

Land at Mill Rythe Lane, Hayling Island

The Proposals and Economic Context

To enable sensible economic use of an existing industrial site until it can be fully redeveloped.

To enable use of the constructed units 1-4, without completion of unit 5 which it is intended will be built at a later stage.

To enable the continued use of the remainder of site for a temporary period for the secure parking of recovery vehicles in association with an established business on an adjacent site and the associated regular maintenance of these vehicles. (this is dealt with in a separate application)

The application site currently has consent for redevelopment for industrial purposes including a purpose designed boat building unit.

Whilst the owner of this site has been able to build and let the smaller approved units the economic climate has meant that they have not been in a position to be able to invest in the large unit at the current time.

Unit 5 has been designed for specific end users. It is adjacent to the boatyard facilities and has been purpose designed for boat building. When constructed it will serve one of the few remaining boat building firms based at Chichester Harbour.

The applicant is making this application to enable the phased redevelopment of the site, although it should be noted that phasing had been indicated in the previous planning application 08/52197/006. In the Planning, Design and Access statement that was submitted as part of the previous application it was explained that;

The demolition and construction sequence has been carefully organised to minimise disruption to existing businesses and occupants.

The construction will take place in the following phases;

1. Units 3 and 4 have been constructed first, no demolition was necessary for this to take place. The construction of these units has allowed the boat builders to continue to operate on the site while development continues.
2. Now Units 3 and 4 are completed, the boat builders occupy them so their existing buildings can be demolished to enable Units 1 and 2 to be built.
3. When Units 1 and 2 are completed, then the other existing businesses will vacate the remaining buildings allowing Unit 5 to be built to house the boat builders and enable other businesses to use Units 3 and 4.

Whilst the sequence of events has now altered because Unit 5 will not be constructed yet it is considered important to note that an intention to occupy Units 1 and 2 prior to the erection of Unit 5 had already been expressed. The majority of the proposed amendments to the conditions that follow relate to regularising the occupation of these Units (1 and 2) prior to construction and occupation of Unit 5.

It is the applicants wish to fully redevelop the site in the future when economic circumstances have improved and it is possible to invest in the large purpose designed boat building facility.

Whilst the applicant notes suggestions that the proposals could be amended to omit Unit 5 they note that this would result in the loss of business floorspace and most importantly the boat building facilities that are considered essential in this location and which the applicant has every confidence will be required in the near future.

The application involves amendment or variation of the following conditions attached to Planning Permission 08/52197/006.

Condition 1

1) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until samples and details of all external facing and roofing materials have been submitted to and approved

by the Local Planning Authority. Thereafter, only such approved materials and finishes shall be used in carrying out the development.

Discharged under 09/52197/007 (29.08.09)

Condition 2

2) The construction of Unit 5 and/or the external cladding of Units 1 and 2, shall not commence until details of the construction of all proposed means of vehicular access included in the application site have been submitted to and approved in writing by the Local Planning Authority. The occupation of Units 1, 2 and 5 shall not be permitted until the provision of all such means of access have been completed in full accordance with such details as are thus approved by the Local Planning Authority. Reason: In the interests of traffic safety and local amenity, and having due regard to Policies T7 and D1 of the Havant Borough District Wide Local Plan 1996-2011.

It is proposed that this condition is amended as follows:

2) The construction of Unit 5 and/or the external cladding of Units 1 and 2, shall not commence until details of the construction of all proposed means of vehicular access included in the application site have been submitted to and approved in writing by the Local Planning Authority. The occupation of Unit 5 shall not be permitted until the provision of all such means of access have been completed in full accordance with such details as are thus approved by the Local Planning Authority.

Whilst Condition 2 was discharged under 09/52197/007 (29.08.09) the applicant seeks an amendment to regularise occupation of Units 1 and 2. Given that the construction of Unit 5 and associated works will entail further significant construction works on the site the applicant considers that it is reasonable to seek confirmation that the final access works should not take place until construction work on the site has finished. This is often the case where phased development takes place.

Condition 3

3) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted and the positions, species and planting sizes of the trees and shrubs to be planted and/or retained. The implementation of all such approved landscaping shall be completed in full prior to the occupation of Units 1, 2 and 5. 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 D1 and L7 of the Havant Borough District Wide Local Plan 1996-2011.

