

DELEGATED OFFICER REPORT

Application Ref: F/25/100291

Site Address: Hamble Point Marina, School Lane Hamble, SO31 4NB

Case Officer: David Huckfield

Description: Erection of single storey restaurant (use class E(b)) and associated works

Particular Site Constraints?	Yes ☒	No ☐
Within Designated Countryside Existing Established Boatyard / Marina Adjacent to European Protected Sites for Nature Conservation Within Flood Zone 3 Within Minerals and Waste Safeguarding Area (Superficial Sand and Gravel)		

Relevant Planning History?	Yes ☒	No ☐
F/04/51756 Construction of single storey extension to provide class A3 bar and restaurant facilities (amendments to previous permission 14865/052) – PERMIT (September 2004) F/10/67467 Replacement of extant planning permission reference F/05/54558 for the extension of time limit of implementation for the construction of industrial building no.7, following the demolition of existing buildings – PERMIT (June 2012) F/15/77713 Scheme comprises replacement of single storey office building – PERMIT (February 2016) F/16/78416 Erection of 8no. single storey units related to use of area for boat sales with associated boat display area, viewing walkway, formation of terrace, car parking and alterations to road layout – PERMIT (April 2016) F/17/80802 Extension to existing storage yard to incorporate landscaping areas and resurfacing in concrete with associated road realignment works and drainage – PERMIT (November 2017) PN/26/100799 – Prior Approval for demolition of Outlook House and associated prefabricated building at Hamble Point Marina under Schedule 2, Part 11, Class B of the GPDO 2015 (as amended) – PRIOR APPROVAL NOT REQUIRED (24/03/2026)		

Site Visit?	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to consider the proposals in context.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations: One letter of representation has been received in relation to the application, with the following comments being made in objection to the proposals: <i>There is already a restaurant on the premises, I do not see the need for another one. The road leading to Hamble Point marina is dangerous. The side footpath is not usable in the winter or in case of heavy rain, therefore bicycles and pedestrian often have to walk on the road. The road is narrow and cars often speed. There are also often lorries (boat transportation, southern water - happened in June and September in the last 6 months) that make access difficult. The safety on the road should be looked into before approving - maybe a couple of chicanes to slow the traffic down either side of Copse lane and Sylvan lane area. Also, Southern water needs to fix the issues that cause them to have lorries parked along that road on a frequent basis.</i>			

Consultee Responses (Summarised):	
Hamble Parish Council	The Planning Committee is generally supportive of the proposal; however, they have raised a few minor points for consideration: • There are concerns regarding the potential loss of two memorial seats, which are valued by the public for their excellent views. The Committee would wish to see these retained. • There are also concerns about access and safety, particularly in relation to the busy road leading into the boatyard, which would need to be satisfactorily addressed. Finally, for your awareness, the Committee felt that the proposed name may cause confusion (for example, with The Point at Eastleigh) and would encourage reconsideration of this.
Fareham Borough Council	No objection.
HCC Archaeology	I would not raise any below ground archaeological issues. The site is close to the Scheduled Monument of Hamble Common but given the marina context in which the works are to take place and the screening effect of the surrounding marina to the monument, I would not raise any issues regarding the impact on the setting of the monument.
Tree Officer	The site is almost tree-free, with the only specimens of note being located on the grass area to the east. Two of these trees – sea buckthorns – are proposed to be removed to facilitate the proposed development. We have no objection to this proposal, subject to their replacement. Conditions are recommended in relation to tree protection measures and tree planting.
Southern Water	Conditions recommended in relation to foul and surface water drainage provisions and advice provided in respect of the use of grease traps, SuDS features and the potential need for trade effluent consent.
Hamble Harbour Master	The proposed building is sited above the mean high-water mark and will therefore not require a separate consent from RHHA, but the Harbour Master wishes to raise the following points for your attention because there is potential for it to impact navigation. The nature of the lighting of a glazed, dual aspect restaurant on the tip of the Hamble Point site could have potential to affect the navigation approaches and visibility of the Aids to Navigation to the Hamble Estuary from Southampton Water, especially during hours of darkness. The Lighting Assessment recommends not using spotlights, nor using red or green lighting. This recommendation should be taken forward. A water-side restaurant is likely to attract a number of smaller day boats not seeking a berth in marina (in addition to larger vessels with a berth). Provision of space for customers arriving

