
Site Address: Land at Mill Rythe Lane, Hayling Island
Proposal: Variation of Condition Nos. 2, 3, 4, 5, 7, 8, 12, 13 and 15 of Planning
Permission 08/52197/006 to enable phased development of the site.
Application No: APP/13/00959 Expiry Date: 30/01/2014
Applicant: Mrs C Howard Team: Team 1
Agent: Douglas Briggs Partnership Case Officer: Sally Smith
Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

The site falls within the Mill Rythe industrial area. Units 1 - 4 are built and were permitted as industrial units. Unit 1 however is in use as a chandlery and unit 2 has been split so a small part of it is now referred to as 2A which is used by a fisherman. Unit 5 has not been built. Some of the existing buildings remain on the site in the vicinity of Unit 5; some are being used by a vehicle recovery company on a temporary basis.

2 Planning History

08/52197/006 - Demolition of existing units and construction of B1/B2 industrial units with associated landscaping and parking. (Revised application). Permitted 19/1/09 and part implemented (4 of the 5 approved units having been constructed with part of the parking/servicing yard).

09/52197/007 - Discharge of various conditions Permit 26.8.09

APP/10/00252 - Temporary use for the parking of recovery vehicles (on site of unit 5).
Current

APP/13/00958 - Use of Unit 1 as B1/B2 or a chandlery and 2A as B1/B2 or a fishermans's store. Permit 20.12.13

3 Proposal

The proposal is to vary conditions 2,3,4,5,7,8,12,13,15 to enable a phased approach - as construction has not taken place on unit 5. Suggested wording is proposed in the Design and Access Statement which is considered in drafting the revised conditions and are amended as considered appropriate.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS11 (Protecting and Enhancing the Special Environment and Heritage of

	Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS2	(Employment)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

EMP9 (Marine Related Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - Consultation not pursued because the proposal does not effect trees as units 1 and 4 have been built.

Chichester Harbour Conservancy - No objection

Regeneration & Development - No comments

Development Engineer - No objection

Landscape Team - No objection

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: One

Statutory advertisement: 29/11/2013

Number of representations received: None

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact on the character and environment of the area of the area
- (iii) Highways and parking issues

(i) Principle of development

- 7.2 The principle of the industrial units is established under the earlier permission 08/52197/006 and are located within the employment allocation for Mill Rytte (EMP 9). Four of the units have been built and permission is being sought via this proposal to be able to have appropriate conditions worded to allow for a phased development and completion of unit 5 at a later date. It is considered that the principle of phasing is acceptable subject to ensuring that the first phase is completed acceptably in itself and has adequate parking to accompany that first phase. The proposal therefore needs to be addressed to see if there are any detailed implications.

ii) Impact on the character and environment of the area of the area

- 7.3 The first four units have been built but the end wall of unit 4 requires completion to provide a satisfactory finish prior to the completion of unit 5. This has been included in the proposal so is considered acceptable. Without completion of unit 5 the development is set further back from the water's edge of the AONB and its partial completion is considered acceptable in terms of its visual impact. The area of unit 5 is subject to the application for the temporary use for the parking of recovery vehicles and utilises existing buildings on the site. That application has yet to be determined, albeit that the use is currently being operated. This separate application is not considered to prejudice the use of Units 1-4 as the first phase of the overall development approved under 08/52197/006.

(iii) Highways and parking issues

- 7.4 The access arrangements to units 1 to 4 are as previously approved so that is acceptable. With respect to parking 13 spaces are proposed for the first phase. This will necessitate demolition of the old building on the eastern part of the site in the area of proposed spaces 10 to 13. This demolition will in fact be an improvement to the appearance of the area as well as ensuring a suitable level of provision pending the completion of unit 5 and the parking area to the east of that unit.

8 Conclusion

- 8.1 It is considered that subject to appropriate wording of the conditions that a phased approach is acceptable. The conditions have been adapted to make reference to the existing discharge of conditions approval where appropriate.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00959 subject to the following conditions:

- 1 The external facing and roofing materials used for the construction of Unit 5 shall accord with those approved under Discharge of Conditions Permission 09/52197/007 unless further details are approved under a subsequent Discharge of Conditions Approval. Thereafter, only such approved materials

and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 2 Unit 5 shall not be occupied until the vehicular access has been completed in accordance with the details approved under Discharge of Conditions Permission 09/52197/007 unless further details are approved under a subsequent Discharge of Conditions Approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS20 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 Prior to the occupation of Unit 5 the landscaping scheme shall be implemented as approved under Discharge of Conditions Permission 09/52197/007 unless further details are approved under a subsequent Discharge of Conditions Approval. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 Prior to the occupation of Unit 5 all areas to be hardsurfaced shall be completed in accordance with the details approved under Discharge of Conditions Permission 09/52197/007 unless further details are approved under a subsequent Discharge of Conditions Approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 Prior to the occupation of Unit 5 all means of enclosure and screening shall be implemented in accordance with details approved under Discharge of Conditions Permission 09/52197/007 unless further details are approved under a subsequent Discharge of Conditions Approval. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 Prior to the occupation of Unit 5 the external lighting shall be implemented in accordance with the details approved under Discharge of Conditions Permission 09/52197/007 unless further details are approved under a subsequent Discharge of Conditions Approval. There shall be no external lighting on the site other than as thereby approved.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

2012.

