

Application Number: 16/11237 Full Planning Permission

Site: LAND ADJACENT TRIDENT BUSINESS PARK, SHORE ROAD,
HYTHE SO45 6GJ

Development: 6 industrial units in three blocks; parking; landscaping

Applicant: Mr Joyner & Mr & Mrs Hall

Target Date: 28/11/2016

Extension Date: 16/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

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
8. Biodiversity and landscape

Policies

- CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
CS6: Flood risk
CS17: Employment and economic development
CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity

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

6 RELEVANT PLANNING HISTORY

- 6.1 6 industrial units in three blocks; new access and hardstanding (11/97282) - granted 8/8/11
- 6.2 7 industrial units in three blocks; parking; boundary fencing (15/11220) - withdrawn 13/10/15

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council:- Recommend refusal - overdevelopment of a small site; inadequate on-site parking which will lead to unacceptable on-street parking; layout makes no allowance for HGV movements; there is a strong risk of flooding and buildings should be higher.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer:- No objection subject to conditions on parking and access
- 9.2 Environment Agency:- Flood Risk Standing Advice applies
- 9.3 Natural England:- No objection subject to mitigation
- 9.4 Ecologist:- No objection subject to condition
- 9.5 Southern Water:- No objection subject to informative
- 9.6 Southern Gas Networks:- Advise of site's proximity to gas main
- 9.7 Scottish & Southern Electricity Networks:- advise that there are high voltage cables in the vicinity of the site. Plans must be requested from their mapping services department.
- 9.8 Network Rail:- The developer should comply with detailed advice to ensure that the proposal has appropriate regard to the safe operation of the railway.
- 9.9 Environmental Health (contaminated land):- No objection - requests informative
- 9.10 Tree Officer:- No objection subject to condition
- 9.11 Landscape Officer:- No objection

10 REPRESENTATIONS RECEIVED

- 10.1 1 letter of support from local resident:- a well thought out design

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

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 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.

In this case all the above apply and as the application was acceptable as submitted (subject to clarification on the visibility of the proposed access) no specific further actions were required.

14 ASSESSMENT

14.1 The application relates to a relatively long and narrow strip of land which lies between Shore Road and the Fawley Refinery Railway Line. There is a mature hedge growing on the frontage of the site, behind which is a saline ditch that runs adjacent to much of the front boundary of the site. The site is otherwise relatively open, although there are mature trees alongside the railway line which runs on a raised embankment adjacent to the site's rear boundary. The site as a whole is slightly elevated above the level of Shore Road. To the north-west side of the site are a number of existing light industrial units, whilst Hythe Marine Park is located opposite the site. A public footpath runs adjacent to the south-eastern boundary of the application site.

