

Application Number: 17/10483 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: 22/06/2017

Extension Date: 14/07/2017

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

Case Officer: Jim Bennett

1 REASON FOR COMMITTEE CONSIDERATION

Departure from the Development Plan

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. 1 - Building a strong, competitive economy
NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt Land

Conservation Area: N :
Tree Preservation Order: N TPO No:

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

The applicant sought the Council's pre-application advice for the form of development proposed here. The Council was generally supportive, subject to the proposal being supported by a statement to justify inappropriate development within the Green Belt.

7 PARISH / TOWN COUNCIL COMMENTS

Lymington Town Council - no objections

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Engineer: the level of on site car parking is in accordance with that recommended within the SPD. Cycle parking should also be provided in accordance with the SPD. No objections, subject to parking, turning and cycle parking conditions and an informative.
- 9.2 Environmental Health Officer (Pollution) - no objection, subject to conditions: the application does not advise on the type of business the units are intended for other than 'High Tech or light industrial uses'. This proposal does bring the industrial uses significantly closer to the existing residential properties, and therefore consideration of noise emanating from the proposed units must be considered, and if not controlled, noise is likely to be such as to cause a significant adverse impact to the residents of the nearby neighbouring properties. The building has been designed in such a way that openings are only situated on the south elevation, facing away from the residential properties, and the applicant puts forward a number of conditions to be considered as part of any planning application in the Design and Access Statement in order to control noise emanating from the proposed use. In order to control noise from the premises, it is suggested that some changes are made to the proposed list of conditions to restrict outdoor working, loading hours, noise emanation and extraction equipment.
- 9.3 Environmental Health Officer (Contaminated Land) - recommend an informative be applied due to the close proximity of potentially infilled ground with unknown material.
- 9.4 Southern Gas Networks - give informative

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 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

The proposal relates to the provision of 3 no. 225 sq m industrial buildings

of metal profile sheet construction at 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. 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.

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 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?

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 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?

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.

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.

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

The applicant has provided details in relation to justifying the development within the Green Belt as part of the submission, 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.

Having examined the submission, 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

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, the proposal is recommended for approval. As the proposal is for a building under 1000 square metres floor space, the application does not need to be referred to the Secretary of State to determine whether or not to call the application in 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

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: drawing numbers 001 rev A, 002, 003 Rev A, 2017-F-002-002 and 004

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 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. The County Highway Authority advises the applicant that as the proposals include the formation of a new access onto the highway which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a license agreement with, the Highway Authority.

3. 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.

4. The Environmental Health 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:

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Major Team

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**Planning Development
Control Committee**
July 2017

Item No: 3f

Land at Hannah Way
Pennington
Lymington
1710483
SZ2996

Scale 1:1250

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



