

DELEGATED OFFICER REPORT:**Application Ref:** F/24/97444**Site Address:** RIVERSIDE BOATYARD, BLUNDELL LANE, BURSLEDON,
SOUTHAMPTON, SO31 1AA**Case Officer:** Clare Martin**Description:** Retention of boat used as a hot food takeaway (sui generis)
(retrospective application)

Particular Site Constraints?	Yes ☒	No ☐
• Outside the urban edge – the coast • Solent and Dorset Coast SPA • Solent Marine SPC • Brixedone Saltmarsh and Mudflat SINC		

Planning History?	Yes ☐	No ☒
No planning applications relevant to current proposal.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>30 letters of support</u> • Great business, food choices are good. No other food services like this on the River Hamble. • Brings additional revenue into the area. Small businesses should be encouraged. • Adds to the enjoyment and encourages small craft to use the River Hamble, which is good for physical and mental health. • Facility adds to the various groups and clubs that use the River Hamble and helps create a community. • Owners are environmentally conscious. There is a plan to manage waste and I have never seen any customers littering. • It's an alcohol free environment and provides healthy eating choices. • The facility is sympathetic to the use of the Hamble and presents no detriment, neither visually nor environmentally. <u>1 comment letter</u> • Concern if alcohol served or if had long opening hours. • Concern over grey water dumped in river. • Rubbish collecting along riverbank.		
Environmental Health Officer:	<u>No Objection</u> <u>Noise and Amenity</u> The premises is situated in a commercial area with no residential noise sensitive receptors. There is no extractor system, although this may be required by our Food Team. One area of consideration is the discharge of wastewater into the River Hamble watercourse.		
Ecology Officer:	The main area of concern for ecology is the discharge of wastewater into the protected waters of the River Hamble. Another area of concern is bringing more people into the ecologically sensitive area		

	near the mud flats. Further information is required on wastewater disposal and visitor numbers. Biodiversity enhancements are required in accord with local plan policy DM 11 and the NPPF paragraph 180.
Highways Officer:	<u>No Objection</u> No changes to the highway (access or otherwise) are required to facilitate the proposals and given the size of the boat it is anticipated that it will be largely utilised by existing users of the boatyard and River Hamble, rather than being a destination in itself. As such, associated trip rates would be minimal.
Parish Council:	No objection

Site Visit:	Yes ☒	No ☐
Site visit carried out 4/9/24		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"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."</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1(sustainable development), S2(approach to new development) & S7(the coast); and Development Management policies DM1(new development), DM8(pollution), DM11(nature conservation) & DM20 (marinas along the river hamble). Supplementary Planning Documents: None

Proposal:
The proposal is to retain the existing hot food takeaway use, which operates from a boat attached to a floating pontoon at Riverside Boatyard. Most customers arrive on small craft or berth holders may use the private pontoon. Food is cooked in a small oven and served through hatches in the side of the boat where it is taken away to be consumed. No alcohol is served. The boat is 7m long by 2.3m wide and the inside floor area is 8.4m². The whole boat is used for the café, which currently operates Thursday to Sunday seasonally between April and October. Customer numbers vary depending on weather and tides but can average a total of 300 people over the four operating days.

Assessment:

Principle

The site is located outside of the urban edge next to the River Hamble. In this location the principle of development is acceptable where it relates to boat building, marine and ancillary uses (Policy DM20). The policy also allows a modest amount of non-boat related floor space to be created, where it can be demonstrated it would complement the use of the marine site and add to the recreational enjoyment of the River Hamble.

A case can be made for what is a small-scale café as it mainly caters for people using paddleboards, kayaks and small boats and as such supports the recreational use and enjoyment of the River Hamble. It is a valued service with the application attracting 30 letters of support from customers and the café use complements the other marine uses with the boatyard. The proposal also fits in with wider planning policy goals by providing a small boost to the local economy and encouraging outdoor recreational pursuits.

Character and Appearance

The café does not require any external adaptations to the boat for its use and so blends in with the other boats moored at the pontoon within Riverside Boatyard. The development therefore fits in with the character and appearance of the locality and will not affect the landscape or heritage interests of the River Hamble.

Navigational Safety

The café boat is moored at a floating pontoon where it will not jeopardise the safety and ease of navigation on the River Hamble, nor have a detrimental impact upon the regime of the river.

Car Parking and Access

The proposed café will generate very few vehicular trips as customers arrive by boat or are berth holders already using at the marina.

Ecology

While it is noted that the Ecology Officer is concerned about the impact of noise and disturbance on wildlife, the café is at the edge of a busy marina & working boatyard which already has a significant amount of activity. The additional boats within this area are mostly non powered and the cafe operates predominantly outside of the overwintering bird season with the peak use being during the summer months. As such the proposal is not considered to unacceptably affect nature conservation, particularly as there remains other quieter areas of mudflats further upstream.

A second issue raised by the Ecology & Environmental Health Officer is water quality. However, the onboard sink is only used to wash hands when pre-pairing food and for the washing up of reusable cups, which is then released into the River Hamble watercourse. This form of greywater release is common practice for boats on the river and while the café may produce more greywater than a standard recreational boat this has been minimised as far as possible. Oil and fat run-off from the hot plate does not enter the river and instead is contained in a small receptacle, wrapped in foil and once solidified is taken ashore and put in a bin.

Biodiversity Net Gain

The scheme is considered de-minimus and therefore is not required to provide a 10% biodiversity net gain. While biodiversity enhancements are encouraged by policy there is no obvious biodiversity enhancements that could be undertaken at the site.

Waste

Rubbish is minimal as customers take the food and drink away to consume. Used teabags, coffee grinds, packaging from any food is separated into recycling and rubbish in receptacles aboard the boat. Rubbish is taken ashore and put in the bins at the boatyard

at the end of each day. Recycling is taken home and added to the Applicants household collection. Coffee grinds are taken home to be composted in the owner's garden.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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, development plan and 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 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted 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 reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...