	by boat is not set out in the application. The site owns an "Event Pontoon" but this is typically occupied by large vessels.
Environmental Health	Contaminated land: The site is not located within an identified contaminative land use area. According to the planning statement, the site currently is mostly covered by hardstanding, with a strip of grassland across the southern perimeter. The proposal comprises a prefabricated unit to reduce impact from foundations. The structure will be bolted to the existing concrete hardstanding. Therefore, it is anticipated that ground disturbance would be minimal. It is acknowledged that the applicant has submitted a draft CEMP, it is recommended that an additional section for waste management details is incorporated into the final version of the CEMP. We have no objections with the proposed development in terms of contaminated land. The Flooding Authority should be consulted in regards of Flooding. Air quality: The site is not located within or in close proximity of an AQMA. Although traffic is anticipated to travel across the declared AQMA Hamble Area, the estimated daily car movements is 70, which would not represent a significant increase in traffic within the area. The planning statement indicates that the proposed development is intended to provide 3 out of 10 parking bays with EV charging provisions and cycle storage, which is in line with the Council's objective of promoting sustainable travel. We agree with this approach and have no objections in terms of air quality. Noise: The proposed site is located within the marina area and in a considerable distance from the closest residential property, therefore low risk in terms of noise. Lighting: We find the report acceptable and low risk for neighbouring residents. The ecology team should be consulted in regards of ecological lighting impact.
HCC Highways	No objection subject to a condition to secure a construction site management plan. Since the previous consultation response, the development now proposes 28 parking spaces in comparison to the previous proposal of 14 parking spaces. In line with Eastleigh Borough Council parking guidance, it would be expected that 54 parking spaces are provided. It is also noted that only 1 disabled parking space is provided. Given the shortfall of 26 spaces and the limited accessibility of other parking areas within the marina for users with varying mobility needs, it is recommended that the case officer review whether both the shortfall in overall parking provision and the lack of accessible parking is acceptable for the proposed development.

	Regarding trip generation, although the development is not expected to have a significant impact on the wider highway network, it remains important to highlight that the site will be predominantly accessed by private car. Accordingly, the parking provision should be sufficient to accommodate the anticipated peak demand.
Environment Agency	No objection subject to the imposition of a condition to require that the development be carried out in accordance with the submitted Flood Risk Assessment and to secure and maintain the mitigation measures it details. Additional advice and advisories were provided in respect of a range of flood related matters.
Ecology	No objection subject to conditions in respect of Biodiversity Net Gain, to secure the final lighting design for the scheme, as well as in relation to construction management (adherence to measures set out within the submitted CEMP, Shadow HRA and PEA).
Natural England	No objection subject to appropriate mitigation being secured. In order to mitigate these adverse effects and make the development acceptable, the following measures are required: • mitigation measures need to be secured as set out in the Appropriate Assessment (October 2025) • a Waterside Construction Environmental Management Plan (CEMP) We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Relevant Policy and Legislation:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the Policies of the adopted Eastleigh Borough Local Plan 2016-2036 and the policies of the Hampshire Minerals and Waste Plan (Adopted October 2013).

Eastleigh Borough Local Plan 2016-2036:

The following policies are of relevance to the application: S1 (Delivering Sustainable Development), S5 (New Development in the Countryside), S7 (The Coast), S8 (Historic Environment), DM1 (General Criteria for New Development), DM2 (Environmentally Sustainable Development), DM3 (Adaption to Climate Change), DM5 (Managing Flood Risk), DM6 (Sustainable Surface Water Management and Watercourse Management), DM7 (Flood Defences, Land Reclamation and Coast Protection), DM8 (Pollution), DM11 (Nature Conservation), DM12 (Heritage Assets), DM13 (General Development Criteria – Transport), DM14 (Parking), DM20 (Boatyard and Marina Sites on the River Hamble).