- 14.2 Planning permission was granted to develop this site with 6 light industrial units in 3 blocks in August 2011. The approved units had a total floorspace of 337 square metres. Since this permission was granted, various groundworks have been carried out which has involved changes to the saline ditch and removal of a number of trees that were growing along the frontage of the site. However, no work on the approved buildings has been undertaken.
- 14.3 An alternative proposal for 7 light industrial units was withdrawn last year. The application that has now been submitted proposes 6 light industrial units. The layout and design is broadly similar to the layout and design that was approved in 2011. The differences include moving the proposed buildings slightly further away from the railway line, and increasing the depth of the buildings slightly, with the result that the buildings would extend closer to the site's Shore Road frontage. The landscape treatment would also be somewhat different, reflecting the fact that the saline ditch has been realigned to have a narrower course. The proposed buildings would be of a similar height to the buildings approved in 2011, but whereas the previously approved building only had ground floor accommodation, 3 of the units (units 1-3) would now have first floor accommodation lit by first floor windows. Units 4-6 would have a similar pattern of windows to units 1-3, although no first floor accommodation is actually proposed to these 3 units. The result of the additional first floor floorspace to units 1-3 and the slightly larger building footprints is a development that would have a floorspace of 645 square metres, which is clearly a much greater level of floorspace than was approved in 2011.
- 14.4 Given the site's context and planning history, there would be no policy objection to the principle of the development that is now proposed. Notwithstanding the design differences from the 2011 scheme, the buildings that are proposed would still be fairly typical industrial buildings. Their scale would not be dissimilar to the scale of the industrial units to the north-west of the site, and their appearance would also be contextually appropriate. The proposed units would have an acceptable spatial setting. The application is accompanied by a detailed landscaping scheme, which adequately demonstrates that the development can be provided without having a negative impact on landscape character. The existing roadside hedge and greenery around the site's boundaries would be retained and reinforced with additional planting including new tree planting that would adequately mitigate the loss of trees that have been removed following the 2011 planning permission. As such, the development would have an appropriately green setting. Given these considerations, it is felt the development would have an acceptable visual impact. It would not appear as an overdevelopment of the site, but would instead be a development that responds positively to local distinctiveness and the character and appearance of the area.
- 14.5 The application site is within an Area at Risk of Tidal Flooding (a Flood Zone 3 area). The application is accompanied by a Flood Risk Assessment, and as the development is what is known as 'less vulnerable' development, then Flood Risk Standing Advice (FRSA) applies. The Flood Risk Assessment submitted with the application proposes some specific mitigation measures that would appear to adequately address the requirements of FRSA. The mitigation measures would entail setting the buildings at no lower than 3.7 metres Above Ordnance Datum (AOD), which would exceed existing ground levels by

about 0.3-0.5 metres. The need to raise the levels of the buildings in this way would slightly increase the impact of the buildings in their setting, but not unacceptably so.

- 14.6 The application is accompanied by an ecological assessment. Based on the mitigation measures set out in this assessment, Natural England are satisfied that the proposed development would have no adverse impact on the integrity of nearby designated sites. These mitigation requirements can be secured through condition. A condition should also be imposed to ensure that there is no net loss of biodiversity and to assist biodiversity enhancement more generally.
- 14.7 Based on the proposed floorspace, the Council's Parking Standards Supplementary Planning Document recommends that 14 car parking spaces should be provided in association with the proposed development. 14 car parking spaces are actually proposed, and therefore the level of car parking being provided would accord with the Council's standards. While 8 of the proposed spaces would be tandem spaces, the Highway Authority have confirmed that this would be acceptable. The Highway Authority have also confirmed that there is sufficient space on the site to allow these spaces to be accessed in a satisfactory manner. As such, it is considered that the parking arrangements on site would be acceptable and would not result in unacceptable parking pressures on local roads. However, because certain changes that could be implemented under permitted development rights (extensions / mezzanine floors, changes of use) could increase parking pressures to the detriment of highway safety, it is considered that there would be a need to control such future changes through condition.
- 14.8 The applicants have provided sufficient evidence to demonstrate that a refuse vehicle could enter and turn on the site. Following the submission of additional details, the Highway Authority have also confirmed that the access to the site would have adequate visibility. Therefore, as a whole, it is considered that the proposed development would have an acceptable impact on highway safety. The proposed development also makes appropriate cycle parking provision.
- 14.9 The nearest residential properties are set about 75 metres away from the site which would be a significant degree of separation. Noting that the proposed units are intended to be for B1 light industrial uses and not B2 general industrial uses, it is considered that the development would not be harmful to the amenities of nearby residents, nor indeed nearby business units.
- 14.10 Overall, the proposed development would be consistent with local and national planning policies. The proposed development would create employment opportunities that would be beneficial to the local economy. The development would be a contextually appropriate development that could be provided without detriment to the surrounding environment. The development could also be provided without adversely affecting highway safety. Subject to conditions, including conditions to meet the requirements of specific consultees, it is considered that the development would have an acceptable impact, and therefore the application can reasonably be recommended for permission.

