

**MC/22/0475**

Date Received: 22 February 2022  
Location: Net Tex Industries Hoo Marina Industrial Estate  
Vicarage Lane Hoo St Werburgh  
Proposal: Construction of two replacement industrial units B2/B8/E with associated landscaping and using existing access.  
Applicant: Mr J Carter  
Agent: Smithers Purslow  
Mr Ian Lapsley  
Glaston Hall  
Spring Lane  
Glaston  
Oakham  
LE15 9BZ  
Ward: Peninsula Ward  
Case Officer: Stephie Theedom  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1st June 2022.**

**Recommendation - Approval with 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).

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

Received 22 February 2022:

201534-004 Existing and Proposed Block Plans

Received 2 March 2022:

20/1534/104 Rev F Unit 1 Proposed Elevations and Floor plans

20/1534/105 Rev D Unit 2 Proposed Elevations and Floor plans

Received 3 March 2022:

20/1524/05 Proposed Site Layout Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 All materials used externally shall match those as set out on the application form received 10 March 2022.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The use hereby permitted shall only operate between the hours of 06:00 to 00:00, on Mondays to Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 The commercial spaces shall not be occupied, until the area shown on the submitted layout as vehicle parking has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 7 No development shall take place above ground floor slab level until details of the provision of 2 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of the National Planning Policy Framework.

- 8 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- A timetable for its implementation (including phased implementation).
- Operational maintenance and management plan including access requirements for each sustainable drainage component.
- Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 9 Prior to occupation a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 10 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- Temporary drainage systems.

- Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 11 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy Statement received 3 March 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

### **Recommendation**

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

The development proposes the erection of an industrial unit for B2/B8/E use to replace a previous building that was destroyed in a recent fire. The site is located at the western end of Sefton Way, within an existing employment area, approximately 0.5km south of the village of Hoo St Werburgh and within the rural area.

The proposal seeks to construct two units constructed with a brick plinth and metal cladding. Both units would have a layout providing small office, reception and WC's with workshop/storage area.

### **Relevant Planning History**

MC/05/1048	Construction of two storey building to facilitate extra storage Application approved with conditions 14/07/2005
MC/00/1191	Construction of a covered storage area Application approved with conditions 19/10/2000

### **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. The **Hoo Parish Council** and **Environment Agency** have also been consulted.

**One** letter has been received raising the following objections:

- Proximity to the residential units
- Fire protection
- Security
- Noise pollution
- Small pollution

**The Environment Agency** have no objections.

**Hoo Parish Council** have objected in relation to increased traffic.

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

### **Planning Appraisal**

#### *Background*

The application site forms part of the wider Hoo Marina Industrial Estate and until recently was occupied by Net Tex Industries. The previous building was destroyed in a fire in September 2020 and the planning application seeks to replace with two smaller units.

#### *Principle*

Policy BNE25 of the Local Plan relates to development in the countryside and allows for development on allocated sites. The site is allocated within an existing employment area. The application is proposed for B2/B8/E use. Notwithstanding this, the use of this site has until recently been in use B2/B8 with the use only ceasing as a result of a fire making the unit uninhabitable. The previous use would fall under use class B2/B8/E thus the use is not changing.

One of the key objectives of sustainable development in the NPPF is the building of a strong and competitive economy. The NPPF says significant weight should be placed on the need to support economic growth and productivity. Paragraph 84 relates to rural economies and in part says that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

This site is within an existing rural employment area and will reinstate an industrial unit previously lost due to fire damage. As such, the land use principle of the proposal is acceptable and in accordance with Policies BNE25 and ED1 of the Local Plan.

### *Design*

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. Paragraph 130 of the NPPF states that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy BNE25 relates to development in the countryside and requires that the development, as a minimum, maintains the character, amenity and functioning of the countryside.

Whilst within the countryside the application site is located within an existing employment site and adjacent to a holiday park. Views into and out of the development would be heavily screened by the adjoining developments.

The proposed industrial units would be functional in its design with large openings only to the street facing elevation. The buildings would be constructed from metal cladding.

The design and materials of the buildings are considered to be appropriate for its location and would not appear out of keeping within the site or street scene.

As a result, the proposal is considered to comply with Policies BNE1 and BNE25 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

Policy BNE2 of the Local Plan and paragraph 130f of the NPPF require the amenities of both neighbours and future occupiers of these units be taken into account.

The proposed industrial units would be situated on a smaller footprint to the previous unit on the site, albeit would now be two on site. The positioning of the units allows better arrangement within the site and offer opportunity to improve the landscape around the buildings.

Consequently, given the position/location of the site and the distance to the nearest residential properties, it is not considered that there would any impact to residential amenity.

No objection is raised under Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

Policy T1 relates to the impact on new development on the highway network. Policy T13 of the Local Plan relates to the council's adopted vehicle parking standards. Paragraph 126 of the NPPF requires that new development functions well within the area in which it is situated.

In terms of impact to the wider highway network, given the previous use and proposed use, it is not considered that the development would result in a significant or severe harm to the highway network. In relation to parking, 3 spaces and cycle parking are shown to be allocated to each unit and this would conform with the maximum standards as set out within Medway's Parking Standards.

Two electric vehicle charging points would be required to meet the NPPF requirements (paragraph 112E). This would be secured by condition.

Therefore, no objection is raised in regards of Policies T1 or T13 of the Local Plan and paragraphs 111 or 112E of the of the NPPF.

### *Flood Risk and Drainage*

Paragraphs 165 and 170 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

The site is situated within Flood Zone 1 'low risk' it is noted that the site borders Flood Zones 2 and 3 as shown on the Environment Agency flood risk maps. A Flood Risk Assessment has been provided following objection by the EA to the initial FRA.

The EA have no objection to the proposal. The Lead Local Flood Authority advise that conditions are also required in respect to the surface water drainage system.

Subject to suitably worded conditions no objection is raised in respect to flood risk or drainage in accordance with paragraphs 167 of the NPPF.

### *Contamination*

Policy BNE23 requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Policy BNE23 and Paragraphs 178 and 179 of the NPPF require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment.

Due to the previous industrial use of the site, it is recommended that a watching brief should be secured by condition to address the discovery of any unexpected contamination.

Subject to condition, no objection is raised under Policy BNE23 of the Local Plan.

### *Climate Change and Energy Efficiency*

It is noted that this is a rebuild of an industrial unit destroyed by fire and due to the Council's Climate Change Statement, the applicant has submitted an Energy Efficiency Statement in which it states that the floor from the previous unit remains and will be reused within the new building. Local material suppliers are to be sourced along with the use of low energy lighting within the unit. Further to this two EV charging points is to be secured by condition.

### **Conclusions and Reasons for Approval**

The proposed development is considered to be acceptable in land use terms, design and impact on amenity. The proposal would not result in additional highway concerns in terms of traffic generation and parking. Subject to conditions the proposal is considered to accord with Policies BNE1, BNE2, BNE23, BNE25, ED1, T1 and T13 of the Medway Local Plan 2003 and paragraphs 111, 112E, 126, and 130 of the NPPF.

The application would normally be determined under delegated powers but is being referred to Members for determination due to the representation from the Parish Council expressing a view contrary to officer's recommendation.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>