Hampshire Minerals and Waste Plan (Adopted October 2013):

The relevant policies to this application are:

- Policy 15: Safeguarding – Mineral Resources

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Parking Standards

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.

The Planning Practice Guidance (PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The application site lies outside of the urban edge and falls within an area which is designated as countryside within the Council's adopted Local Plan. Policy S5 of the Local Plan seeks to prevent inappropriate development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling particular specified types of development for which a countryside location is genuinely and justifiably required. In this regard, Policy DM20 relates specifically to development proposals at boatyard and marina sites on the River Hamble and is therefore of relevance to the application proposals.

This policy allows for development associated with boat building and fitting out, maintenance and repair of boats and ancillary uses, subject to certain criteria being adhered to. In addition, part 2 of the policy states that *"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."*

The development is for the provision of a restaurant / café within the Marina site. As this use is not strictly associated with boat building or maintenance, the acceptability of the principle of the development is subject to the aforementioned part 2 criteria being met. In this regard, the Design and Access (D&A) Statement which accompanies the application provides justification for the siting of the restaurant in the location proposed and how this will support the ongoing viability of the Marina, with this being in the context of the declining satisfaction of customers with the existing food and beverage offering available, as well as the desire to enhance and complement user experience through the provision of a higher-quality facility in a more desirable position within the site.

In addition, the D&A goes on to explain that the part of the site where the restaurant would be positioned is, following the expansion of the Marina in recent years, now deemed to be surplus to requirements for off-season boat storage, with it housing only a small number of boat trailers. This was consistent with what was observed during the Case Officer's site visit which was undertaken during winter months where boat storage demand is considered to likely be highest.

The justification provided is accepted by the Local Planning Authority, with the proposals also having the added benefits of providing additional employment within the local area both during the construction and operational phases of the development, which would be an economic benefit of the scheme. Accordingly, the proposals are considered to be acceptable in principle. Any subsequent planning approval is, however, subject to the development being considered to be appropriate in other respects, which includes in terms of its layout, design and visual impacts, as well as with regards to amenity, ecology, trees, parking, and highway and navigational safety. These matters as well as those others of material relevance to the application are covered in the sections below.

Design, layout and impact on the character of the area:

The proposed restaurant comprises of a single storey building with a floor space extending to approximately 270sqm. The building will be c. 3.2m in height with a low pitched roof and a splayed eastern / southern elevation which incorporates extensive areas of glazing, and which has been designed to maximise views across Southampton Water and the River Hamble from the internal areas of the building. These areas will open out onto an external terrace which will provide for outdoor dining opportunities. The building is proposed to be of prefabricated construction with external cladding to be applied to its elevations, with stone / stone slips on the peripheral walls.

In addition to the bar and restaurant areas, the premises will additionally contain ancillary office, kitchen and storage areas, as well as customer WCs. Vehicle and cycle parking will be provided to the west, with the proposals also including the siting of two external containers on the car park side of the building which are intended to provide for secure storage for the facility (for example, for parasols/canopies during winter months of period of inclement weather). These will be clad to match the main building.

In terms of the siting of the building, this is considered to be both logical and also appropriate from a design and character perspective. It makes use of an underutilised part of the Marina site and being positioned on the foreshore of the Hamble River and Southampton Water, is likely to be a more commercially advantageous and appealing location to customers than the current restaurant facility in the northern part of the Marina (the Ketch Rigger). Whilst this siting will give the building a not unintentional level of visual prominence, this will not be excessively so nor will it detract from the character of this section of the coast, with the building being of a low profile and viewed in the context and against the backdrop of the wider Marina.

In terms of design, the building will appear as a modern and attractive piece of architecture which will visually complement and indeed enhance its surroundings. The use of extensive areas of glazing is, as noted above, an understandable approach given the views on offer and the nature of the end use, with the cladding proposed to be applied to the exterior of the building indicative of the wider Marina and some of the existing buildings it contains. The final materials to be used can be covered by condition to ensure that these are appropriate in extent, colour and texture.

