

DELEGATED OFFICER REPORT

Application Ref: F/22/93150

Site Address: ROYAL SOUTHERN YACHT CLUB, ROPE WALK, HAMBLE-LE-RICE, SOUTHAMPTON, SO31 4HB

Case Officer: Rachael Morris

Description: The works involve the relocation of an existing length of main walkway and installation of two new finger pontoons. One pile will be removed completely and one relocated.

Particular Site Constraints?	Yes ☒	No ☐
- Conservation Area - Countryside - Special Area of Conservation		

Planning History?	Yes ☒	No ☐
- C/13/72018 - Reconfiguration of berthing and on shore facilities (including floating all-tide slipway, disabled access berth, crane and holding berth and extension of public footpath) along with the installation of additional pontoons. Capital dredge works, installation of a new sheet pile quay wall and demolition of part of the existing quay wall, removal of inspection piles and existing slipway. - Permit – Jul 2013		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Parish Council:	Hamble Parish Council would like to submit a holding objection subject to discussions with the Yacht Club regarding the application. The Parish Council recognises it is the final stage in moving from a yacht haven to a marina and the location of the pontoon in principle is not of concern. However, the works should be seen in the wider context of this part of the river. When the original works were agreed there was a local agreement that the historic landing rights would be protected along side the rights of way that cross the car park. Retaining public access to the waterfront is important as more areas are restricted. Currently the footpath ends before the wall and needs to go through the dedication process. At the point where the footpath would dissect the wall a pontoon has been installed without permission. This has been referred to enforcement for their consideration. As long as this pontoon is in situ the landing rights cannot be exercised and this has been an issue which we have tried to resolve over some years. In addition the Club removed the ladder that supported the landing rights and has not been replaced despite assurances at the time. Achieving this objective of the back of this application is important to the Parish Council. Subject to the above, we therefore object to the application as it currently stands, due to it offering no benefits to Public Rights of Way, and therefore not being in accordance with the NPPF (2021) . We hope that we can work with all parties to conclude this final piece in the puzzle. <u>LPA Response:</u> The holding objection does not specifically relate to the application.		
Ecology:	We do not have any objection to this application. The reconfiguration of the pontoons/ walkways are within the existing boundary of the marina and there will be no increase in area of pontoons/ walkways. Therefore, no net		

	loss of habitat and no other foreseeable impacts on habitats during the operational phase are anticipated compared to existing. The most likely effects will be on the Solent and Southampton Water SPA during construction and constraints will need to be placed on any permission granted. The applicant has already specified that vibro piling (rather than percussive piling) will be used to reduce noise impacts. We would also want the works to not take place during the over wintering bird period to reduce potential disturbance to the birds (there are designated SPA mudflats 130m to the east of the proposed works area). Birds are particularly vulnerable to disturbance in the later stages of winter. <u>LPA Response:</u> The condition of the restriction on construction over the wintering period will not be applied after further discussion with EBC ecology and the River Hamble Harbour Authority as this is not standard practice.
Built Heritage:	The RSYC is a listed building in the originally designated Hamble Conservation Area of 1969 at the Quay which has other listed buildings adjacent on the other side of Rope Walk and at the bottom of The High Street. These proposed alterations to the mooring berths and piles in the river will have no real effect on the listed building or its setting given they are within the existing area of piles and berths, so No Objection.
Environmental Health:	The WFD report states that two piles are to be removed, one of which is to be re-driven into a new location. The text below advises working hours for piling being 0800-1600, with the time for each pile being approx. 30 minutes. This would suggest 90 minutes of noisy works in total. If this is correct and other than the vibro-piling no other noisy works are proposed, we wouldn't object, however the applicant needs to confirm that this is correct, and the piling will only be carried out within the hours given. (I recommend that we condition the hours of work). Should the amount of piling be greater than we understand at this time, then we would require additional information on the noise levels of the piling rig and associated equipment (this isn't in the data sheet attached with their email below), and we would likely want a noise management plan. We won't be objecting in principle and would seek to condition it (assuming vibro-piling only and keeping to the hours of work above), so a condition requiring them to agree a noise management plan in addition to the hours of work. <u>LPA Response:</u> A condition of construction hours and limiting to only vibro-piling limiting will be applied, therefore not requiring a noise management plan.
Environment Agency:	The Environment Agency has no objection to the proposal as submitted. As the works are an alteration to an existing structure and will not impact upon flow or drainage within the watercourse, a Flood Risk Activity Permit (FRAP) from the Environment Agency will not be required in this instance.
Fareham Borough Council:	On behalf of Fareham Borough Council raise no objection to the proposal
Hampshire Countryside Services:	Public Rights of Way appear to be unaffected by the proposals. We therefore have no objection.

River Hamble Harbour Authority (RHHA):	The applicant has also applied for a Harbour Works Consent (HWC) from RHHA, and consideration of this is underway. The Harbour Board will not meet to determine the HWC application until 7 October 2022 so is not possible to inform you of its decision at this stage, however, the current opinion of the Harbour Master is that the proposed changes to the pontoon layout and subsequent increase in options for vessel access into/out of the Prince Phillip Yacht Haven will have benefits to the ease and safety of navigation. Any conditions required by the Harbour Authority will be added to any Harbour Works Consent that may be granted.
HCC Archaeology :	Would not raise any archaeological issues
Lead Local Flood Authority:	As this application relates to a site which is a residential application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit. However, please direct the applicant to our website https://www.hants.gov.uk/landplanningandenvironment/environment/floodin g/planning for further information on recommended surface water drainage techniques. Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found https://www.hants.gov.uk/landplanningandenvironment/environment/floodin g/changewatercourse
Natural England:	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. We note that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, Natural England advises that we concur with the assessment conclusions. While we concur with the findings of your Appropriate Assessment, our ability to do so confidently is enhanced by pre-existing familiarity with the local habitat at the proposed site. We would suggest that when undertaking any future Appropriate Assessment, in addition to quantifying the extent of the habitat loss, greater focus is placed on identifying the quality of that local habitat and its value to the overall functioning or 'integrity' of the wider protected site.
Marine Management Organisation :	No Comment
Crown Estate:	No Comment

Site Visit:	Yes ☒	No ☐
Details: 19/08/2022		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1, S2, S5; and Development Management policies DM1, DM2, DM11, DM12, DM14, DM20 and DM35.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

The development is considered acceptable and complies with policies DM1, DM2, DM11, DM12, DM14, DM20 and DM35 from the 2016-2036 local plan, in that:

Principle

- The development site is within the countryside where the principle of development is not accepted, and it must accord with the policies within the development plan.
- Policy DM35 states that on the River Hamble new jetties, slipways, pontoons, landing stages, steps, walkways, bridges or catwalks, or extensions to such structures, will only be permitted in existing boatyards.

Development proposal

- The development includes the relocation of an existing length of main walkway and installation of two new finger pontoons, which involves the removal of one pile and the relocation of another.
- These works are relatively minor in nature and are within an existing boatyard setting where this type of development is in keeping with its locality.
- The construction will be done via vibro-piling which is a preferred technique for this area due to the reduced impact this will create to the sensitive area. The riverbed will experience a limited amount of disruption, but it is not expected this will be to the detriment of the site integrity. This has been further covered within the Habitats Regulations Assessment which has received a no objection from Natural England.
- In regard to navigation along the river, it is anticipated that this will increase accessibility and as such the proposal has also not received an objection from the River Hamble Harbour Authority.
- The vibro-piling will be conditioned as this is the preferable piling method. In addition, this will be limited to 8:00-16:00 Mon-Fri and 9:00-13:00 on Sat.

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 ...