
Site Address: Land north side of Mill Rythe Lane, Hayling Island
Proposal: Change of use of unit 1 from B1/B2 to B1/B2 or A1 (Marine Chandlery) and partial change of use and internal subdivision of Unit 2 to allow use class B1/B2 or sui generis use for storage of equipment and cleaning shellfish in connection with use as a fisherman workshop and store in Unit 2A. (Retrospective)
Application No: APP/13/00958 Expiry Date: 26/12/2013
Applicant: Mrs C Howard Team: Team 1
Agent: Douglas Briggs Partnership Case Officer: Sally Smith
Ward: Hayling West

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The site falls within the Mill Rythe industrial area. The 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. Externally the entrance to the chandlery was fitted with a pedestrian door and window on the west elevation. The fisherman's unit has not been changed externally.

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).

3 Proposal

To change the use of unit 1 from B1/B2 to B1/B2 or A1 Marine chandlery and subdivision of Unit 2 and partial use to allow Class B1/B2 or sui generis use for storage of equipment and cleaning of shellfish in connection with use as a fisherman workshop and store in Unit 2A. The uses have been undertaken since 2009.

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))
CS16	(High Quality Design)
CS2	(Employment)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM9	(Development in the Coastal Zone)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy - No objection; the use is considered appropriate and the uses support the marine economy without any harm to the character and appearance of the area.

Environment Agency, Planning Liaison - South Downs - No objection as the development is water compatible and there will be no increase in vulnerability to its users

Regeneration & Development - Supportive

Engineering/Coast & Drainage - No comments received

Natural England Government Team - As the application is to regularise existing activities [Natural England have no formal comments to make with regard to this consultation.](#)

Environmental Health Manager, Community Group - No objection on contamination grounds or amenity grounds but condition requested re installation of noise making plant.

Development Engineer - No objection as long as parking provided as shown; queries that red line should be extended to the main road.

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: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

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) Highway and parking considerations

(i) Principle of development

7.2 The two units are within a group of purpose built industrial units within the area of

Saved policy EMP9 which favours marine related development. These two units are not conditioned specifically for marine related uses but are restricted in the current permission to B1(c) and/or B2. On the basis that the B1 use is also restricted the B1 and B2 uses proposed are acceptable in principle. The proposal to use part of unit 2 (referred to as 2A) for the fisherman's use is a marine activity and the use of unit 1 for a chandlery is also marine related. It is proposed that the use of unit 1 is restricted to a chandlery to ensure the retail activity relates to its marine environment. It is not a suitable location for an open A1 use.

- 7.3 As the proposals relate to a marine area and are within existing buildings there are not considered to be any implications that make it contrary to the special policies that relate to the quality of the area, namely CS12 for the AONB and DM9 with respect to the Coastal zone. The principle is therefore considered acceptable subject to the proposal of conditions to control the use. This view is supported by the no objections from Natural England and Chichester Harbour.

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

- 7.4 As discussed in 7.2 and 7.3 above the changes are internal, but for the regularisation of a pedestrian entrance for the chandlery, and will not impact visually on the character of the area. The proposal is not therefore considered contrary to CS12, CS16 or DM9.
- 7.5 With respect to other environmental issues there is not considered to be an impact on nature conservation interests from the proposals (policy CS11) or on local residential amenity. Whilst Environmental Health has requested a condition about the installation of noise producing equipment there were no such conditions on the original permission. The units are a suitable distance from the residential properties on the main road and the uses are contained within the building. On this basis the proposed condition is not considered reasonable.

(iii) Highway and parking considerations

- 7.6 Whilst Mill Rythe Lane is not adopted it has been made up to a good standard and recent planning applications have not included that 'new' element within application sites. However, the lane to the west of the units have been included in the application site as access is required to serve the fisherman's premises.. Whilst this access is used to service unit 2A (fisherman) the proposed parking is not shown in that area. The Dev Engineer raises no objection subject to the provision of the parking for the units and subsequent discussion has concluded that 5 spaces should be provided for both units. A condition is proposed.

8 Conclusion

- 8.1 The proposed uses are considered acceptable. The application is retrospective so no timing condition is proposed. As there is no new floorspace CIL is not required for the chandlery (A1) use.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT**

PLANNING PERMISSION IN RETROSPECT for application APP/13/00958 subject to the following conditions

- 1 Unit 1 shall be used only for
 - (i) a chandlery, and for no other purpose in Class A1 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 and re-enacting that Order; or for
 - (ii) purposes falling wholly within the scope of Use Class B1(c) and/or B2 and for no other purpose whatsoever including any other purpose in Class B 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 and re-enacting that Order .

Reason: To provide uses that are appropriate to the marine related and industrial character of the locality and having due regard to Saved Policy EMP9 of the Havant Borough District Wide Local Plan March 2011 and the National Planning Policy Framework 2012.

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- 2 Unit 2A shall be used only for
 - (i) storage of equipment and cleaning of shellfish in connection with use as a fisherman's workshop and store; or for
 - (ii) purposes falling wholly within the scope of Use Class B1(c) and/or B2 and for no other purpose whatsoever including any other purpose in Class B 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 and re-enacting that Order .

Reason: To provide uses that are appropriate to the marine related and industrial character of the locality and having due regard to Saved Policy EMP9 of the Havant Borough District Wide Local Plan March 2011 and the National Planning Policy Framework 2012.
- 3 No article of any description shall be manufactured, assembled, altered, repaired or stored outside of units 1 and 2A.

Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 4 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 CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 At all times 5 parking spaces shall be provided within the curtilage of the site for the use of units 1 and 2A and shall be kept available for such purposes.

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.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form received 23 September 2013

Planning Design and Access Statement received 23 September 2013

Site and Location Plan Rev A 31.10.13

Site Plan 6702-120H 1-4 As Built

Elevations 6702-121B

Elevations 6702-122B

Elevations 6702-123B

Elevations 6702-124B

Reason: - To ensure provision of a satisfactory development.