It is proposed that this condition is amended as follows:

3) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until a detailed soft landscaping scheme for all open parts of the site not proposed to be hard surfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted and the positions, species and planting sizes of the trees and shrubs to be planted and/or retained. The implementation of all such approved landscaping shall be completed in full prior to the occupation of Unit 5. 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.

Whilst Condition 3 was discharged under 09/52197/007 (29.08.09) the applicant seeks an amendment to regularise occupation of Units 1 and 2. Given that the construction of Unit 5 and



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associated works will entail further significant construction works on the site the applicant considers that it is reasonable to seek confirmation that the landscaping should not take place until construction work on the site has finished. This is often the case where phased development takes place.

Condition 4

4) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The implementation of all such approved hardsurfacing shall be completed in full accordance with such specification prior to the occupation of Units 1, 2 or 5.

Reason: In the interests of the amenities of the locality and having due regard to Policy D1 of the Havant Borough District Wide Local Plan 1996-2011.

It is proposed that this condition is amended as follows;

4) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The implementation of all such approved hardsurfacing shall be completed in full accordance with such specification prior to the occupation of Unit 5.

Reason: In the interests of the amenities of the locality and having due regard to Policy D1 of the Havant Borough District Wide Local Plan 1996-2011.

Whilst Condition 4 was discharged under 09/52197/007 (29.08.09) the applicant seeks an amendment to regularise occupation of Units 1 and 2. Given that the construction of Unit 5 and associated works will entail further significant construction works on the site the applicant considers that it is reasonable to seek confirmation that the final hardsurfacing should not take place until construction work on the site has finished. This is often the case where phased development takes place.

Condition 5

5) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed in writing by the Local Planning Authority the implementation of all such screening shall be carried out in full prior to the occupation of Units 1, 2 or 5. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring properties, and having due regard to Policies D1 and D3 of the Havant Borough District Wide Local Plan 1996-2011.

It is proposed that this condition is amended as follows:

5) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed in writing by the Local Planning Authority the implementation of all such screening shall be carried out in full prior to the occupation of Unit 5. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Condition 5 was discharged under 09/52197/007 (29.08.09) the applicant seeks an amendment to regularise occupation of Units 1 and 2. Given that the construction of Unit 5 and associated works will entail further significant construction works on the site the applicant considers that it is reasonable to seek confirmation that the final enclosure works should not take place until construction work on the site has finished. This is often the case where phased development takes place.

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Condition 6

6) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to Policies D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011. Condition 6 was discharged under 09/52197/007 (29.08.09).

Condition 7

7) The construction of Unit 5 and/or the external cladding of Units 1 and 2, shall not commence until all existing buildings and structures, with the exception of Units 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 properly planning development in the interests of the visual amenities of the locality and having due regard to Policy D1 of the Havant Borough District Wide Local Plan, and Planning Policy Statement 1.

It is proposed that this condition is amended as follows:

7) The occupation 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.

The applicant seeks an amendment of this condition to enable occupation of Units 1 and 2 without demolition of the remaining structures on site until he is in a position to complete the development. The use of these structure is dealt with in the application seeking temporary change of use of the undeveloped part of the site.

Condition 8

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 D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011, and Planning Policy Statement 23.

It is proposed that this condition is amended as follows:

8) No article of any description shall be manufactured, assembled, altered, repaired or stored outside the buildings hereby approved without the prior agreement of the Local Planning Authority.

The applicant seeks to amend this condition to enable the ability to seek some external storage on the site where appropriate, i.e. retention of the boats currently stored on site whilst ensuring that the LPA still retain control.

Conditions 9, 10 & 11

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. No change

10) No building materials shall continue to be stored on the site 14 days after the completion of the principal construction works. No change, it is assumed that the LPA agree that construction of Unit 5 would constitute principal construction works.

11) No percussive piling or works with heavy machinery shall occur within the waterfowl over-wintering period, 1 October to 31 March inclusive. No change

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Condition 12

12) The occupation of Units 1, 2 or 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 Policies T5 of the Hampshire County Structure Plan (Review), T9 of the Havant Borough District Wide Local Plan 1996-2011, and Planning Policy Guidance 13.