A landscaping scheme has also been provided which includes additional tree planting to the verge areas adjacent to the building to mitigate for the modest level of tree removal and provide biodiversity net gain (see relevant sections on trees and ecology below), as well as to enhance the setting of the development. Again, the final details of the landscaping scheme can be covered by condition to ensure that the species to be used

are suitable for their setting and coastal context, and that the scheme is both implemented and subsequently managed and maintained appropriately.

With the aforementioned conditions imposed, the application is considered to comply with the requirements of Policy DM1 of the adopted Local Plan in respect of its layout, design and impact on the character of the area.

Residential amenity:

The proposals, due to their siting relative to the nearest residential properties which lie a reasonable distance from the site and with either other marina related development (in the case of the dwellings within Hamble) or the Hamble River (in the case of the dwellings to the east along the opposing side of the River) as notable intervening features, will not unacceptably impact upon the amenity of their occupiers by way of overbearing impact, or loss of light, outlook or privacy.

In terms of the operational phase of the development, the existing restaurant within the Marina (the Ketch Rigger) is restricted by planning condition to 11pm closing. The application seeks extended hours relative to this to give greater flexibility and contribute to the long-term viability of the business (for example, by allowing for events to take place on weekends etc.). These would allow the restaurant to be open to customers until midnight on Mondays to Thursday, 1am on Fridays and Saturdays and 11pm on Sundays.

Whilst this would result in activity on the site and vehicle movements along School Lane later into the evening and the night time period, given the distance from the nearest dwelling and the likely level of movements anticipated, on balance, it is not considered that this would result in unacceptable levels of disturbance in planning terms such as to detrimentally impact residential amenity and no objection has been raised by the Council's Environmental Health Officer (EHO). It is also of note that the facility would be separately subject to licensing requirements, and should any issues arise associated with noise, these can additionally be investigated by the Council through statutory nuisance legislation outside of the planning process.

In terms of the construction phase of the development, a Construction Environmental Management Plan (CEMP) has been submitted as part of the application proposals which includes measures to control the potential amenity related impacts associated with the works. The EHO has reviewed this and is satisfied with its contents given the nature of the construction proposed and the location of the site relative to the nearest residential dwellings. This can be secured by condition, as can a restriction on construction hours.

With these conditions in place, it is considered that the application complies with Policy DM1 of the Local Plan in respect of the matter of residential amenity.

Highway matters:

Access to the wider Hamble Point Marina complex will remain unchanged with this being via School Lane, with internal site access continuing through the existing private road network. This access route is considered to be suitable for the proposed development with the submitted Transport Assessment incorporating tracking information to demonstrate that there is sufficient room within the site for both fire appliance and refuse access, egress and turning.

In terms of the impact of the proposals on the wider highway network, the development will generate additional trips to and from the Marina site. Following the submission of additional transport information in the form of a robust worse-case scenario assessment (where the restaurant is at full capacity and fully staffed) in response to the initial comments of the Highway Authority, no objection to the application has subsequently

been raised, with the level of trips arising from the development not being considered to result in a significant material impact on the highway network.

Turning to the matter of parking, the requirements for new development are set out within the Council's Parking Standards SPD, with the level of provision necessitated being based on the nature of the use proposed. In this case, as highlighted by the Highway Authority, the requisite standard for eating and drinking establishments is for 1 car parking space per 5sqm of floorspace, which based on the restaurant having a gross internal floor area of 270sqm, would equate to 54 spaces.

The development proposes a total of 28 spaces (increased from the 14 proposed as initially submitted), including 10 electric vehicle (EV) parking bays (5 with EV charging and 5 with passive provision) and 1 disabled bay, along with 2 motorcycling parking bays. Whilst the overall level of provision would be below the aforementioned 54 space requirement this, as set out within the Council's adopted Parking Standards SPD, is an expected standard and it is necessary for each development to be considered on an individual basis taking account of local circumstances.