14.11 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

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. The development permitted shall be carried out in accordance with the following approved plans: cwb sht 7 rev X, cwb sht 5 rev X, cwb sht 1 rev X, cwb sht 2 rev X, cwb sht 3 rev X, cwb sht 4 rev X, cwb sht 6 rev X, 374-LA-P-05 rev C, 374-LA-P-04 rev C, 665-001_BOUND, Topographical Survey 1 of 1, Bin Lorry Swept Path Analysis.

Reason: To ensure satisfactory provision of the development.

3. Visibility splays in accordance with the details shown on Sanders Design Services Ltd drawing cwb sht 7 rev X shall be provided at the junction of the proposed access with the public highway before development commences and this visibility splay shall thereafter be kept free of any obstacles greater than 600mm in height above the adjacent carriageway at all times.

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

4. The development hereby permitted shall not be occupied until the spaces shown on the approved plans for the parking and turning of motor vehicles and cycles have been provided. These spaces / areas shall thereafter be retained and kept available for their intended purpose all times.

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

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2016 , ref 80134 by Such Salinger Peters and the following mitigation measures detailed within the FRA:-
- a) Finished floor levels shall be set 3.70 metres above Ordnance Datum (AOD).
 - b) The scheme shall be designed so that surface water run-off generated by the 1 in 100 year critical storm (with 20% allowance for climate change) shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site.
 - c) The flood-proofing measures detailed in section 5 of the Flood Risk Assessment shall be incorporated into the proposed development.

Reason: To minimise flood risk in accordance with Policy CS6 of the Core Strategy for New Forest District outside the National Park.

6. Before the commencement of development full details of the biodiversity mitigation and enhancement measures that are to be incorporated into the development shall be submitted to and approved by the Local Planning Authority. Development shall only proceed in accordance with the approved details.

Reason: To safeguard biodiversity interests in accordance with Policy DM2 of the Local Plan Part 2: Sites and Development Management.

7. The recommendations set out on Page 8 of the Arbtech Ecological Assessment dated 02/02/2016 shall be implemented and adhered to so that:-
- a) during both the construction and subsequent operation of the development there shall be no percussive piling or works with heavy machinery (i.e plant resulting in a noise level in excess of 69dbAmax measured at the nearest sensitive receptor) during the bird overwintering period between 1st October and 31st March inclusive;
 - b) all construction workers and occupants of the approved development shall be made aware of the other recommendations included within this part of the Ecological Assessment.

Reason: To ensure that the development does not have any adverse impact on the ecological interest of nearby designated sites and to comply with Policy CS3 of the Core Strategy for New Forest District outside of the National Park.

8. 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 buildings 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 Policy CS2 of the Local Plan for New Forest District outside the National Park (Core Strategy).

9. 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 visual amenities of the locality in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no additional floor space to that shown on the approved plans, either by way an extension to the buildings or the creation of a mezzanine floor within the buildings, shall be created or formed unless express planning permission has first been granted.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policies CS2 and CS24 of the Core Strategy for the New Forest District outside the National Park.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used for light industrial purposes only (Use Class B1c) and for no other use purposes, whatsoever.

Reason: This is the basis on which the planning application has been submitted and assessed. The Local Planning Authority would wish to consider the affects of alternative uses, particularly in terms of parking and environmental impacts and to ensure continued consistency with policies CS2 and CS24 of the Local Plan Part 2: Sites and Development Management.

Notes for inclusion on certificate:

1. 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 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 as the application was acceptable as submitted (subject to clarification on the visibility of the proposed access) no specific further actions were required.

2. 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 (including asbestos) 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.
3. Your attention is drawn to the advice of Network Rail, Southern Gas Networks, Scottish and Southern Electricity Networks and Southern Water, whose advice on your proposals can be viewed on the Council's website.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
December 2016**

Item No: 3e
Land adj Trident
Business Park
Shore Road Hythe
16/11237
SU2807

Scale 1:1250

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

