

BHH – Bursledon, Hamble and Hound Local Area Committee Thursday 21 November 2019.

Application Number: F/19/86469
Case Officer: Clare Martin
Received Date: Thursday 19 September 2019
Site Address: Pile V24-25, Mid stream Hamble river, Bursledon, SO31 8DN
Applicant: Antony Foulkes
Proposal: Installation of 1no. pontoon between piles V24 -25 in midstream River Hamble opposite the Jolly Sailor.

Recommendation PERMIT

CONDITIONS AND REASONS

- 1 The development hereby permitted shall be implemented in accordance with the following plans numbered: LOC 01, BLOC 01, 01 & 02.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 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.
- 3 All reasonable precautions must be undertaken to ensure no pollutants enter the water-course and any coatings or treatments on the materials used must be suitable for use in the marine environment. Reason: To avoid contamination of the intertidal environment.
- 4 All equipment and debris associated with the installation works shall be removed from the area upon completion of the installation works Reason: To avoid detrimental impact via contaminants on any of the interest features of the Solent Complex.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (February 2019), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: The works may also require the following permissions and you are advised to contact the relevant bodies:

- Harbour Works Consent given by the River Hamble Harbour Authority.
- A Marine Licence given by the Marine Management Organisation.
- An Environmental Permit given by the Environment Agency.

Report:

This application has been referred to Committee by Cllr Craig, Cllr Rich, Cllr Cross & Cllr Holes.

Description of Application

1. Installation of 1no. pontoon between piles V24 -25 in the midstream of the River Hamble. The pontoon is opposite the jetty for The Jolly Sailor Public House in Old Bursledon.

Characteristics of Site and Locality

2. The site is used to moor two boats side by side, which are attached between piles V24 & V25. The site is towards the start of a single row of moorings stretching along the western side of the main river channel. Many of these moorings already have pontoons of varying lengths.

Relevant Planning History

3. Nearby Planning Applications include:
 - F/19/85505 - Installation of 2 no. new pontoons between the midstream piles U03-04 and U14-15 opposite Swanwick Marina Permitted (July 2019).
 - F/19/85057 - Installation of 1no. floating pontoon between piles U13 and U14 Permitted (May 2019).
 - C/14/75129 - Siting of 1no. floating pontoon between piles V12 and V13 Permitted (October 2014).

Representations Received

4. No representations were received by the public in relation to this planning application.

Consultation Responses

5. **Environment Agency** – No objection
6. **River Hamble Harbour Authority** - The applicant and his agent have been in discussion with the River Hamble Harbour Authority (RHHA) regarding this proposal and are aware they must also apply for RHHA permission.
7. The site is within the Solent Maritime SAC site. The Harbour Master has no navigational safety or environmental impact concerns regarding this planning application. There are already similar pontoons in place at adjacent moorings.

8. Matters relating to the safe installation of the pontoon will be conditioned in any permission granted by RHHA. All such moorings must have a gap of between 1.5 metres and 3 metres between each pile and the end of the pontoon. These points will also be conditioned in any permission granted by RHHA. The distance between the two mooring piles is 16m. The proposed pontoon of 11.5 metres long by 2 metres wide fits within the dimensions required for this mooring.
9. **Marine Maritime Organisation** - Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark or is an activity that requires a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.
10. **Natural England** – No objection
11. The proposed works are located close to Solent Maritime Special Area of Conservation (SPA) and Solent and Dorset Coast potential Special Protection Area (pSPA). Providing the works are carried out in strict accordance with the submitted details, it can be concluded that the application will not have a significant effect on the protected sites, either individually or in combination with other plans or projects.
12. In order to further reduce environmental pressures, we recommend that the following should be adhered to:
 - The applicant should ensure that only coatings and treatments that are suitable for use in the marine environment are used in accordance with best environmental practice.
 - All reasonable precautions will be undertaken to ensure no pollutants enter the waterbody.
 - The applicant should ensure that all equipment, temporary structures, waste and/or debris associated with the licensed activities is removed upon completion of the licensed activities.
13. **Bursledon Parish Council** – Objection.
14. The installation of almost continuous pontoons along this stretch of the upper Hamble river has reduced the amount of usable river space. Members would ask that a Mooring Restriction Area designation be considered for this part of the river.
15. **Fareham Borough Council** – No objection
16. **The Crown Estate** – No response
17. **River Hamble Mooring Holders Association** – No response
18. **Old Bursledon Action Group** – No response
19. **Policy Context: Designation Applicable to Site**

- Outside Built-up Area Boundary
- River Corridor
- European Nature Conservation Site – Special Area of Conservation
- Old Bursledon Conservation Area
- Old Bursledon Special Policy Area
- Not Within Mooring Restriction Area

Development Plan Saved Policies and Emerging Local Plan Policies

- Eastleigh Borough Local Plan Review 2001-2011 saved Policies: 1.CO, 18.CO, 39.ES, 59.BE, 156.OS, 169.LB & 179.LB.
- Submitted Eastleigh Borough Local Plan 2016-2036, July 2014 Policies: S1, S9, DM1, DM12, DM37 & BU9.