In this respect, the Transport Note explains that there is additional parking provision available across the Marina site as a whole which would provide for extra capacity for customers to the restaurant should this be required. This notably includes the bank of spaces on the entrance road into the site from School Lane which are likely to have more availability during peak evening restaurant times (with the businesses within this part of the Marina generally operating during day time hours), as well as the parking outside of Outlook House. Outlook House lies next door to the area where the restaurant is proposed to be built and currently has 32 parking spaces. The building is presently vacant and is proposed to be demolished, with a recent prior notification application (see planning history above) having been granted for this.

Taking account of these factors, as well as that a proportion of visits to the restaurant are likely to be by way of linked trips (i.e. customers who were visiting the Marina anyway), the level of provision is deemed to be acceptable in this instance. The EV parking bays will also represent an environmental benefit of the scheme and whilst only a single disabled parking bay will be provided as presently shown, there are spaces within the car park layout that could be adapted to increase this provision should this be necessitated. Motorcycle parking will also be provided along with bicycle provision (through Sheffield cycle stands) also being available for both staff and visitors.

The highway related impacts of the construction phase can be controlled through the measures set out within the submitted Construction Environment Management Plan (CEMP). This includes details including the construction access routes to the site, as well as wheel washing measures and site compound arrangements (which will be fully contained within the Marina site) to limit the impacts of the development on the public highway network.

The CEMP and aforementioned parking provision can be secured by condition and with these, the application is considered to comply with the requirements of Policies DM13 and DM14 of the Local Plan.

Flood risk and drainage:

The application site is located on the edge of Southampton Water and lies within Flood Zone 3 on the Environment Agency's flood map, indicating that it is an area with the potential to be affected by tidal events. Part 14 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere (para. 170). Para. 173 requires that a prescribed sequential risk-based approach should

be taken on individual applications in areas known to be at risk now or in future from any form of flooding.

The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy, as well as a Flood Risk Sequential Test Report. In respect of the latter of these, the submitted report sets out that the proposed restaurant is intended to support and diversify the offering specifically at Hamble Point Marina, with the nature of the development requiring a consolidated footprint, thereby meaning disaggregation is not a feasible option. Notwithstanding this, the sequential test considered alternative marina sites (7 in total), with 6 being deemed to not be sequentially preferable due to their location within Flood Zones 2 and 3, and the other being deemed to have a lack of surplus land that could be released for development without compromising the primary operational function of the marina.

Based on this assessment, the report concludes that there are no suitable, available, and developable sites within areas of lower flood risk that could deliver the proposed development with equivalent outcomes and benefits and, as such, the sequential test as required by National planning policy is thereby passed. Taking account of the nature and context of the development as well as the information presented, this conclusion is accepted by the Local Planning Authority, with no objection also having been raised in this respect by the Environment Agency (EA).

The FRA which accompanies the application acknowledges the location of the site within a Flood Zone and appraises the risk of flooding to the development taking account of the nature of the scheme and predicted sea level rises associated with climate change. As a result of this assessment, mitigation measures are proposed for the site incorporating changes to ground levels by up to 0.83m and the incorporation of flood resistance measures within the building design, for example but not limited to, the raising of electrical sockets, the use of waterproof walls at the lower level as well as flood resistant insulation, and the inclusion of non-return valves on foul and surface water pipes. A Flood Emergency Plan (FEP) is also proposed to be developed which will seek to maximise the safety of the occupiers of the development without placing undue burden on the emergency services in line with best practice.

The EA have been consulted on the proposals and have raised no objection on flooding grounds subject to a condition to secure the mitigation measures set out within the FRA, as well as to require the submission of a FEP for approval prior to first occupation of the development. With regards to the matter raised by the EA concerning the lifetime of the proposed development (which the FRA states would be 50 years and is thereby lower than the 75 year period which is stipulated as likely to be a starting point for non-commercial development in the PPG), the Design and Access Statement which accompanies the application explains that this period is derived from the nature and type of construction for the building which will be predominantly prefabricated. This is accepted by the LPA in this instance. The other matters raised by the EA, including the potential requirement for an environmental permit will be relayed to the applicant and, where necessary, included as informatives on the decision notice.

