REF. NO. F/11/69822

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Application to replace extant planning permission (Ref. F/08/63351) for two storey extension to provide 4no. New units & replacement marina office, following demolition of existing control building Saltmakers House, Huntsman Road, Hamble Point Marina, Hamble-Le-Rice, Southampton, SO31 4NB

SITE VISIT DATE – 4th January 2012

ARE PLANS ACCURATE? – yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Application seeks an extension of time for extant permission F/08/63351, which expires on 21st Jan 2012. The earlier application gives permission for a two-storey extension to provide 3 new commercial units and improved toilets/changing facilities at ground floor, and a 4th commercial unit and new Marina Office at first floor level, with a balcony on the eastern gable elevation, providing external access to the Marina Office from the quayside.
SITE AREA	0.22ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	none
TOPOGRAPHY	Level site
TREES	none
BOUNDARY TREATMENT	No boundary treatment – existing building surrounded by car parking and boat storage/racks.
SITE CHARACTERISTICS	Busy marina site – existing building houses office and marina facilities.
CHARACTER OF LOCALITY	As above – number of buildings of varying sizes/designs and areas of parking, boat storage and boat racks.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/08/63351	Two storey extension to provide 4 new units and replacement marina office, following demolition of existing control building (amended scheme)	Approved – Jan 2009
F/08/61919	Two storey extension to provide 4 new units & replacement marina office, following demolition of existing control building	Refused – July 2008

REPRESENTATIONS RECEIVED

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SOURCE	SUMMARY OF CONTENT
None received	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Archaeologist	We were consulted on the previous application for the site (F/08/63351) and raised no archaeological issues due to the fact the proposal site was in industrial use and sited on reclaimed land. Having reviewed the amendments to the proposals it appears that the additional development is also situated in areas with existing development. Therefore, in the light of this information we would not wish to alter our advice.
Harbour Master	Thank you for your letter of 20 Oct 2011. As this is a request for a time extension to a previous permission please find below our initial response from 2008, which still applies if there are to be no changes to the original proposal. Comments from August 2008 – "…Thank you for you letter of 23rd July and opportunity to comment on application F/08/63351 - extension and demolition at Hamble Point Marina. River Hamble Harbour Authority has no concerns with the proposal, although wishes to request that lighting of the new building must not impact on navigational lighting and therefore safety i.e. no bright lights to shine directly out to the river.
Head of Regeneration & Planning Policy	Policy Officer – No comments as this is just a renewal of previous permission. Design Officer – Minimal comments as this is just a renewal of a previous permission. The solar panels on the south-east facing roof slope will be compromised by the dry-stack boat storage racks casting shadows, particularly as observed in the latter half of the afternoon in late October. This means it will have reduced efficiency from probably Sept to March, in addition to not being on the optimum aspect. One can see where the displaced car parking is to be resited but where is the displaced spar storage going? No objection.
Natural England	Thank you for your email dated 20 October 2011 consulting Natural England on the above planning application. Natural England reiterates the comments we made to the initial application, our reference SU40.3/HI/EBC, dated 13 Aug 2008. **Comments dated 13 Aug 2008** <u>Assessment under the Conservation (Natural Habitats &c.) Regulations 1994</u> In Natural England's opinion this proposal in its current form is unlikely to have a significant effect on the interest features of the above SPA/Ramsar/SAC site and therefore does not require appropriate assessment in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 provided conditions to the effect of the following are attached to any planning

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	permission granted: - no building materials to be stored on site 14 days after completion of the principal construction works - in accordance with the Environment Agency guidelines, all reasonable precautions are taken to ensure no pollutants enter the watercourse - no percussive piling or works with heavy machinery occur within the waterfowl over-wintering period, 1 October to 31 March inclusive <u>Advice under S281 of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)</u> It is Natural England's advice that the above SSSI is unlikely to be adversely affected by the above proposal provided conditions to the effect of the above are attached to any planning permission granted. I draw your attention to your duty, under S28G of the Wildlife & Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI. I also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to Natural England's advice, then you must ensure that: - notification is given to Natural England of the date and terms of the permission and how, if at all, you have taken account of Natural England's advice - the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of Natural England's advice, has been given to Natural England.
Head of Countryside & Trees	There are no arboricultural grounds for refusal and I therefore raise no objections.