- 7 The construction of Unit 5 shall not commence until all existing buildings and structures, with the exception of Units 1, 2, 3 and 4, shall have been demolished and all resultant materials removed from the site unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 8 No article of any description shall be manufactured, assembled, altered, repaired or stored outside the buildings hereby approved.
Reason: In the interests of the amenity of the area and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 9 No equipment, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas approved in writing by the Local Planning Authority for that express purpose.
Reason: In the interest of the appearance of the site and the visual amenities of the surrounding area, and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 10 No building materials shall continue to be stored on the site 14 days after the completion of the principal construction works.
Reason: In the interests of the amenity of the area and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 11 No percussive piling or works with heavy machinery shall occur within the waterfowl over-wintering period, 1 October to 31 March inclusive.
Reason: In the interests of the wildlife of the locality and having due regard to policies CS11 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 12 The occupation of Unit 5 shall not commence until a minimum of 27 parking spaces have been provided within the curtilage of the site in accordance with the approved plans, and thereafter all of those spaces kept available for such purposes.
Reason: In the interests of highway safety and having due regard to and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 13 Within 3 months of the date of this permission the bollards approved under Discharge of Conditions Permission 09/52197/007 or under a subsequent Discharge of Conditions Approval shall be implemented and shall be subsequently retained and maintained.
Reason: In the interests of highway safety and visual amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 14 The construction of Unit 5 shall not commence until all trees/shrubs and/or other natural features adjacent to Unit 5, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along the line approved under Discharge of Conditions Permission 09/52197/007. Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 15 The existing hard surfaces within the areas to be surfaced with pea gravel adjacent to Unit 5 shall be removed and replaced with pea gravel prior to the occupation of Unit 5. Any roots over 40mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.
Reason: To ensure the continuity of amenity value afforded by the trees to be retained and having due regard to policies CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 16 The premises apart from Unit 1, 2a and 5 shall be used only for purposes falling wholly within the scope of Use Classes B1(c) and/or B2 and for no other purpose whatsoever including any other purpose in Class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.
Reason: To provide uses that are appropriate to the locality and in the interests of the level of traffic generated by the development and having due regard to Saved Policy EMP9 of the Havant Borough District Wide Local Plan March 2011 and Policies CS2.7 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 17 Unit 5 hereby approved shall be used only for marine related uses and for no other purpose whatsoever, including any other purposes within Classes B1(c) or B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking or re-enacting that Order.
Reason: To ensure the provision of a use appropriate to the shoreline position and design characteristics of the unit and having due regard to Saved Policy EMP9 from the Havant Borough District Wide Local Plan March 2011, CS2.7 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 18 Each part of the site which becomes landscaped as part of the landscaping scheme to be approved in pursuance of Condition 3 above shall be retained as an area of soft landscaping at all times thereafter and shall not be used for the outside storage of any goods, equipment or machinery nor for the purpose of vehicle parking.
Reason: To ensure that the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 19 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 14.7.2003 and the following mitigation measures detailed within the FRA:
1) Identification and provision of safe routes into and out of the site to an appropriate safe haven.
2) Finished floor levels are set no lower than 3.80m above Ordnance Datum (AOD)
Reason: To ensure safe access and egress from and to the site, to reduce the risk of flooding to the proposed development and future occupants and having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 20 Any facilities for the storage of fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.
Reason: To prevent pollution of the water environment and having due regard to Policy DM10 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 21 Within 3 months of the date of this permission the space for the loading, unloading and parking of vehicles to be associated with Units 1 to 4 as shown on the site plan Rev A 31.10.13 shall be provided within the site, surfaced and marked out. Such areas shall thereafter be retained and used solely for those purposes until the completion of Unit 5.
Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 22 Within 3 months of the date of this permission the end elevation of Unit 4 shall be clad to match the other units as detailed on drawing 6702-124B and shall be maintained in that condition until the commencement of Unit 5.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS12, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 23 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Design and Access Statement
Site and Location Plans Rev A 31.10.13
Site Plan 6702-120H
Elevations 6702-121B
Elevations 6702-122B
Elevations 6702-123B
Elevations 6702-124B

Reason: - To ensure provision of a satisfactory development.

