

DELEGATED OFFICER REPORT

Application Ref: F/23/96238

Site Address: Riverside Boatyard, Blundell Lane, Bursledon

Case Officer: Summer Sharpe

Description: Extension to existing floating pontoons.

Particular Site Constraints?	Yes ☒	No ☐
- Countryside - Flood Zone 2 & 3 - Great Crested Newt (Orange & Green) Zone - Archaeological Zone - Minerals Zone - HRA Screening Criteria - Solent Mitigation & Disturbance Zone - TPO north (77-H) - Adjacent Old Bursledon Conservation Area (west) - Adjacent Formal Garden (1923 Bishop of Winchester owned manor) (west)		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
F/22/93881	Refurbishment of an existing quay wall.	Permitted (November 2022)
F/16/77926	Installation of 181m long floating pontoon with 9 piles connecting to existing walk ashore pontoon, following removal of 48m long mid-stream pontoon on opposite side of river.	Refused (April 2016)
F/06/56047	Construction of new pontoons, following removal of existing pontoons, and realignment of floating pontoons	Permitted (April 2006)
F/05/54928	Construction of new pontoons, following removal of existing pontoons	Refused (November 2005)
There have also been numerous other applications at the site, however the above have been highlighted as the most important/ relevant.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None received.		
Parish Council:	No objection.		
EBC Ecology:	The proposals could have an increase in the shading effect (in area 2 on the intertidal soft sediment and represent a very small intermittent loss of intertidal habitat at low tide. This would represent a loss of potential feeding habitat to terns. The extension to the pontoon will also allow more boats to moor. As recommended by Dr Tosswell, this is not a significant increase and I recommend that this application be permitted, however the HRA must be completed using the information provided in the shadow HRA documents.		
EBC Arboriculturalist:	We raise no arboricultural objection to the proposals.		
EBC Conservation:	This site lies adjacent to the north-east boundary of the north-east tip of the Old Bursledon Conservation Area which is classified as zone 1c. There are no listed buildings in the vicinity but the group of buildings within the corner of Blundell Lane including Maidenstone Heath, Barn Owl Cottage and		

	The Stable are all noted as 'unlisted buildings that make a positive contribution' to the conservation area. The proposed works contained within this application are minor extensions to the existing wharf and pontoon system serving the boatyard. This is one of only four smaller boatyards above the road bridge preventing masted boats proceeding further up river, so is part of the very lifeblood of the upper reaches of the river. As these works are just small extensions of an existing installation which in itself does not detract from the setting of either the conservation area or the nearest buildings noted as making a positive contribution to it, there is no objection from a heritage built form perspective.
HCC Archaeology:	I do not wish to raise any archaeological issues.
Hamble Harbour Master:	The proposal for the two small extensions to the existing pontoons has also been subject to a Harbour Works Consent application to RHHA, and RHHA's associated assessment with regards to potential impacts on ease and safety of navigation, and in respect of a Habitats Regulations Assessment. The HWC application was approved by the River Hamble Harbour Board on 6 October 2023. The consent letter, which is included within the planning application supporting documents, also sets out the conditions required by the harbour authority.
River Hamble Mooring Holders:	None received.
Marine Management Organisation:	None received.
Environment Agency:	Environmental permit required.
Natural England:	Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S5 (Countryside), S7 (Coast), DM1 (General development), DM2 (Sustainable development), DM3 (Adaption to climate change), DM5 (Managing flood risk), DM8 (Pollution), DM11 (Nature Conservation), DM13 (Transport), DM14 (Parking), DM20 (Boatyard and marina sites on the River Hamble), DM35 (Recreational activity on the River Hamble), and BU6 (Riverside boatyard, Blundell Lane).

South Inshore and South Offshore Marine Plan (July 2018)

Policies: S-SCP-1, S-MPA-1, S-MPA-2, SMPA-3, SMPA-4, S-NIS-1, S-UWN-1, S-UWN-2, S-WQ-1, S-WQ-2, S-BIO-1, S-BIO-2, S-BIO-3 and S-BIO-4.

Supplementary Planning Documents

Site Visit

Yes ☒

No ☐

11 January 2024.

Assessment:

Site & Surroundings

The application site comprises the existing pontoons situated at the Riverside Boatyard, along Blundell Lane. The site itself is situated to the southernmost point of Blundell Lane, whereby the pontoons extend south into the River Hamble.

To the immediate north/ surroundings are associated boatyard buildings and activities. Further north are open fields within countryside designation. To the west of Blundell Lane there is significant vegetation screening with a newer housing development concealed behind (further west). To the north-east is the M27.

Proposal

This application proposes the extension to existing floating pontoons. On the submitted plans (DRG No.10948/4B2), there are 2no. extensions to 2no. sections of the existing floating pontoon (Works area 1 & 2).

Works area 1: would create a right angle extending the existing pontoon into the water (15.4m) and then angled towards the shore (11.2m) and would also create a ramp (3.5m). The extension to the existing pontoon would be 2m in width (the same as the existing), and would be 1m in width (including the ramp).

Works area 2: this would extend the existing pontoon by 8.5m further into the water and would have the same width of 2m.

Both extensions would be situated to the pontoon closest to the shore, and would be finished in matching materials to the existing.