20. The Submitted Eastleigh Borough Local Plan 2016-2036 only carries moderate weight in the determination of this planning application due to its early stage in the adoption process.

Supplementary Planning Document

21. Old Bursledon Appraisal and Management Proposals (Zone 1)

National Planning Policy Framework

22. At a national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The NPPF states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

National Planning Practice Guidance

23. Where material, this guidance should be afforded weight in the consideration of planning applications.

Comment on Consultation Responses and Representations Received

24. In response to the Bursledon Parish Council consultation response, the planning application must be determined against the current planning policies where the site is outside of the mooring restriction area.

Assessment of Proposal: Development Plan and / or Legislative Background

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

26. *"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."*
27. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
28. The relevant adopted saved policies are:
29. Saved Policy 1.CO of the Local Plan defines the type of development allowed outside of the urban edge, which includes outdoor recreational uses such as for sailing vessels.
30. Saved Policy 18.CO of the Local Plan states development which fails to respect or has an adverse impact on the intrinsic character of the landscape will be refused.
31. Saved Policy 39.ES of the Local Plan states development within river corridors will be refused if it adversely affects scenic, ecological, historical or archaeological interest or jeopardies safety and ease of navigation or water quality (*applicable elements*).
32. Saved Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting (*applicable elements*).
33. Saved Policy 156.OS of the Local Plan states new jetties, slipways, pontoons, landing stages, steps, walkways, bridges and catwalks, or extensions to such structures, will not be permitted except where they are in existing boatyards or within built up areas of river frontage and they do not impede the movement of craft on the river, or areas where there is currently public access.
34. Saved Policy 169.LB of the Local Plan allows extensions to buildings in Conservation Areas provided the proposal preserves or enhances the character and appearance of the Conservation Area and retains the rhythm of the street scene/ and building line; the mass, form and materials are appropriate to the existing and adjoining buildings; architectural details of

value are retained and that the proposal does not generate excessive traffic, parking or noise or cause harm to the local environment.

35. Saved Policy 179.LB of the Local Plan looks to protect the special loose-knit character of Old Bursledon and to ensure the retention of existing open areas, further development will be refused within the special policy area with the exception of replacement dwellings, appropriate extensions or changes of use, provided that these respect and enhance the character of the Special Policy Area.

Proposal

36. Piles V24 -25 is used as a mooring, which secures two vessels side by side sitting between the piles. The planning application is to attach an 11.5m long by 2m wide pontoon to the mooring, which will be between the two boats. The pontoon will provide a stable platform for the owners to access their boats from their tender. The pontoon also prevents the two moored boats from knocking into each other and causing damage.

Character and Appearance

37. The proposal complies with Policy 156.OS in that the site is within an area of built up river frontage. The mooring is directly opposite the large finger pontoons that make up Swanwick Marina on the Eastern bank of the River Hamble. On the Western Bank the site is downstream from Deacon's Boatyard and Elephant Boatyard and opposite a row of small jetties mostly for private residents along Lands End Road.
38. The proposed pontoon is a fairly unobtrusive structure, which sits just above the water line and will blend in with the many other pontoons present along the section of mid stream moorings. These types of pontoons are a common feature of this section of the River Hamble and when viewed from the shoreline will blend into the vista. As such the proposal has a negligible impact on the character and appearance of Old Bursledon Conservation Area or Special Policy Area or the overall appearance of this part of the River Hamble.

Navigational Safety and Ease of Navigation

39. The pontoon would be within an existing area used for the mooring of vessels and the provision of it would neither increase the number of moorings on the river nor jeopardise the safe use of the river. The mooring is outside of the main river channel and outside of the Mooring Restriction Area (MRA), which starts 500m further downstream next to Hackett's Marsh.
40. The site is already used as a mooring and so the gap between Piles V24 & V25, is enclosed when either boat is in situ. Under the proposal the boats when moored would project slightly further into the channel than at present, with the addition of a 2m wide pontoon. However, this would not be dissimilar

to the majority of moorings within this location and is not deemed to cause a significant reduction in the navigational channel or availability of the river for other crafts to use.

41. Whilst the provision of a permanent pontoon would remove the option of small craft to move between piles V24 & V25 for the most part, vessels are unlikely to need to move between the two channels with larger vessels using the deeper main channel and smaller craft favouring the quieter shoreside channel during favourable tidal conditions. Furthermore, with a boat moored at the piles the ability to cut between the channels would not be available under the current arrangement.
42. In coming to this view, it is noted that no third party objections were raised in relation to the proposal and no objection has been raised by the River Hamble Harbour Master on navigational safety or ecology grounds.

