

Application Number: 16/11464 Full Planning Permission

Site: HS BUTYL INTERNATIONAL, GORDLETON INDUSTRIAL
PARK, HANNAH WAY, PENNINGTON, LYMINGTON SO41 8JD

Development: Warehouse; alter parking; access

Applicant: HS Butyl

Target Date: 19/12/2016

1 REASON FOR COMMITTEE CONSIDERATION

Recommendation contrary to Green Belt policy.

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

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. 1 - Building a strong, competitive economy

NPPF Ch. 7 - Requiring good design

NPPF Ch. 9 - 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

- 6.1 11/97549 - Storage building (475 sq.m) - granted December 2011
- 6.2 87/NFDC/34367 - Industrial production unit and associated car/lorry parking - granted May 1987

7 PARISH / TOWN COUNCIL COMMENTS

LYMINGTON & PENNINGTON TOWN COUNCIL – Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Flood and Water Management Team: no objections, but give informatives.
- 9.2 Hampshire County Council Highways Engineer – No objections, subject to car and cycle parking conditions and informative.
- 9.3 Southern Gas Networks – No objections, but 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 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, following the submission of further supporting information to justify the proposal in relation to its Green Belt location, the application is considered to be acceptable.

14 ASSESSMENT

14.1 The Site and Proposal

14.1.1 The site comprises a large industrial building on the Gordleton Industrial Estate, which was originally granted consent in 1987. There is an existing access point to the east of the building and an area to the rear is used for car parking and open storage. On the western side of the building is an open area with trees and landscaping along the northern boundary of the site. The site lies on the central part of the industrial estate, although there is open land to the south, with the benefit of outline planning permission for industrial expansion. 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. The application site is currently used for outside storage, covered storage, loading and car parking.

14.1.2 This planning application has been submitted by HS Butyl International and proposes the construction of a detached building to the south of the existing building. The proposed building would provide some 1000 square metres to be used for storage/warehouse purposes to support the existing business. The proposed building would be smaller than the existing building, but would be substantial in scale and mass and would be constructed from profiled metal cladding to match the existing building. It is also proposed to form a new access from the front of the site, with a view to providing a one way access system and a new car parking area to the side of the existing building.

14.2 Main Considerations

14.2.1 While Policy CS17 encourages redevelopment and intensification of existing employment sites and Policy DM22 allows extensions to an existing building in employment use, 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 9 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?
- 14.2.3.1 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.
- 14.2.3.2 The development of a warehouse structure 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 at paragraph 88 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?
- 14.2.4.1 The proposed development would result in the provision of a building, 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 Silver Street 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, parking and small storage buildings, so the land use would effectively be unchanged. 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.
- 14.2.5 iii) Would there be any other non-Green Belt harm?

14.2.5.1 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 building would be of a similar height to the existing building and would be constructed from profiled metal cladding on its elevations and roof to match the existing building. While the proposed development would create an admittedly large new structure within the countryside, it is within the confines of Gordleton Industrial Estate and it must be acknowledged that the land immediately to the south benefits from outline permission for industrial expansion, which will include structures significantly larger than the building proposed here. It must also be acknowledged that the proposal is much smaller than the principle building on this site and would be erected instead of an alternative industrial building approved in 2011 of 475 sq.m in area. The proposal is of acceptable design and would be constructed of materials to match the principle building. It would replace an adhoc arrangement of smaller storage buildings and open storage and 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.

The estate is characterised by generous and deep landscaping to the front and sides of buildings, which could be continued around the area of the new access and parking arrangements and continued to the rear of the site, to soften the visual impact of development. No landscaping arrangements have been submitted, but appropriate details may be secured by condition. It is considered that, subject to the use of appropriate design, materials, colours and landscaping, 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.

14.2.5.2 b) Highway Impacts

No concerns are raised by the Highway Authority over the scale of building proposed or reconfiguration of the proposed access, parking and turning arrangements, subject to conditions to ensure adequate car and cycle parking is provided. Conversely, the proposal is likely to result in a net reduction in vehicle movements between the application site and alternative storage provision at Woolsbridge, some 18 miles away.

14.2.5.3 c) Residential Amenity Impacts

Policy CS2 requires new development to limit adverse impacts upon the amenity of adjoining occupiers. There is unlikely to be any adverse impact on the surrounding area or residential amenity given the industrial nature of the wider site and that there are no residential properties within the locality. The impacts of the proposal comply with the amenity related provisions of Policy CS2 of the Core Strategy.

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

14.2.6.1 The applicant has provided the following details in relation to 'need', enhancements and mitigation as part of the submission, which seek to demonstrate that very special circumstances exist which justify allowing inappropriate development in the Green Belt.

