

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/E with associated landscaping and using existing access.
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Case Officer: Stephie Theedom
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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 24th August 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

Received 10 August 2022:

20/1524/05 Rev A Proposed Block Plan (showing planting along boundary)

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 Prior to the occupation of any part of the development hereby permitted, a scheme to minimise the transmission of noise from the use of the premises, shall be submitted and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{Ar,Tr}) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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 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.

- 6 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 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.

- 7 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the use of the units hereby approved shall only be as E(g)/B2 Use and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 The use hereby permitted shall only operate between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 09:00 to 17:00 on Saturdays and no operation on Sundays or 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.

- 10 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.

- 11 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.

- 12 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement (dated 7 February 2022) received 2 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.

- 13 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.

- 14 No storage of materials or any form of open storage shall be carried out anywhere within the site.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 15 The planting shown on the drawing number: 20/1524/05 Rev A received 10 August 2022 to be provided along the western boundary adjoining Unit 1, shall be implemented prior to the occupation of that unit and thereafter maintained.

Reason: To ensure that the amenity of the neighbouring residential mobile home park is protected, in accordance with Policy BNE2 of the Medway Local Plan 2003.

Recommendation

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

Proposal

Construction of two replacement industrial units B2/E with associated landscaping and using existing access. The development proposes the erection of two industrial units to replace a previous single large building (previous use in B1/B2/B8) that was destroyed by fire in September 2020.

The site is broadly triangular in shape and located within the Hoo Marina industrial estate. The site formerly consisted of a large industrial building with an open storage area in the middle and car parking in front of the entrance.

The site is largely surrounded by other industrial buildings except on the western boundary where it abuts with the boundary of an established residential mobile home park.

The site has a singular access via metal gates and is enclosed by temporary fencing with masonry retaining wall to the south.

The proposed buildings would occupy the western side of the site similar to where the building they replace. Unit 1 is sited along the northern side with Unit 2 immediately to its south. Both buildings are set away from the western boundary and the area to the north, east and south of the units will be landscaped to provide parking and improved movement area for the proposed buildings. The applicant has submitted a revised plan which shows planting along the western boundary of Unit 1, adjacent the residential mobile home park. Access to the site will remain via existing access.

Relevant Planning History

MC/05/1048	Construction of two storey building to facilitate extra storage Decision: CAP Decided: 14 July 2005
MC/00/1191	Construction of a covered storage area Decision: CAP Decided: 19 October 2000

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. **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.

One further representation has been received from a personal perspective and in their individual capacity as Parish Councillor. The following comments and concerns have been raised:

- No objection to redevelopment of the site for B1, B2 and B8 uses.
- Although units are smaller, they are too close to the residential park.
- There should be a suitable buffer between the residential park and the new units.

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.

According to the statement submitted by the applicant, the previous building was used for B1/B2/B8 with some open storage until it was destroyed in 2020 and occupied by Nex Tex.

Based on information from Officer's research, Nex Tex is an agricultural cooperative and develop innovative and technological solutions for animal husbandry. This use would fit within the previous use class as indicated by the applicant in the design and access statement.

In 2021, the Use Classes Order was published which amended the 1997 Order. Previous uses under Class B1 comprising B1a (offices), B1b (research and development) and B1c (industrial process) are now under the Class E of the 2021 Use Classes Order. Classes B2 and B8 remain unchanged. As such, the proposed uses would be classed as Use E(g) and B2 (industrial). The applicant has advised that the B8 element would no longer form part of this application and as such references to this has been removed.

Principle

The site is within an existing employment area which is allocated as such in the Local Plan. Policy ED1 of the local plan is as such relevant to the consideration of this application. The Policy (ED1) only permits business (Class B) development at the Vicarage Lane, Hoo industrial estate. In the preamble for the policy, it states "Business Uses (Class B1) and where appropriate, general industrial uses (Class B2) and storage and distribution uses (Class B8) will be permitted on the following sites for the reasons set out", (xviii) of the policy relates to Vicarage Lane, Hoo and states:

"Vicarage Lane, Hoo: This area contains a variety of Class B1, B2, B8 and other employment uses, some of which are incompatible with the adjoining residential area of Hoo Marina Park. In order to improve conditions for nearby residents the intensification of un-neighbourly uses will be limited, and development will be restricted to Class B1 business uses."

Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 84 states that planning policies and 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; and the development and diversification of other land-based rural businesses.