Ecology

43. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The fixing of the pontoon to the existing piles will not require any construction work that impacts on the river bed, the water regime or the water quality in the river.
44. Although within and adjacent to an area of national and international nature conservation importance the scheme would not cause harm to the biodiversity value of the river or wider nature conservation designations. No objection has been raised by Natural England and their environmental precautions have been adapted into planning conditions.
45. The proposal would not impact on the council's commitment to tackling climate change.

Highways

46. The moorings are already in situ and as such the proposed pontoon will not generate any additional vehicular traffic or parking in the vicinity.

Equalities Implications

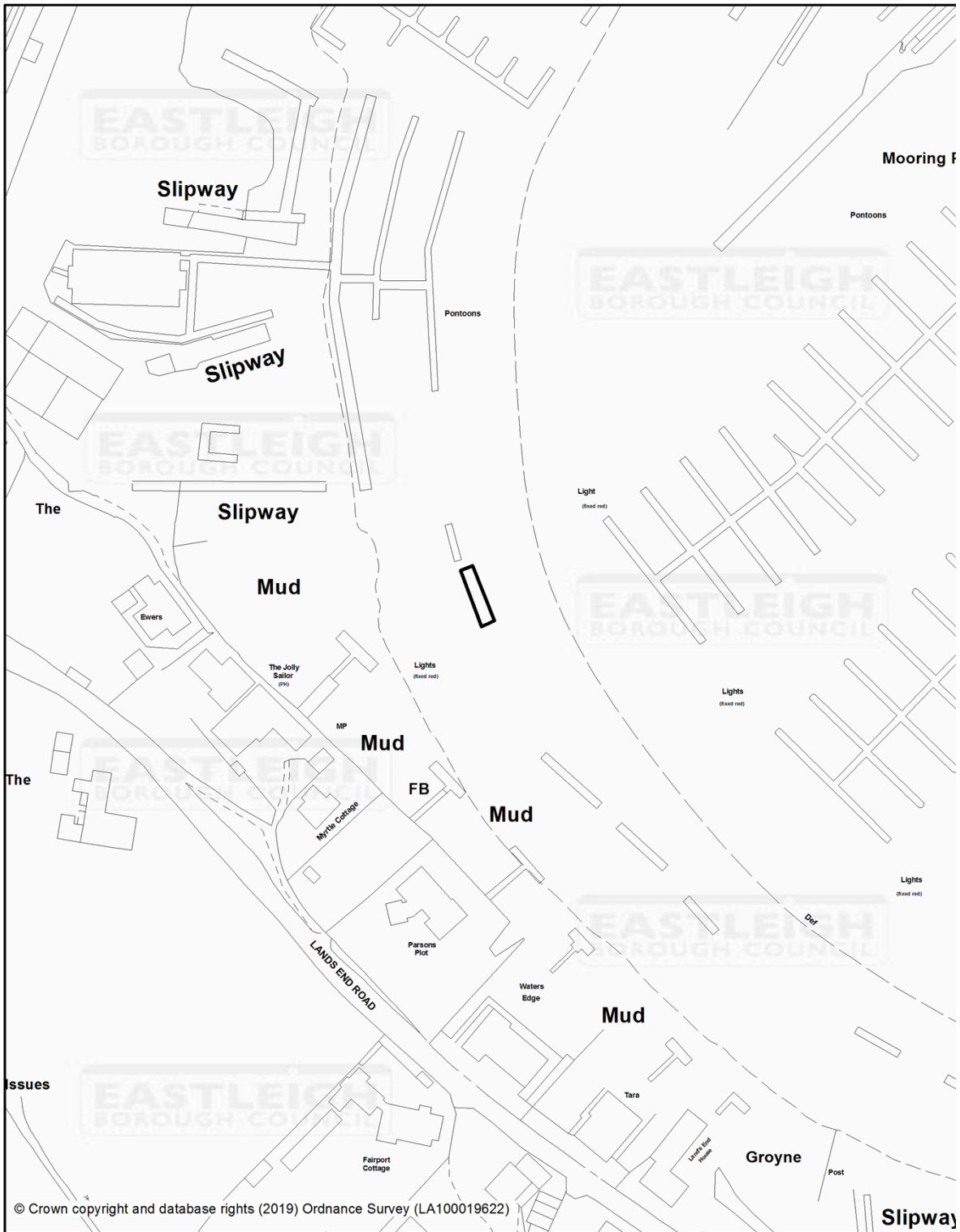
47. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited 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.

48. 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 adverse equality implications in accordance with the provision of this act.

Conclusion

49. The proposal is recommended for permission as it accords with national and local planning policies.



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Scale:
1:1250
Map Ref:
SU4909SW
Date:
06/12/2019

