic consultant assessment and report, and potentially an acoustic fence along the perimeter of plot L6, particularly as issues of residential amenity were previously considered (and appropriate Conditions imposed) at the time of the outline application. It is considered unreasonable and beyond the scope of a reserved matters application for the approval of matters relating to layout, scale appearance and landscaping to reconsider/revisit previously considered (at outline) issues of amenity impacts afresh.

In the eventuality that undue amenity impacts result, separate legislation outside of planning is available through which to pursue a remedy.

### Developer Contributions

Not applicable on Reserved Matters application.

## **11 CONCLUSION**

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of interested consultees and any 3rd parties. The application is considered to raise no significant concerns, and the planning balance is for approval.



## 13 RECOMMENDATION

### Grant Subject to Conditions

Reserved matters of layout, scale, appearance and landscaping specified in Condition 1 of outline permission reference number 12/99485 dated 19th February 2013.

#### Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:  
  
ABP/1381/MIP/L/11 (Existing Site Surfacing) dated 30.03.21  
ABP/1381/MIP/L/12 (Proposed Site Surfacing) dated 30.03.21  
ABP/1381/MIP/L/10 (Ground Levels) dated 02.03.21  
ABP/1381/MIP/L/07\_B (Building Plan and Elevations - Plot L6) dated 02.03.21  
ABP/1381/MIP/L/04 (Building Plan and Elevations - Plot L2.3) dated 01.02.21  
ABP/1381/MIP/L/05 (Building Plan and Elevations - Plot L3) dated 01.02.21  
ABP/1381/MIP/L/06 (Building Plan and Elevations - Plots L4 & L5) dated 01.02.21  
ABP/1381/MIP/L/07 (Building Plan and Elevations - Plot L6) dated 01.02.21  
ABP/1381/MIP/L/01 (Location Plan) dated 19.01.21  
ABP/1381/MIP/L/02 (Application Area) dated 26.01.21  
ABP/1381/MIP/L/03 (Proposed Site Plan) dated 01.02.21  
ABP/1381/MIP/L/08 (Proposed Fencing Plan & Detail) dated 26.01.21  
ABP/1381/MIP/L/09 (Gates Plan/Details) dated 27.01.21  
  
Reason: To ensure satisfactory provision of the development.
  
2. Before development commences a scheme of landscaping for the additional landscaping areas of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
  - (a) any existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) 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 Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the site or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. The development shall be carried out in accordance with the submitted documents (Site L – Ground levels plan, titled Figure 10: Ground Levels, as submitted by Adams Hendry, Drawing no. ABP/1381/MIP/L/10 and dated 02.03.2021) and the following mitigation measures it details:

- Finished floor levels for plot L2.3 shall be set no lower than 3.99 metres above Ordnance Datum (AOD)
- Finished floor levels for plot L3 shall be set no lower than 4.85 metres above Ordnance Datum (AOD)
- Finished floor levels for plot L4 and L5 shall be set no lower than 5.00 metres above Ordnance Datum (AOD)
- Finished floor levels for plot L6 shall be set no lower than 3.82 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants

5. Within the part of the site which is shown shaded in yellow on the approved drawings (drawing 962-LM-01 B of the outline consent under reference 12/99485), no goods, containers or other materials shall be stored above a height of 10 metres above ground level.

Reason: In the interests of amenity and the character and appearance of the area

**Further Information:**

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# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

May 2021

SITE L, POND 1, EAST ROAD  
MARCHWOOD INDUSTRIAL PARK  
MARCHWOOD SO40 4BJ  
21/10131

Scale 1:1250

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