In respect of drainage provisions for the development, foul water is proposed to be discharged into the existing sewage system within the Marina. Southern Water have raised no objection to this subject to conditions to cover the detailed design of the system as well as a range of informatives concerning the potential need for trade effluent consent and to advise that a wastewater grease trap should be installed. These will be added to the decision notice accordingly.

Surface water will drain into the existing storm water drainage system, with permeable material to be used within the car park area and raised SuDS planters incorporating a bioretention system to be situated around the development to capture runoff water from the building's roof. These measures will provide a betterment in terms of runoff/discharge

rates as well as providing for filtration to minimise contaminants and maintain water quality. No objection has been raised to these provisions by either Southern Water, the Council's Ecologist or Natural England, with the final measures to be subject to detailed design which can be covered by condition.

Taking account of the above factors, the development is considered to comply with the requirements of Policies DM3, DM5, DM6 DM8, and DM11 of the adopted Local Plan in respect of the matters of Flood Risk and Drainage.

Lighting:

Taking account of the location of the site, which lies on the edge of the shore adjacent to Southampton Water and the Hamble River and the protected sites for nature conservation that it encompasses, there is potential for lighting within the development to have ecological, amenity and navigational safety related implications. As a result, the application is accompanied by a Lighting Report which incorporates light spill calculations and a visual impact assessment based on a worst case scenario of lighting levels for the nature of use proposed, as well as making recommendations for the types and colours of lighting to be installed / avoided given the sensitive location of the site.

This information has been reviewed by the Council's Environmental Health Officer from an amenity perspective with no objection being raised. It has also been considered by the Hamble Harbour Master and the Council's Ecologist. The Harbour Master has endorsed the recommendation contained therewithin to avoid the use of spotlights or red and green lighting to prevent conflict with any navigation lighting/signalling on the Hamble River and its approaches. The Council's Ecologist has also raised no objection and is satisfied that the horizontal light spill levels at ground level of 1.0 lux indicated would be acceptable, with recommendations being made in respect of window coverings and internal decoration to minimise reflection, picking up on those put forward within the submitted lighting report. The final details of the exact lighting design, which are not yet known at this stage, can be conditioned such as to require this to be submitted for approval by the LPA prior to its installation.

Ecology:

The application is accompanied by a Preliminary Ecological Appraisal which has been updated during the course of the application process and which seeks to assess the habitats present on site, establish an ecological baseline and to determine whether ecological receptors such as protected species were likely present. The report also includes guidance, mitigation and best practice measures in respect of construction in order to avoid endangering protected species, as well as recommendations for ecological enhancements to be incorporated within the development.

Along with the PEA, a Shadow Habitats Regulations Assessment (HRA) has been submitted as a result of the proximity of the site to a number of European and Nationally designated sites (including the Solent and Southampton Water Ramsar site, Solent Maritime Special Area of Conservation, Solent and Dorset Coast Special Protection Area, and the Lee-on-the-Solent to Itchen Estuary and Hythe to Calshot Marshes SSSIs). In addition and in line with the provisions of the Environment Act, the application is subject to the mandatory 10% biodiversity net gain (BNG) requirement with the submission being supported by a completed BNG statutory metric and a Habitat Management and Monitoring Plan (HMMP).

These documents have been reviewed by the Council's Ecologist who is satisfied with their content and that any potential impacts associated with the development can be appropriately mitigated, as well as that the development will achieve the required level of biodiversity net gain. The mandatory condition prescribed by the Environment Act in respect of the latter will be imposed on the decision notice and the matters raised by the

Council's Ecologist in relation to lighting provision can also be covered by condition as set out in the relevant section above.

In addition, and in light of the aforementioned proximity to the protected sites and in accordance with the provisions of the Habitats Regulations, the Council as the responsible body under this legislation, have undertaken a Habitats Regulations Screening and subsequent Appropriate Assessment to appraise the impacts of the development on these sites. This Assessment had regard to the Shadow HRA provided by the applicant and sets out the measures that are required to be adhered to in order to mitigate for the otherwise potentially significant impacts on the designated sites and the features for which they are designated.

