

DELEGATED OFFICER REPORT

Application Ref: F/24/96961

Site Address: LANDS END HOUSE, LANDS END ROAD, BURSLEDON,
SOUTHAMPTON, SO31 8DN

Case Officer: Rebecca Altman

Description: Installation of a 12m x 2m pontoon between mooring piles (V18 and 19)
on the River Hamble.

Particular Site Constraints?	Yes ☒	No ☐
- BHH Character Area 23 (guidance relates to built development) - Old Bursledon Conservation Area - Special Protection Area (Solent and Dorset Coast) - Special Area of Conservation (Solent Maritime) - Countryside		

Planning History?	Yes ☒	No ☐
C/08/63605 – Construction of mooring pontoon with 2no. tubular steel piers and access bridge – permitted 30 October 2008 C/06/57287 – Erection of first floor balcony and external staircase at rear following demolition of existing lean to – permitted 7 September 2006 C/37300/000/00 – Construction of 2nd floor conservatory – permitted 8 December 2000		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None received.		
Bursledon Parish Council:	Object due to concerns that under the River Hamble Harbour Authority Policy DM35, additional pontoons could reduce navigation on the river.		
River Hamble Harbour Authority (RHHA):	The applicant has been in discussion with the RHHA regarding the proposal and is aware of the need to apply separately to the RHHA for permission, as well as to The Crown Estate and the Marine Management Organisation. The Harbour Master has no navigational or safety or environment impact concerns regarding this planning application. There are similar pontoons in place at adjacent moorings. Matters relating to the safe installation of the pontoon will be conditioned in any permission granted by the RHHA. All such pontoons must have a gap of between 1.5m and 3m between each pile and the end of the pontoon. The proposed pontoon of 12m long by 2m wide fits with the dimensions required for this mooring.		
Fareham Borough Council:	No objection.		
Ecologist:	The site is within the Solent Maritime SAC and the Solent and Dorset Coast SPA. A Habitats Regulations Assessment will be required. Since the piles are already in place and are already used for mooring boats, the only potential ecological impact could be from chemicals leaching out of pressure treated timber. An ecologically safe timber		

	must be used to construct the pontoon. Biodiversity enhancements are required.
Built Heritage Consultant:	No objection. The site is within the Old Bursledon Conservation Area and the nearest listed buildings are the group along the water frontage approx. 100m to the west. The scheme is to position a new pontoon in the river between existing piles. As there is a long row of pontoons here already, which is part of the intrinsic quality of the marine environment, it is entirely suitable and will have no impact on the setting of the listed buildings.
Marine Management Organisation:	Any works within the marine area require a licence from the Marine Management Organisation. It is the applicant's responsibility to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. Advice provided for the applicants attention. Informative to be added to decision notice.
The Crown Estate:	No comments received. The applicant has confirmed that they have notified the Crown Estate about their proposal.
Natural England:	No objection subject to a condition requiring a Construction Environment Management Plan to be prepared. Without best practice working methods and mitigation, there is a risk during construction that pollution from machinery, equipment or materials may enter into the water.

Site Visit:	Yes ☒	No ☐
Details: 13 th March 2024 – photographs on file.		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are DM1, DM11 and DM35. Supplementary Planning Documents: BHH Character Area Appraisal: Area 23. Guidance within this document relates to new built development and is not relevant to this proposal.

Assessment:
Site and proposal Lands End House is located on the north-east side of Lands End Road, and backs onto the River Hamble. Planning permission is sought for the installation of a new pontoon in the river, between two existing piles (labelled V18 and V19). The pontoon would measure 12m in length by 2m in width and would be attached to the piles by heavy duty chains. Principle of the proposal Policy DM35 relates to proposals on the River Hamble. Part (a) of the policy states that new moorings will only be permitted outside of the Mooring Restriction Area and subject to the advice of the River Hamble Harbour Authority. The site for the proposed pontoon

does not lie within the Mooring Restriction Area and the River Hamble Harbour Authority has confirmed that they have no navigational or safety concerns with the proposal, and that it is in a location with similar pontoon moorings.

Part (b) of Policy DM35 goes on to state that new pontoons will only be permitted in existing boatyards or within the frontages of the river in the urban edge. This part of the river is not a designated boatyard and the application site and the adjacent residential area lies outside of the urban edge, therefore the proposals do not comply with this section of the policy. However, it was clear on site that this part of the river is an established boat mooring area with many similar pontoons. Given that no concerns have been raised by the Harbour Authority, then subject to consideration of visual impact and ecology, the proposal is considered acceptable in principle.

Design and appearance

The proposed pontoon would be sited between two existing piles and would have a similar appearance to a number of other pontoons along this part of the river. It is not considered that the proposal would have any harmful visual impact on the character and appearance of the river or the Bursledon Conservation Area and nearby heritage assets. The Council's Built Heritage Consultant has raised no objection.

Ecology

The site lies within the Solent Maritime Special Area of Conservation (SAC) and the Solent and Dorset Coast Special Protection Area (SPA). The Council's Ecologist has commented that as the piles are already in place, the only potential ecological impacts could be from chemicals leaching out of pressure treated timber. They advised that an ecologically safe timber must be used. Consideration was also given to potential shading impacts, but the Ecologist has confirmed that this matter was discussed directly with the Harbour Master and there is no concern about shading in this location.

Regarding the timber, the applicant has confirmed that the proposal is to re-use an existing pontoon from further up the river. This pontoon is made of hard wood which is untreated and ecologically safe. Based on this information, the Council's Ecologist is satisfied with the proposal.

A HRA screening opinion was also sent to Natural England, who have responded to request a condition for a Construction Environmental Management Plan to be agreed. Subject to this, Natural England is satisfied that the proposal would not have an adverse impact on the integrity of the protected river.

Residential amenity

The pontoon would be located in the river in an area characterised by similar pontoons and where many boats are currently moored. This proposal would have no adverse impact on the amenity of neighbouring residents.

Other matters

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.

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 ☐

Plans:

Location Plan 1:1250, dated 25 Feb 2024

Pontoon Site Plan ref. TQRQM24056120807993

Elevation Drawing ref. GAV/2024/V18-V19

CEMP condition:

No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- A list of defined potential impacts on the SPA and SSSI;
- Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water;
- Details on the storage and disposal of waste on site;
- Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water;
- Detail of Biosecurity to ensure that all equipment brought onto the site does not bring any contaminants such as invasive species onto the site and into the water;
- Use of non-treated timber;
- Construction of the pontoon to be undertaken outside of the most ecologically sensitive period for the Solent and Southampton Water SPA.

Construction work shall only take place in accordance with the approved CEMP.

Reason: To ensure no adverse impact on the integrity of the protected waters, in accordance with Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

Note to applicant: You are required to apply separately for permission from the River Hamble Harbour Authority, The Crown Estate and the Marine Management Organisation.

Note to applicant: Please refer to the following links for further advice on Marine Licencing: [Planning and development: Marine licences - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-and-development-marine-licences); [Make a marine licence application - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/make-a-marine-licence-application).

Note to applicant: There must be a gap of between 1.5m and 3m between each pile and the end of the pontoon.