In this instance, the proposal seeks to replace a single industrial building with two units for E(g) and B2. Whilst the Policy (ED1) acknowledges the presence of other B1, B2 and B8 uses within this industrial area, the proposal would be consistent with this provision.

It is noted that the emphasis of Policy ED1 is to protect nearby residents from unneighbourly uses especially through intensification of the industrial sites, the current proposal would not result in over intensification of the site. The proposed smaller units would be comparable in footprint and commercial floorspace to the building they replace.

The applicant has stated that at present there is no secured end user for the units however if planning permission is granted the use can be restricted to operate within the permitted use class only.

The applicant has also agreed to restricted operating hours which would ensure that the use does not operate at unsociable hours and in essence would mitigate any potential impact on the neighbouring residential mobile home park to the west of the site.

Consequently, whilst the proposal would result in a minor intensification of use on the land by providing two smaller units it would not be at an unacceptable scale. The proposed use is considered to be acceptable and would be compatible with the adjacent residential residents subject to conditions to restrict the use and hours of operation.

The proposal as such would meet with the objectives of Policy ED1 and paragraphs 81 and 84 of the NPPF. The proposal is therefore acceptable subject to design, amenity and highway considerations.

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. Paragraphs 126 and 130 of the NPPF expect developments to function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed units would be functional in their design and appearance with large openings only to the elevation facing towards the industrial area. The buildings would be constructed from metal cladding.

The design and material pallet are considered to be appropriate and consistent with others present within this industrial area. The applicant has also confirmed that the materials would meet with fire regulations given the situation with the previous building.

As a result, the proposal is considered to comply with Policy BNE1 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.

Outlook, privacy, daylight/sunlight

In terms of reduction in daylight, sunlight, outlook and privacy matters, the proposed units would not exceed the height of previous building and the position of units 1 and 2 would be comparable to the previous building. In addition, the applicant has submitted revised block plan which indicates additional planting along the western boundary of Unit 1. As such, it is not considered that the proposed units would result in an unacceptable impact on the amenity of neighbouring residents to the west in terms of outlook, privacy or reduction in daylight/sunlight.

Noise and disturbance

In respect of noise and disturbance from the minor intensification of use on the land, it should be noted that Unit 1 is approx. 3.2m from the western boundary, approx. 6.4m from the back of the unit (1) to the nearest mobile home, and Unit 2 has a larger separation distance at approx. 18m to the back/side of the nearest mobile homes.

Given the provision of the additional planting coupled with the restriction on the use and hours of operations, it is not considered that the proposal would result in unacceptable levels of noise or disturbance to the neighbouring residents to warrant a refusal.

Moreover, the Council's Environmental Protection Officer has raised no objection to the proposed development subject to a noise mitigating measure being provided prior to the occupation of the units.

The proposed development would not have unacceptable impact on neighbouring residents in terms of outlook, privacy and daylight/sunlight. Subject to condition, the proposal would not generate unacceptable levels of noise or disturbance to the residents of the mobile home park. The proposal as such would comply with the objectives of 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 established commercial nature of the site and its surrounding, it is not considered that the development would result in increased traffic movement that would be harmful 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 (FRA) has been provided and Environment Agency raise no objection to the proposed development.

Drainage

The Council's LLFA have raised no objection to the proposal subject to conditions which are recommended should planning permission be granted.

Subject to conditions, the proposal would not lead to localised flooding.

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, the Council's Environmental Protection Officer has recommended that a watching brief condition be appended if planning permission is granted.

Climate Change and Energy Efficiency

The applicant has submitted a Climate Change and Energy Efficiency Statement which covers the measures for the following:

- Energy and carbon reduction methods.
- Conservation of fuel and power.
- Renewable energies.
- Water efficiency and recycling.
- Waste reduction.
- Low energy lighting.
- Vehicle charging.
- Biodiversity net gain.
- Sustainable transport methods.
- Air quality improvement measures.
- Occupier information park.

A condition is recommended to ensure the measures proposed in the statement are implemented and a verification certificate submitted to the council.

Subject to condition, the proposal would meet the Climate Change aspirations of the Council as promoted by the Climate Change Action Plan (2021).

Conclusions and Reasons for Approval

The proposed development is considered to be acceptable in principle. The proposal would not have a harmful impact in terms of its design in relation to its surroundings and would not be harmful to the amenity of nearby residents.

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 ED1, BNE1, BNE2, BNE23, T1 and T13 of the Medway Local Plan 2003 and paragraphs 81, 84, 111, 112E, 126, 130 and 130f 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.

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/>