It is proposed that the wording of this condition shall be amended as follows:

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

The applicant seeks amendment of this condition to enable productive use of the remainder of the site until he is in a position to construct Unit 5. The concurrent planning submission for temporary change of use covers this in more detail.

Condition 13

13) The construction of Unit 5 or the external cladding of Units 1 and 2 shall not commence until plans and particulars of the bollards hereby approved adjacent to Unit 1 have been submitted to and approved in writing by the Local Planning Authority. Such bollards as are agreed shall be constructed before Units 1, 2 or 5 hereby approved are occupied and shall be subsequently retained and maintained.

Reason: In the interests of highway safety and visual amenity and having due regard to Policy D1 of the Havant Borough District Wide Local Plan 1996-2011, and Planning Policy Statement 1.

It is proposed that this condition be amended as follows:

13) The construction of Unit 5 shall not commence until plans and particulars of the bollards hereby approved adjacent to Unit 1 have been submitted to and approved in writing by the Local Planning Authority. Such bollards as are agreed shall be constructed before Unit 5 hereby approved is occupied and shall be subsequently retained and maintained.

The amendments to this condition will enable the regularisation of the use of Units 1 and 2 and the phased construction of Unit 5.

Condition 14

14) The construction of Unit 5 and/or the external cladding of Units 1 and 2 shall not commence until all trees/shrubs and/or other natural features, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along a line to be agreed in writing by the Local Planning Authority. Such fencing shall conform to the following specification in accordance with BS5837 2005:

Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.

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 D1 and L6 of the Havant Borough District Wide Local Plan 1996-2011.

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Condition 15

15) The existing hard surfaces within the areas to be surfaced with pea gravel shall be removed and replaced with pea gravel prior to the occupation of Units 1, 2 and 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 D1 and L6 of the Havant Borough District Wide Local Plan 1996-2011.

Conditions 16 & 17

16) The premises apart from Unit 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. **No change**

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. **No change**

Condition 18 & 19

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. **No change**

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)

No change

Conditions 20

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. **No change.**

Condition 21

21) The development, hereby permitted, shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Amended plans are enclosed as part of this application.

Layout & Scale

There is no change to the existing approved layout proposed for the long term. In the medium term the applicant would like to be able to use the indicated western part of the site for units 1-4, a separate



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application has been submitted for the temporary change of use of the eastern part of the site until the final phase can be undertaken.

Landscaping

There are no existing mature trees on site, although existing trees outside the site screen the site from the west.

The proposals include amendments to the approved landscaping scheme.

Design Solution and Appearance

No changes to the external appearance of the final redevelopment of the site are proposed nor will there be a change to the existing appearance until the final stages of the overall redevelopment of site recommence.

Site Assessment and Context

The site is located next to existing business units close to Chichester Harbour.

Planning Context

National and Local Planning Policy

The proposals accord the aims and objective of local and national planning policies for commercial development. The proposals accord with the relevant current and emerging policies contained within,

National Planning Policy

PPS 1	General Principles
PPS 7	Sustainable Development in Rural Areas The economic development sections of PPS7 have been replaced by <i>Planning Policy Statement 4: Planning for Sustainable Economic Growth</i> (PPS4)
PPS4	Planning for Sustainable Economic Growth
PPS25	Development and Flood Risk

Havant Borough District-Wide Local Plan (Saved Policies)

UA1 CONCENTRATION OF DEVELOPMENT WITHIN THE URBAN AREAS

The proposed business use on allocated business land is consistent with the policies for the countryside, coast and strategic gaps.

C3 DEVELOPMENT IN THE COASTAL ZONE

The site lies within the Coastal Zone and in accordance with this policy the proposals will ensure that:

- infrastructure used for water-based recreation is retained;
- boatyards and marinas are retained;
- public access is retained and/or provided to connect existing paths along the waterfront where appropriate.

The proposed temporary use will not close off the possibility of access to the water.