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CONSULTATION RESPONSES

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Head of Environmental Health	I have reviewed the information provided and note that the application site is: • Located directly on a soil type of tidal flat deposits where there is an occurence of natural ground gas As the proposed development has the potential to be effected by this naturally occurring ground gas, I recommend that the following condition is imposed: ***"No development shall take place until the applicant has carried out an adequate assessment of the risks, to or arising from, the proposed development, and a report of this assessment, including recommendations for protection of the development, has been received and approved in writing by the LPA. [British Standard BS10175:2011 'Investigation of potentially contaminated sites – Code of Practice' is a useful source of advice on site investigation] Any recommendations for protection of the development, the remediation scheme, must be supervised by a competent person and a completion certificate provided by that person to the LPA to certify that the works have been implemented in accordance with that scheme."*** The applicant should be advised that *in advance of the commencement of development* the condition requires that the assessment be completed and approved. Also that as a result of the assessment, amendments to the design of building structures may be required, further that adequate provision of time needs to be made so the assessment can be completed before works commence on site. The applicant should also be advised to contact Environmental Health to discuss the options open to them in order to comply with the above condition. Further information and advice about developing 'Brownfield land' can be found on the Council's website. The relevant web-page is entitled 'Development of Brownfield Land'. We also recommend the following condition for amenity protection **NS23** **PILING** Development shall not begin until a scheme of work detailing the extent and type of piling proposed has been submitted to and approved in writing by the local Planning Authority.
Head of Transportation & Engineering	No objection. Whilst the original site layout for application F/08/63351 received an objection concerning the number of vehicle spaces contained within the site layout, drawing no 2542/3, a subsequent revision was received, (drawing 2542/9), with an accompanying letter (supplementary documents – 22.01.2009 on IDOX), which showed additional vehicle spaces and removed the objection. It should be ensured that drawing 2542/9 is the drawing approved under this application. In regards to the commercial marina aspect of the development, whilst the working area will be larger, it is unlikely that significant additional trips will be generated due to the nature of the use. However, in regard to the B1 element, in line with the HCC Transport Contributions Policy, a Transport Contribution for this element of £12,043 (plus indexation), will be required. This contribution will be allocated to schemes in the local vicinity which are either of benefit to the users of the proposed development, or go to mitigate against issues caused by the development. Details of identified transport schemes can be provided if requested.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hamble Parish Council	The Council resolved to leave the decision with the planning officers.
Environment Agency	As this is a request for a renewal of an existing planning permission, we have nothing further to add to our original response, which is attached for reference. Copy of original response, dated 30th October 2008: Thank you for consulting the Environment Agency on the above application which we received on 14 October 2008. I can confirm that the Environment Agency have no objection in principle to the proposal, however, we request that the following conditions be attached to any planning permission granted. <u>Planning Condition(s):</u> The Environment Agency requests that the following condition(s) be attached to any planning permission granted, and that details in relation to these condition(s) (and on which the Environment Agency would wish to comment) be submitted to and approved by the Local Planning Authority: **The applicant must sign up to the Environment Agency's Floodline Warnings Direct service.** **Reason: In order that the occupants of the site receive advanced warning of a flood.** **A flood warning and evacuation plan must be submitted to and agreed in writing by Eastleigh Borough Council before the development is occupied.** **Reason: In order that occupants of the site can be safely evacuated in the event of a flood warning.** <u>Advice to Local Planning Authority/Applicant</u> Floodline Warnings Direct is a free service that provides warning of imminent flooding direct by telephone, mobile, fax or pager. Further information on Floodline can be found on the Environment Agency's website at http://www.environment-agency.gov.uk/floodline or by phone on 0845 988 1188. The applicant should be aware that the site lies within Flood Zone 3, as defined by Planning Policy Statement 25 (PPS25): Development and Flood Risk, and is considered to be at high risk of flooding, with a greater than 0.5% chance of flooding each year. The applicant's Flood Risk Assessment (FRA) states that a warning and evacuation procedure already exists. This should be modified, if necessary, to take account of the new development and submitted to Eastleigh Borough Council for approval. Eastleigh Borough Council's emergency planner should be asked to comment upon the procedure. Please note that the Environment Agency regards the evacuation of people by boat as part of an evacuation plan (as stated in paragraph 5 of the applicant's FRA) as unacceptable as there is no guarantee that they could be used safely in all weather conditions. The evacuation plan should provide for the safe evacuation of people overland. For