The HRA has been subject to consultation with Natural England, who have raised no objection subject to conditions to secure the mitigation measures set out within the Shadow HRA, as well as a Construction Environment Management Plan (CEMP). Their response prescribes the measures that they consider need to be incorporated within the CEMP. As the responsibility for the agreement to the CEMP lies with the LPA (as stipulated within Natural England's formal response), the further input of the Council's Ecologist has been sought in this regard. They have subsequently confirmed that they are satisfied that the measures set out within the combination of the Shadow HRA, PEA and the CEMP provided as part of the submission suitably cover the construction management matters stipulated by Natural England. As such, a condition will be imposed requiring compliance with these.

With this condition and the others recommended by the Council's Ecologist, the development is considered to comply with the requirements of Policy DM11 of the Local Plan and the provisions of the Habitats Regulations.

Other material considerations:

Contaminated land:

The site is not situated within an identified contaminative land use area, with the area where the building would be situated being covered by hardstanding. The application sets out that the structure will be predominantly prefabricated with much of the construction work to take place off site. The building will then be bolted to the existing hardstanding, resulting in minimal ground disturbance, with any potential minor impacts that may occur from this able to be controlled by measures set out within the Construction Environment Management Plan (CEMP).

Air quality:

In terms of air quality, the site is not located within an Air Quality Management Area (AQMA) and whilst a proportion of traffic may pass through the Hamble Lane AQMA, the level of movements in this respect will be relatively limited and will not therefore have a significant material impact upon air quality such as to require mitigation and no objection has been raised by the Council's Environmental Health Officer. The impacts arising from construction, which will be relatively limited given the prefabricated nature of the building, can be appropriately controlled through measures set out within the CEMP.

Heritage and archaeology:

The site doesn't contain any designated heritage assets and it is not considered that the proposals will unduly impact upon the setting or character of any heritage assets within the surrounding locality. As noted by the HCC Archaeologist, the site is close to the Scheduled Monument of Hamble Common but, given the low profile of the development and the surrounding buildings and uses within the Marina which provide intervening

screening, it is not considered that it will materially affect its setting. HCC have also raised no objection on archaeological grounds.

Minerals safeguarding:

The site lies within a minerals and waste consultation area (minerals section) for superficial sand and gravel as identified within the Hampshire Minerals and Waste Plan 2013. As such, Policy 15 of the Hampshire Minerals and Waste Plan applies to the development proposals. The purpose of this policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation. The policy seeks to encourage the recovery, where possible, of potential viable mineral resources prior to development.

The submitted Design and Access Statement addresses the requirements of this policy. Taking account of the information provided and that the site is particularly modest in size and forms part of wider working Marina, the LPA agree that the prior extraction of minerals on the site would not be viable. In addition, and due to the prefabricated nature of the building, there will limited ground works undertaken and, as such, little or no potential for the re-use of any minerals arising from the construction process. There is, therefore, deemed to be no conflict with the provisions of Policy 15 of the Hampshire Minerals and Waste Plan.

Trees:

The area where the building is proposed to be sited is predominantly free of trees, with the majority of it comprising of an existing area of hardstanding. There are trees, however, located on the grass verge which lies to the east of the site and whilst the majority are to be retained and protected as part of the works, two (sea buckthorn trees) are proposed to be removed to facilitate the development. These trees are, however, modest in size and identified within the submitted Arboricultural Assessment to be of low quality on account of their poor structural form and below expected levels of vitality. Their contribution to the amenity and character of the area is, therefore, limited and the Council's Tree Officer has raised no objection to their removal, with this being subject to a condition to require additional tree planting which is proposed elsewhere along the verge areas adjacent to the site as part of the landscaping scheme. A further condition is recommended to secure the tree protection measures required to prevent existing retained trees from damage during construction and this will be imposed on the planning consent accordingly.

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; (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 Environment 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.

The NPPF supports economic growth and productivity with the aim of building a strong competitive economy. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and the Council's adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. Taking account of the nature of the proposals and the site context, the development is expected to be resilient to the potential effects of climate change, including in respect of flood risk (see above) and to have limited material impact on climate emissions.

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 equalities implications.

Recommendation:	PERMIT subject to conditions
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