

DELEGATED OFFICER REPORT

Application Ref: F/23/95051

Site Address: Port Hamble Marina satchell Lane, Hamble, SO31 4QD

Case Officer: Rebecca Altman

Description: Erection of single-storey commercial accommodation

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • Boatyard and Marina Site (Policy DM20) • SAC/SPA impact zone • Adjacent to Hamble Conservation Area • Flood Zone 3		

Planning History?	Yes ☐	No ☐
• F/19/84970 – Erection of 1no. single storey office / storage building to replace existing temporary units – Permit (2019) • F/15/77616 - Erection of detached single storey office/ storage building – Permit (2016) • F/12/71593 - Erection of detached single storey office/storage building – Permit (2012) • F/12/71681 - Retention of temporary building and storage container for 3 years – Permit (2012)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	One comment received, raising the following points: • The development would appear to impact parking on the site, even though the application form says it would not; • The car park on the site is often full. Two representations received, raising objection on the following grounds: • Concern about creeping development; • Inappropriate development in a sensitive area; • Loss of parking on a site which does not have sufficient parking; • Concern about the erection of a permanent building; • Inaccurate flood risk document; • Design with pitched roof is not in keeping with nearby buildings; • Concern about obstruction at car park exit; • Overlooking of nearby residential property from raised site entrance.		
Parish Council:	No comments received.		
Highway Authority	No objection. There would be a loss of 3 to 4 parking spaces to accommodate the unit, but it is not considered that this would have an adverse impact on the local highway network in terms of overspill.		
Environmental Health – Noise	No objection. Noted that there will be no industrial or commercial process machinery, and predicted vehicle trips would not be out of		

	proportion to existing marina activities. Appropriate materials should be used in the building construction to minimise external noise.
Environmental Health – Contaminated land	The former and current land uses have the potential to have caused contamination of the ground. No objection subject to conditions requiring investigation and assessment of land contamination, and appropriate mitigation.
Ecologist	Updated comments following receipt of CEMP and drainage information: The CEMP is satisfactory and noted that no piling or percussive plant operations are required. The drainage details are also satisfactory. Provision of a bat box on the building would provide biodiversity enhancement. Original comments: The site is adjacent to the Solent and Dorset Coast SPA and within 75m of the Solent and Southampton Water Ramsar site, Solent Maritime SAC. There is also a Brent Goose and Solent Waders Core Area (E13) approximately 200m north of the site. A HRA will be required. A CEMP will be required to ensure no impact on wildlife such as wintering birds and marine fauna or water quality during construction. There is a requirement for biodiversity enhancement for the site, and further details are required as to how surface water drainage from the building roof will be managed.
Environment Agency	Further comments following receipt of updated FRA: No objection subject to condition to require the development to be constructed with appropriate finished floor levels as per the recommendations of the FRA. Original comments: Objection due to inadequate Flood Risk Assessment (FRA). The FRA does not include sufficient detail including tidal flood levels and consideration of the impacts of climate change. The FRA also notes that the site is in Flood Zone 2 whereas it is within Flood Zone 3.
Natural England	Updated comments following review of Appropriate Assessment, CEMP and drainage proposals: No objection subject to mitigation – CEMP to be secured by condition. Original comments: The proposal has the potential to impact on the following protected areas: - Solent and Dorset Coast SPA - Portsmouth Harbour SPA and Ramsar Site - Chichester and Langstone Harbours SPA - Solent Maritime SAC - Solent and Southampton Water SPA HRA Appropriate Assessment required to determine if the development will have a significant effect on the integrity of the nearby

	protected sites. This needs to include consideration of impacts from surface water pollution. A detailed drainage scheme should be submitted to and agreed by the Council, to include long term management and maintenance proposals. A CEMP is required to ensure no adverse effects during construction. This can be secured by condition. Recommend that percussive piling or works with heavy machinery is avoided during the bird overwintering period (October to March inclusive).
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Site Visit:	Yes ☒	No ☐
9 th May 2023. Photographs on file. Temporary buildings previously on the site are no longer there.		

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 and S2; and Development Management policies DM1, DM2, DM5, DM8, DM11, DM13 and DM20.

Assessment:
<u>Site and proposal</u> The proposal is for the construction of a single-storey pitched roof building on part of the existing car park at Port Hamble Marina. The building would provide storage space and an office and would measure 12.5m in length, 7m in width and up to 5.2m in height to ridge (2.7m to eaves). The proposed location is in the north-western corner of the car park, near to a barrier entrance to the main Marina. There are some existing single-storey buildings to the north of the site, with the main marina buildings and boat storage beyond and boat moorings on the river Hamble to the east. To the west are residential properties in Crowsport and to the south is further car parking associated with the marina. Port Hamble Marina is a designated boatyard and marina site under Policy DM20 of the Local Plan. The Hamble River is part of the Solent and Dorset Coash SPAs and there are there is a Brent Goose and Solent Waders site nearby to the north. The site also lies within Flood Zone 3 and adjacent to the Hamble Conservation Area. <u>Principle of the proposal</u> The application follows a number of previous planning permissions for the same building dating back to 2012. Whilst the building has never been constructed, the principle of its location and design have been established by these previous permissions. <u>Design and appearance and impact on residential amenity</u>

The building is of a fairly simple design, with grey brick and render proposed for the elevations and a grey roof of either profiled sheet metal or slate. A building of the same design has been granted permission on this site before therefore the principle of the proposed design has been accepted, and is considered appropriate for the marina context where there are similar functional buildings.