- HS Butyl is an established global supplier of quality sealants for a wide range of applications in the construction and automotive industries and the existing building is used for the manufacturing and development of their products. There is very little covered storage space within the existing building and external storage is no longer acceptable for weather and security reasons.
- There is a locational requirement to site the building here. The applicant rents a warehouse on the Woolsbridge Industrial Estate 18 miles away which takes 30 minutes to travel to when the roads are not congested. At least 5 HGV/trailer vehicle movements are made between the two sites per week so for economic, efficiency and environmental reasons this proposal is sound.
- The proposal seeks to improve parking and traffic management with the new parking and access arrangements proposed, creating safer site access and egress.
- As the proposed building would be sited parallel to the existing, be of the same facing materials and colours and be no greater in height, the visual impact would be minimal. The building would also be sited within the existing site boundary and would not extend into the open countryside.
- The proposal would not have a detrimental impact on the living conditions of the adjoining neighbouring properties.
- While the proposal is larger than the previously approved scheme, the same reasons to approve this application apply.
- HS Butyl employ a total of 127 people full time which are split into three shifts over 24 hours Monday to Friday. They have good order books which will secure these jobs and allow them to invest in these proposals for the long-term sustainability of the company.

14.2.6.2 Officers concur with the view that the current storage arrangements on site are poor and that there is a need to establish appropriate covered storage in the interests of enabling this established company to grow, which would be beneficial to the economic prospects of the District. This would be 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 proposal is likely to result in a net reduction in vehicle movements between the application site and alternative storage provision at Woolsbridge, some 18 miles away. Officers are satisfied that there are no alternative sites that meet the requirements of the development outside of the Green Belt. Given that the site lies within the central part of an established built up industrial estate and would not extend into the open countryside to the south, it is not considered that the proposal would significantly adversely affect the openness of the Green Belt.

14.2.6.3 Having examined the need assessment, there would appear to be a significant need for the development and 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 needs of the applicant to expand 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?
- 14.2.7.1 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.
- 14.2.7.2 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 and it is likely to result in a net reduction in vehicle movements between sites. With regards to residential amenity impacts, the proposal is not considered likely to have any harmful impact, which would weigh against the scheme. Your officers are not aware of any other matters raised in representations that would weigh against the scheme.
- 14.2.7.3 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 the applicant's existing building, likely to make a positive contribution to the local economy, would result in reduced vehicle movements and with only very limited harm to the openness of the Green Belt. In your officers' view, 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?
- 14.2.8.1 In light of the above, it is concluded that 'very special circumstances' do exist, in the form of the locational need for the development, lack of alternative sites 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.
- 14.2.9 Conclusion
- 14.2.9.1 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 existing business. 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, the proposal is recommended for approval. As the proposal is for a building of 1000 square metres floor space, the application must be referred to the Secretary of State to determine whether or not to call the application in for a decision.
- 14.2.9.2 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 Planning and Building Control be **AUTHORISED TO GRANT PERMISSION** subject to the Secretary of State's confirmation that he does not wish to call this application in for his own determination, subject to the following 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: 1640.01A, 1640.02B, 1640.03A, 1640.04 and 1640.06.

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the principle, frontage building on this site.

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

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. No development shall start on site until plans and particulars showing details of the provisions of cycle storage within the site have been submitted to 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: A pre-commencement condition is required as details of cycle parking were not submitted with the application, to ensure adequate provision within the site in accordance with policy CS24 of the Local Plan for the New Forest outside the National Park (Core Strategy).

6. 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 specification for new planting (species, size, spacing and location) and other means of enclosure. 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 makes adequate landscaping arrangements to preserve the character of the locality and countryside and openness of the Green Belt, in accordance with Policies CS2, CS3 and CS10 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. All external works (hard and soft landscape) 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 (including signage) 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).

8. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs and hard surfaces on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy 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.

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

2. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation

3. Hampshire County Council Flood and Water Management Team advise the applicant to visit their website <http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found <http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm>

4. The application drawings/form does not state how surface water will be discharged of. There should be no increase in flow to any surface water system or watercourse. The reason for this is that most of the watercourses in the New Forest catchment flood out of bank during high rainfall which can cause property flooding. A predicted 30% increase in flow rate caused by climate change over the next 100 years is likely to cause more properties to flood. NFDC Building Control can advise on the disposal of surface water.
5. Hampshire County Highway Authority advise that as the proposals include the formation of a new access onto the highway the applicant is made aware of the requirement to carry out any works on the highway to the appropriate standard laid down by and under a licence agreement with the Highway Authority.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee**
January 2017

Item No: 3e
HS Butyl International
Gordleton Industrial Park
Hannah Way Pennington
16/11464
SZ2996

Scale 1:1250

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