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	further information on evacuation plans please refer to chapter 7 of the PPS25 Practice Guide. The development should incorporate flood resilient construction measures where appropriate to reduce the damage and associated costs from any potential flooding. Please be aware that under the Southern Region Land Drainage and Sea Defence Byelaws, the prior written Consent of the Environment Agency is required for any proposed works within 15 metres of a line drawn on the landward side of any sea defence and for any works within 8 metres of the River Hamble which is designated as a main river. This consent will only be issued if the works do not pose a flood risk to property and people. The agent for this application has been informed of our comments. A copy of the subsequent decision notice would be appreciated.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Adjacent to Site of Special Scientific Interest Adjacent to Site of Nature Conservation Interest

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) Saved Policies: 1.CO, 10.CO, 22.NC, 23.NC 34.ES, 59.BE, 124.E
Pre-Submission Consultation Eastleigh Borough Local Plan (2011-2029): DM1, DM2, DM9, DM16, DM57
Environmentally Sustainable Development SPD

PLANNING POLICY GUIDANCE / STATEMENT

NPPF

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to layout and design, car parking provision, sustainable technologies, renewable energy and the impact on the landscape and character of the area.

COMMENT ON CONSULTATION RESPONSES

Please see below.

COMMENT ON REPRESENTATIONS RECEIVED

None received.

PLANNING OBLIGATION/CONSIDERATIONS

Not required

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

The application seeks permission for an extension of time for the implementation of extant permission F/08/63351, which was granted in January 2009, giving permission for the construction of a two-storey side extension to provide 4 new commercial units and replacement marina office, following the demolition of the existing control office.

The principle of the proposed extension was found to be acceptable under this application – the site lies within a designated boatyard site, and the additional floor space created by the proposed extension is intended for existing marina uses. As such, the principle remains in accordance with Policy 124.ES and is therefore acceptable.

The proposed design, siting and layout remain as previously approved and again, remain acceptable in terms of the relationship to the existing building and the surrounding boat yard setting. It is noted that the Head of Planning Policy & Design has commented on the positioning of the proposed solar panels, but no objection has been raised in respect of the effective renewal of the existing permission.

Parking provision remains acceptable – these details were amended under the extant permission, with additional parking provision being made within the site – 84 spaces are available within the site which Engineers have confirmed is acceptable.

In terms of sustainability, the Council's 'Environmentally Sustainable Development' SPD has been adopted since the extant permission was granted. As noted above, the scheme proposes the installation of 4no solar panels and a small wind turbine – these measures were included to address the reason of refusal on an earlier application.

The proposed additional floor space does not reach the 500sqm threshold for non-residential floor space within the ESD SPD, but the applicants have now submitted a detailed Sustainability Statement which sets out the green credentials of the proposed scheme, which are welcomed.

The Environment Agency's comments are duly noted and conditions will be applied as per the previous planning permission. This will also apply to the comments made by Environmental Health.

A completed UU has now been received, securing the required developers' contributions towards sustainable transport measures – as such, the proposals are in accordance with Policy 101.T of the adopted Local Plan, Policy DM57 of the Pre-Submission Consultation Eastleigh Borough Local Plan (2011-2029).

Overall, the proposals are considered to comply with the relevant planning guidance and remain acceptable.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

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CONCLUSIONS

Recommend approval subject to conditions.