Concerns have been raised in representations about overlooking of neighbouring residents from the raised entrance to the building. The entrance would be on the south side of the building and there would be a separation distance of around 29m between this entrance and the nearest windows on the neighbouring properties to the west. Given the commercial use of the building and its location within a marina with an existing high level of activity, it is not considered that this building would adversely impact on the privacy of neighbouring residents. The separation distance and single storey height of the building would also ensure no adverse impact on light or outlook to the neighbours.

Traffic and parking

The siting of the new building would result in the loss of around 4 parking spaces within the car park. However, the principle of a building in this location has been established by the previous planning permissions and the Highway Authority is satisfied that this loss of parking would not adversely impact on the use of the wider site or the local highway network.

Flood risk and drainage and impacts on European protected sites

The site lies within Flood Zone 3 and directly adjacent to the River Hamble which forms part of the Solent Special Protection Areas and Solent Maritime Special Area of Conservation. The site is also near to a Brent Goose and Solent Waders core area.

The Environment Agency initially raised objection to the Flood Risk Assessment (FRA), noting that it did not provide sufficient information. The applicants have since submitted an updated FRA and the Environment Agency has confirmed no objection subject to the development being constructed in accordance with the recommendations of the FRA, which includes requirements for floor levels.

In terms of impacts on protected areas, the potential impacts relate to hydrological impacts from surface water run off and impacts from construction. The applicants have provided a drainage statement confirming that water run-off from the roof of the building would be accommodated by downpipes directing the discharge to adjoining surfacing, with run-off to channels and gulley connections to the existing drainage system at the marina. They have stated that the existing system has adequate capacity and operates effectively to prevent adverse impacts on protected waters. These drainage proposals were agreed as part of the previous planning permission.

A Construction Environmental Management Plan has also been provided, which confirms that there would be no requirement for piling or percussive plant operations thereby preventing adverse noise impacts. The construction would not involve any hazardous operations or contaminants and works would be confined to a working area outside of the sensitive estuary margins.

A Habitats Regulations Assessment Appropriate Assessment was prepared and submitted to Natural England for review, which summarised the drainage proposals and CEMP, and concluded that with this mitigation the development would not harm protected areas. Natural England has confirmed agreement with this conclusion.

The CEMP and drainage details have also been agreed with the Council's Ecologist, and it has been requested that the building incorporates a bat box to provide biodiversity enhancement.

Contaminated land

The Council's Environmental Health Officer has noted that there is the potential for contamination to exist on the site due to former uses. A condition is therefore recommended to ensure that contamination is properly assessed and mitigated where required.

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.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts 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 equality implications.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

1. The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be implemented in accordance with the following plans numbered: 2617 2 (Scheme Design – Location Plan, Elevations and Floorplans).

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

3. No work shall commence on site until the following has been submitted to, and approved in writing by the LPA:
 - a. Report of Preliminary Investigation comprising a Desk Study, Conceptual Site Model, and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with UK Land contamination risk management (LCRM) national guidance and including BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice, and, unless otherwise agreed with the LPA,
 - b. Report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation and in accordance with BS10175:2011+A2:2017, and BS 8576:2013 and unless otherwise agreed with the LPA,
 - c. Detailed site-specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring.

Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

4. The development hereby permitted shall not be occupied / brought into use until there has been submitted to the LPA verification by the competent person approved under the provisions of condition 3(c) that any remediation scheme required and approved under the provisions of condition 3(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation).

Unless agreed in writing with the LPA such verification shall comply with UK Land contamination risk management (LCRM) and the guidance contained in EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically, such a report would comprise:

- a. A description of the site and its background, and summary of relevant site information,
- b. a description of the remediation objectives and remedial works carried out.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

5. The development shall be constructed in accordance with the materials details set out in the submitted application form, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

6. The development shall fully accord with the approved surface water drainage strategy (RW/PE/2617-49, dated March 2019) and construction environmental management plan (RW/PE/2617-48, dated March 2019).

Reason: To protect the integrity of the designated nature conservation sites.

7. Notwithstanding The Town and Country Planning [Use Classes] Order 2020, the building the subject of this permission shall only be used as marine related office/ storage accommodation & ancillary facilities and for no other purpose.

Reason: The site is not suitable for general office and storage uses as it is within an identified boatyard.

8. The development shall be carried out in accordance with the recommendations of the submitted Flood Risk Assessment (ref. 0696 Rev A, Pitman Associates Ltd, December 2023) to include the recommendations for finished floor levels as set out in Section 1.2. Mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development in accordance with policy .development in accordance with policy DM5 of the Eastleigh Borough Local Plan (2016-2036).

Note to applicant: It is recommended that a bat box is incorporated into the building to provide biodiversity enhancement.

Note to applicant: The applicant must ensure that the design and materials of the building envelope are sufficient to prevent audible noise emissions at nearby dwellings. This is achievable with a thickness of cladding materials and an acoustic absorption lining that may also help with thermal insulation.

Note to applicant: Environment Agency further advice – There is a main river culvert that runs in close proximity to the property. If any outside works, or structural works, were to take place within 8m of the culvert, then environmental permitting would apply. Planning permission does not remove the requirement for an Environmental Permit. For further guidance please visit: [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits)