REF. NO. C/14/74729

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Siting of 1no. floating pontoon between piles M25-M26 River Hamble M25-M26 Easting 448970, Northing 108773 Bursledon Southampton

SITE VISIT DATE – 19/6/14

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Installation of a pontoon measuring 8.7m x 2m (12m long including the chains) between existing piles at M25 & M26 on the River Hamble. The pontoon is constructed from wood with a galvanized steel frame. The pontoon is attached to floatation devices constructed from polyethylene.
SITE CHARACTERISTICS	The pontoon will be positioned between two existing piles located within the outer row of mooring. The pile moorings are located in two rows that are not attached to the land and are accessed via tender. The rows are adjacent to universal marina. At present 16 out of the 28 moorings have floating pontoons with the remainder being secured by ropes to the piles.
CHARACTER OF LOCALITY	Within the mid-stream of the River Hamble, the mooring is located just within the administrative boundary of Eastleigh Borough Council. To the east is Universal marina and public footpath, whilst to the west are the salt marshes at Old Bursledon. The application site lies within the Solent Maritime SAC. The site also lies close to habitats which form part of the Lincegrove and Hackett's Marshes and Lee-on-the-Solent to Itchen Estuary SSSIs. These SSSIs are component parts of the Solent Maritime SAC, the Solent and Southampton Water SPA and are designated as a Ramsar site.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/14/73983	Siting of 1no. floating pontoon between piles M4 & M5	Permitted 11/4/14
C/13/73388	Siting of pontoon to attach to existing piles M10-M11	Permitted 24/12/14

CONSULTATION RESPONSES

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CONSULTEE	SUMMARY OF CONTENT
Biodiversity	No objection Due to the fact that the pile is already in place and there will be no further work that will affect the seabed I have no objections to the proposed work. I fully endorse the conditions recommended by Natural England,
Crown Estate	No objection - provided all other necessary consents are obtained.
Fareham Borough Council	No objection
Harbour Master	No objection The applicant has been in discussion with the River Hamble Harbour Authority (RHHA) regarding this proposal and is aware he must apply separately for RHHA permission. 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. 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. The pontoon width should be similar to that of adjacent pontoons, up to a maximum of 2 metres. In this case the proposed pontoon falls within these dimensions. These points will also be conditioned in any permission granted by RHHA.
Marine Management Organisation	I have reviewed the application and am not able to determine if a marine licence is required as it may fall within an exemption. Please forward my details to the applicant and ask that they contact me to discuss the marine licence requirements
Natural England	No Objection It is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above international sites. Therefore the proposed development does not require an Appropriate Assessment and the permission may be granted. We also do not believe that this project will have an adverse effect upon the interest features of the SSSI site listed above. This decision is based on the pontoons being installed between the existing piles and thereby requiring no works to the sea bed and the following measures being included as suitably worded conditions upon the planning consent: Condition 1: In accordance with Environment Agency guidelines, all reasonable precautions are undertaken to ensure no pollutants enter the water-course. Ensure that any coatings/treatments on the materials used are suitable for use in the marine environment and are used in accordance with best environmental practice. Reason: To avoid contamination of the marine environment.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF CONTENT
	Condition 2: All equipment and debris associated with the works should be removed from the area upon completion of the works and the area returned to its previous condition. Reason: To avoid detrimental impact via contaminants on any of the interest features.
Parish Council	No objection – provided the pontoon is for one boat only

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF RESPONSE
None	

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Within Designated Conservation Area – Old Bursledon Adjacent Site of Special Scientific Interest Within Site of Nature Conservation Interest

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011) 1.CO (countryside)18.CO (landscape character), 21.NC – 25,NC (nature conservation), 32.ES (pollution), 39.ES (river corridors), 155.OS (moorings limit), 156.OS (new pontoons), 169.LB (conservation areas) & 179.LB (Old Bursledon SPA)

Revised Pre-Submission Eastleigh Borough Local Plan 2011-2029: S1, S10, S11, DM1, DM9 & DM34.

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to

COMMENT ON CONSULTATION RESPONSES

Comments and noted and appropriate conditions will be imposed. In response to the parish, the piles already support a paired mooring and the proposal will not alter this.

COMMENT ON REPRESENTATIONS RECEIVED

N/A

PLANNING OBLIGATION/CONSIDERATIONS

N/A

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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."*

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. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

The proposal 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".*

ASSESSMENT

The proposal is considered to comply with these criteria in that;

- The site of the proposed pontoon is adjacent to an existing marina, albeit one that is within Fareham BC jurisdiction. The positioning of the pontoon would be seen in its context with Universal Marina, a built up river frontage, and would not undermine the landscape value and character of the River Hamble, Old Bursledon Conservation Area or the Old Bursledon Special Policy Area. Similar pontoons are already in situ along these midstream moorings and the provision of this pontoon would mirror that provided elsewhere. The scheme is considered to comply with saved policies 18.CO, 39.ES (ii), 59.BE (i), 156.OS, 169.LB and 179.LB of the adopted Eastleigh Borough Local Plan (2001-2011).
- The pontoon would be within an existing area used for the mooring of vessels and its provision would neither increase the number of moorings on the river nor would it jeopardise the safe use and ease of navigation of the river. It will improve safety for those moored at these moorings as they will have safe access on to a pontoon rather than in to a tender. The scheme accords with saved policies 39.ES (vi), 155.OS or 156.OS of the adopted Eastleigh Borough Local Plan (2001-2011).
- 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 quality of the river. Although within and adjacent to an area of national and international nature conservation importance, subject to the advisory notes provided by Natural England and the Harbour Master, the scheme would not cause harm to the biodiversity value of the river or wider nature conservation designations. The scheme accords with saved policies 21.NC to 25.NC, 32.ES and 39.ES of the adopted Eastleigh Borough Local Plan (2001-2011). The proposal is not considered to result in a likely significant impact on a European Protected site (SPA,SAC or Ramsar) and HRA (Habitat Regulations Assessment) screening was not required for this development.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Pre-Submission Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

Recommend Permit