L1 CHICHESTER HARBOUR AREA OF OUTSTANDING NATURAL BEAUTY (AONB)

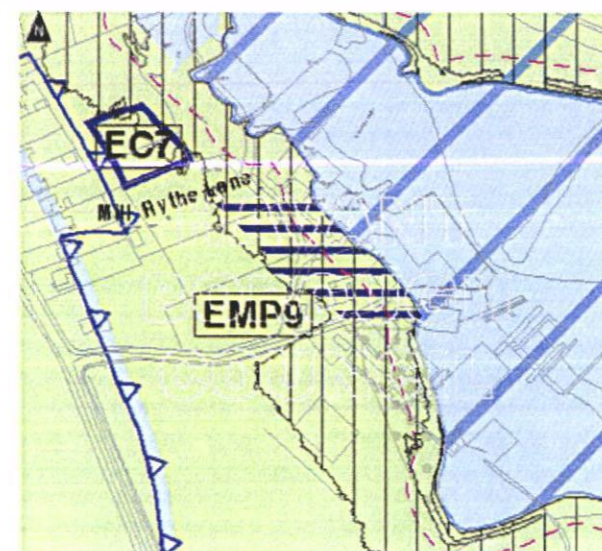
The site lies within the Chichester AONB but cannot easily be viewed from the Harbour and is screened by existing landscape and development. The proposals will not result in harm to the natural beauty of the landscape.

EC7 MILL RYTHE INDUSTRIAL AREA (NOT SAVED)

The site is close to existing services and access routes already used for industry and further away from existing residential areas than the Mill Rythe Industrial Area identified in Havant District Council's Policy area EC7

F1 TIDAL FLOODING

The site lies on the edge of the Tidal flooding area but outside the coastal erosion area. Below is an extract from Havant Borough Council's Local Plan;



Access

Approach; The site is accessed from Mill Rythe Lane, using well established industrial connections.

Parking; Spaces have been provided in accordance with Havant Borough Council T9 and Hampshire County Council's parking standards

Biodiversity

The site lies on previously developed land and has not been identified within an area designated for Nature Conservation. It is considered that the proposals would not prove detrimental to the biodiversity of the site.

Flood Risk Assessment

Below is an extract from the Environment Agency flood risk map for the site area:



A Flood Risk Assessment was prepared in 2003 for the development at the end of Mill Rythe that identified the extreme Harbour Water Levels as follows:



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Return Period	Extreme Harbour Water Level m AOD		
	1997	2003	2053
MHWS	2.36		
1 year	2.8	2.836	3.136
5 year	3.08	3.116	3.416
10 year	3.15	3.186	3.486
50 year	3.28	3.316	3.616
200 year	3.45	3.486	3.786
1000yr (est.) (200 yr. + 0.400m)	3.85	3.886	4.186

As stated in the first flood risk assessment in 2003 "It must be noted that as the flooding is tidal it will be short-lived. The depth of water indicated above is the maximum depth and will only occur at the peak of the tide. In order for these extreme depths to occur it is necessary for a meteorological surge to coincide with an exceptional astronomical (spring) tide".

The topographic survey identifies the heights of the existing ground level on site ranging from 3.57m AOD (Southern Corner) to 4.35m AOD (North East Corner) with Mill Rythe Lane between 4.01 to 4.16m AOD.

It is considered that the proposed phased development of the site will not have any impact on the flood risk. This Flood Risk assessment is for planning purposes only as does not guarantee that flooding will or will not take place.

Foul Sewerage and Utilities

Mill Rythe Lane is served by mains Gas, Water and Electric. No existing utilities are affected by the proposals.

Lighting Assessment

No change proposed.

The proposals are not in the vicinity of a residential property, listed building or liable to affect a conservation area or open countryside.

Noise Impact Assessment

The site is not located close to residential properties and the proposed use has already been established on Mill Rythe Lane. The site lies adjacent to an established car spares business.

Open Space Assessment

Not applicable

Planning Obligations

It is understood that contributions towards Transport infrastructure are unlikely to be required.

Statement of Community Involvement

Not applicable

Transport

No new floorspace is proposed therefore a Transport Assessment is not required.

The site is accessed from Mill Rythe Lane and served by existing well established industrial transport connections.

The site is not expected to have a significant affect or implication on the existing transport network. Business connections within Mill Rythe are expected to reduce the need for travel outside the locality and improve local employment prospects.

Arboricultural Implications

The proposals do not affect and will not involve the loss of any existing trees.

Conclusion

Land at Mill Rythe has been identified by Havant Borough Council as suitable for industrial development.

The proposed phased development offers the opportunity to make good use of an existing industrial site until it can be fully redeveloped retaining and protecting important marine related facilities for the future.

