

DELEGATED OFFICER REPORT

Application Ref: F/23/95548

Site Address: MERCURY YACHT HARBOUR, SATCHELL LANE, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HQ

Case Officer: Rachael Morris

Description: Siting of shipping containers for use as offices and storage in association with marina related business and decking (Retrospective Application)

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • Boatyard and marina sites on the River Hamble • Mercury Marina and Riverside camping and caravan park • Great Crested Newt IRZ – White • Adjacent to Old Bursledon Conservation Area		

Planning History?	Yes ☒	No ☐
• Z/14865/006/00 - Outline application - erection of two storey club with bar and restaurant – Refuse – Aug 1975 • Z/16329/006/00 - Erection of two portakabins on land – Refuse – Apr 1980 • Z/16329/022/00 - Notification of Intent to Site Two Telephone Kiosks – Permit – Nov 1995 • A/16329/027/00 - Display Of 3 No. Internally Illuminated Free Standing and Fascia Signs – Consent – May 2002 • F/04/51914 - Temporary siting of portable building and storage container to provide office and storage facilities during construction works to Control/Facilities building – Temporarily approve – Oct 2004 • F/04/52793 - Proposed siting of portable building and for office use – Refuse – Jan 2005 • X/05/53415 - Relief of Condition 2 relating to permission F/04/51914 to extend the period of consent for temporary siting of portable building & storage container during construction works to the control/facilities building – Permit – Apr 2005 • F/05/53715 - Proposed siting of portable building for office use (amended location) – Permit – Jun 2005 • U/05/54412 - Certificate of Lawfulness of existing use for the mooring of 1no. Houseboat – Certificate issued – Sept 2005 • F/06/57848 - Temporary permission for siting of a storage shed for a period of 3 years – Temporarily approve – Oct 2006 • F/23/95463 - Siting of shipping containers for use as offices and storage in association with marina related business and decking (Retrospective Application) – Withdrawn – Aug 2023		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	No Comment		
Ecology:	This retrospective application on hardstanding is similar to previously approved temporary applications. No additional ecological impact is expected. There are records of bats nearby. Any exterior lighting should follow the guidelines in the latest guidance note on Bats and Artificial Lighting at Night. Biodiversity enhancements are required and can be conditioned.		
Built Heritage Consultant:	Following the submission of a photograph of the existing structure for which planning permission is sought, this is in keeping with the marine nature of the site and makes the containers from the car park elevation at least acceptable. On that basis my objection is withdrawn, and I have therefore no objection to the scheme, which is		

	in the general area of the permanent accommodation near one of the northern boundaries of the site.
Exolum:	<u>Oct 2023</u> A site visit was carried out - work is outside of the easements and are fine to remain. <u>Aug 2023</u> We confirm that our client Exolum's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact Exolum to arrange a site visit. You should note that the interests of the Exolum are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from Exolum. Exolum's Easement Strips are 6 metres wide and can incorporate other associated Exolum facilities.

Site Visit:	Yes ☒	No ☐
Details: 08/09/2023		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1, S2, S4 and S5; and Development Management policies DM1, DM2, DM11, DM14, DM20 and HA2. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:
The development is considered acceptable and complies with policies DM1, DM2, DM11, DM14, DM20 and HA2 from the 2016-2036 local plan, in that: <u>Principle</u> • The site is within the countryside where the principle of development is generally not accepted unless it can meet policy requirements within the Local Plan. • Policy S4 supports the provision of employment, specifically including B8 (storage and distribution) and E(g) which includes the provision for offices to carry out any operational or administrative functions (E(g)i). • Policy S5 states that planning permission will be granted for new development in the countryside provided it is related to the provision of employment through the extension and replacement of existing employment uses (policy DM18). • Policy DM18 states "the extension or replacement of non-residential buildings in the countryside will be permitted, subject to the general development criteria and transport policies of this Local Plan and provided that the extension or replacement building is for a non-residential use; the extension or replacement building would not have an urbanising effect on the countryside in terms of its density, scale, massing, layout and height; access, car parking, landscaping and services can be provided without having a detrimental impact on the character of the countryside;

so far as possible the property is sustainably located in terms of accessibility by means of transport other than the private car; the extended building or its replacement would be located within the existing curtilage unless its relocation or extension would contribute to improving the character and quality of the local area". Although the proposal is not an extension to an existing building, it is an extension to an existing use of the site. The general ideas within this policy are relevant and can be applied to the assessment.

- Policy DM20 states that "at boatyard and marina sites on the River Hamble the Borough Council will permit development associated with boat building, and the fitting out, maintenance and repair of boats and ancillary uses, provided that it does not: jeopardise the safety and ease of navigation on the river or have a detrimental impact on the regime of the river; adversely affect nature conservation, landscape or heritage interests; or cause a reduction in water quality. Exceptionally, development or redevelopment may be permitted incorporating a modest amount of floorspace not restricted to boat-related uses, where the Council is convinced that such a use is needed to secure the future of a boatyard or marina and it is demonstrated that the development will complement the use of the site and/or the enjoyment of the River Hamble".

Design and layout

- The design and layout respect the character and appearance of the locality.
- The proposal represents offices and storage in relation to the marina business. These are in the form of shipping containers with associated decking.
- No existing car parking spaces are removed as a result of the placement of these containers. There are 5 additional employees proposed with this development which can be accommodated in the existing car park, when attending a site visit there was capacity available.
- The containers are unimposing in nature which has a Gross Internal Area of 53.84sqm at single-storey level only and are clad in white which helps to blend their presence into its surroundings which is populated by moored and parked white boats either in storage or within the River Hamble itself. The proposed containers are associated with the boating business and as such compliments its use on site. This accords with policy DM20 of the Local Plan.
- Although these containers are not an extension to an existing building, they do in effect represent this same use of another on-site cabin. The relatively minor stature of the units does not create an unacceptable urbanising impact to the countryside and sits well within its existing site. The site, due to its nature, is already populated by other built forms, both permanent and temporary and as such these shipping containers do not clutter the existing character of the site. Moreover, car parking and associated facilities are already on site and do not need to be provided for this development to take place. As such, the character of the countryside here is retained and not detrimentally impacted and policy DM18 is followed.
- The proposed decking is ancillary to the shipping containers and as such does not create an unacceptable impact to its setting. The decking is minor and only sits to the front of the units where there are no immediate residential properties. Therefore, there is no proposed overlooking or loss of privacy.
- Overall, the proposal is a subservient addition to the site as a whole which will not undermine its countryside location.
- The proposed office unit has access to natural light with the storage units being the only units with no windows.

Other material considerations

- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.

- A biodiversity enhancement would be required, as stated within policy DM11. This has been conditioned.
- The issue raised by Exolum was addressed with a site visit where Exolum concluded there was no harm.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...