Principle

The application site falls within designated countryside protected by Policy S5. This Policy sets out that new development in the countryside is generally restricted and notes (1) compatible usages for which new development in the countryside is appropriate and (2) that new development in the countryside *will seek* to avoid adverse impacts upon the intrinsic character of the landscape.

Policy S7 is also of relevance due to the application sites location. This Policy sets out the defined areas (1), which includes the Hamble River estuary between Hamble Point Marina and Botley. This Policy also sets out (2) how to respect the Ramsar designations, and to (c) enable the provision of infrastructure related to sailing within the developed frontages of the river which is expanded upon in Policy DM20.

Policy DM20 is arguably one of the most important Policies as this specifically relates to development at boatyard and marina sites on the River Hamble. This sets out that development associated with boat building and the fitting out, maintenance and repair of boats and ancillary uses, will be permitted, provided that development does not: (a) *jeopardise the safety and ease of navigation on the river*, (b) *adversely affect nature conservation, landscape or heritage interests*, or (c) *cause a reduction in water quality*.

Policy BU6 specifically relates to the Riverside Boatyard, Blundell Lane (the siting of the proposals). This sets out that 0.7hectares of land is allocated for the expansion of the boatyard and associated activities/ accommodation, as well as setting out what the

applicant will be required to provide, (including mitigation measures which should be set out within a HRA).

The proposals relate to the extension to existing pontoons. This is considered to result in a betterment to the existing marina use. As such, the proposals are therefore considered to be in accordance with the abovementioned policies and would, as a result, be acceptable in principle.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application proposes extensions to existing pontoons. These would be modest additions when compared to the existing size of the pontoons and would be finished in materials to match the existing.

It is noted that the Old Bursledon Conservation Area is to the west of the application site and there are surrounding nearby buildings which make 'positive contributions' to the area. As noted above, due to the modest nature of the proposals, these are unlikely to have an adverse impact upon the wider surroundings. The immediate surroundings would be impacted, however given the nature, it is considered that this would be a betterment and would improve the existing set up.

As such, and to conclude, the proposals are considered to be acceptable.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

As a result of the location and siting of the proposals, no residential amenities would be impacted upon. The immediate surroundings comprise existing boatyard buildings and activities. As a result of this, these immediate amenities are unlikely to be adversely impacted upon. As such, the proposals are considered to be acceptable in this regard.

Highway

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 108 and 109.

The proposals relate to the extension of existing pontoons. This could result in additional boats being able to moor, however would be minimal given the modest dimensions of the proposals. This could in turn increase parking requirements, however, from a site visit it was noted that there were informal parking provisions on site that would be sufficient to cater for additional parking. The proposals are therefore considered to be acceptable in this regard.

Ecology

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

The Council's Ecologist reviewed the application and supporting documents and made comments specifically relating to the environmental impact. The proposals are therefore considered to be appropriate with regard to ecology. The environmental impact will be considered later within this report.

Flood Risk

Policy DM5 of the Eastleigh Borough Local Plan (2016-2036) states that development will only be permitted within the areas at risk of flooding providing that certain criteria are met, comprising; sequential tests (where required), site specific flood risk assessment, incorporation of flood protection, resilience and resistance measures, and site drainage systems which are designed taking account of events which exceed normal standards.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 states there is no requirement to consult the Environment Agency for minor development within Flood Zone 2 or 3, however, paragraph 173 of the National Planning Policy Framework (NPPF) (2023) states all applications should be supported by a site-specific flood-risk assessment. In this instance, the application has been supported by a flood risk assessment, (which is contained within the Supporting Statement, WaFD and WFD Assessments for Pontoon Works). EA have also been consulted, whereby they have advised that a permit would be required for these types of works.

This application relates to the extension to existing floating pontoons. The proposals are therefore considered 'water-compatible' in the flood risk vulnerability classification set out in the National Planning Practice Guidance. With regard to the flood risk vulnerability and flood zone compatibility set out in Table 3 of the National Planning Practice Guidance, this type of development located in Flood Zones 2 and 3 does not require an exception test, and is considered compatible. To conclude, the extension to existing floating pontoons is not considered to have an adverse impact of flooding on site, or increase flooding within the vicinity, thus would be acceptable.

Habitats Regulations Assessment

Following the Council's Ecologists and Natural England's comments, a HRA was submitted. The HRA noted that there were potential adverse impacts that the proposal could have upon the European Protected Solent through; water quality/ hydrology from contaminants, abrasion, disturbance, penetration of seabed, and disturbance to breeding and wintering birds and loss of their habitat.

The application has been supported by "Environmental information to inform any required Habitats Regulations Assessment by the Competent Authority". As set out within the HRA a Construction Environmental Management Plan (CEMP) covering; land activities, construction methods and timings will be secured via condition. The supporting letter covered that the *works are small scale within a busy working boatyard*, and that *no marine plant is required*. It was therefore concluded that, subject to a CEMP, the proposals would not result in an adverse impact upon the protected site. Natural England has reviewed the HRA and has concluded that providing the appropriate mitigation is secured they would have no objection. It is therefore recommended that a condition be imposed to ensure that the proposed development is carried out in accordance with the CEMP, subject to this, the proposals would be considered acceptable.

Other Matters

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority informed the agent of the pre-commencement conditions to which they confirmed they were agreeable (email dated 4 March 2024).

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development plan 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 Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

This application is recommended for approval, subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