

4 **Policy Considerations**

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Chichester Harbour Conservancy

Recommendation – No objection, subject to the consent expiring 31/12/2026 and being used for this purpose and no other whatsoever, with the building removed from the marina site and land returned to its former condition on or before 31/12/2026. The development is in place (I first noted in June 2022) and fringes a slipway leading down to the Harbour shoreline. I would agree that the site is sunk down owing to land quickly rising each side and some attempt by use of fencing to screen the frontage to the rest of the marina to the south. A line of conifers also screens at the edge of an adjoining car parking area and stored/racked dinghy/canoe/kayak area when looking up from the harbour. The proposals whilst located outside of the 'Urban Area' where the focus for new development under Policies CS17/AL2 apply, are seen within the built-up character of the Marina. Outside of those areas, developers are supposed to demonstrate an essential need. It is accepted that this accommodation would be closely related to the marina activities and facilitate boating in the Harbour, especially given the charitable nature of the applicant's endeavours and exactly the inclusive sort of use of the Harbour The Conservancy would wish to promote. Having regard to the Policy framework* below, the accommodation would still be related to the marina and meet the wider aspirations of The Conservancy's Planning Principle 02. Given the disruption to enterprise during the Covid Pandemic, it is important that marine related businesses be allowed to flourish to support boating activity in Chichester Harbour.

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling East

No comment

Councillor R Raines - Hayling East

No comment

County Archaeologist

Thank you for your recent consultation. In view of the small scale of the development and limited implied groundworks I would not raise any archaeological issues,

County Ecologist

The temporary structures are located approximately 40m outside the boundary of the Solent Maritime SAC, Chichester and Langstone Harbours SPA and Chichester Harbour SSSI. A number of notable plants such as golden-samphire are known to be present within the Marina. However, I note that it has been stated the existing structures are placed on an existing area of hardstanding. Furthermore, due to the presence of a tree/scrub line along the western boundary of the wider site providing a visual screen and considering the nature and intended use of the structures, I do not consider any adverse impacts on the designated sites. Provided that you are satisfied any surface water runoff from the site will be adequately managed to ensure no degradation of the water quality at the designated sites, I wouldn't raise any concerns in relation to this application.

Hampshire Highways

The Highway

Authority wish to make the following comments.

Due to the scale of the proposal, being 5 dwellings or less, and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.

Natural England

NO OBJECTION 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.

European sites – Chichester & Langstone Harbours Special Protection Area Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Chichester & Langstone Harbours Special Protection Area and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Chichester Harbour Site of Special Scientific Interest Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes – Chichester Harbour AONB The proposed development is for a site within or close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty

Portsmouth Water Company

Portsmouth Water have reviewed the application and associated documents for APP/22/01122 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 26

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area, including the AONB
- (iii) Impact upon residential amenity
- (iv) Parking / Highways considerations
- (v) Effect on Sensitive Areas/SSSI etc

(i) Principle of development

In the adopted local plan, Northney Marina is defined as non-urban, and policy AL2 seeks to restrict development in these locations, except in exceptional circumstances. CS17 has a similar function, but also acknowledges that brownfield land should be prioritised for development. As the land in question is previously developed land, and having regard to the temporary nature of the proposal, it is therefore considered that the proposed development is acceptable in principle, provided detailed considerations can be satisfied. In coming to this conclusion, regard has been to the fact that Policy KP3 of the Pre-submission Local Plan 2036 contains a draft allocation for development of this site for housing and employment.

(ii) Impact upon the character and appearance of the area, including the AONB

The units are single storey in height (1.8m – 2.8m) and of a simple modular design. They are located to the southernmost part of the site, close to the boundary with the adjacent hotel. Policy CS11 considers the potential impact on the Chichester Harbour AONB. Chichester Harbour Conservancy have been consulted and have responded that they raise no objection to the proposal as the visual impact of the proposed units from and on the Chichester Harbour AONB would be limited, although they raise a number of considerations regarding the timing and nature of any permission.

The site is surrounded by a variety of landscaping and buildings; included the area to west and north, which are defined by a mixture of trees and hedging. It is considered that given the location of the application, set back from the harbour edge, seen amongst existing buildings and boating/yachting paraphernalia, in combination with the temporary nature of the units, their retention on a temporary basis would not have a long-term impact on the visual amenity of the marina, or the adjacent AONB. This is subject to the units remaining finished in their existing colours to meet with the Conservancy's request of the previous applications. As such the proposal is considered to conserve the character and setting of the AONB.

(iii) Impact upon residential amenity

The site is located within the existing marina, with the Langstone Hotel to the south, there are no private residential properties within the immediate vicinity.

(iv) Parking / Highways considerations

The existing parking arrangements have been established under the previous planning permission (APP/19/941) It is not anticipated that any additional highway issues would result from the proposal, as they would mainly be used by existing staff from the rotunda building for the office element. The application form confirms that there would be no additional staff as a result of the proposal. The proposed storage is for use for the yacht club only, which will be controlled by a condition. It is also noted that there is other parking available on the site further north which is available for visitors to the marina staff. Furthermore, the Highway Authority have made no objection to this proposal.

(v) Effect on Sensitive Areas/SSSI etc

The site is located adjacent to SSSI/Ramsar etc and within the AONB. Natural England and the Councils Ecologist raise no objections to the proposal, and it is considered that the impact on nature conservation would be limited and acceptable.

8 Conclusion

In conclusion the proposed temporary offices and storage facilities are considered acceptable in principle and will conserve the character and setting of the AONB and will have an acceptable impact on highways and nature conservation and the application is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/22/01122 subject to the following conditions

- 1 This permission shall be for a limited period expiring on 31/12/2026 on or before which date the buildings shall be permanently removed from the site and the land shall be restored to its former state unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The buildings are of a type not considered suitable for permanent retention and having due regard to policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Structure 1 - Office
Structure 2 - Changing room
Structure 3 - Classroom
Structure 4 - Storage
Structure 5 & 6 - Storage

Reason: To ensure provision of a satisfactory development.

- 3 The external walls of the development hereby permitted shall remain at all times finished in the following colours: Goosewing Grey or Juniper Green, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, units 2 and 3 shall only be used as Storage (Class B8) for the purposes of the Yacht Club training equipment and for no other purposes within Class B of the above Use Classes Order.

Reason: In the interests of amenity in that a uncontrolled storage use on this site would not be acceptable having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended 2020) and any Town and Country Planning (General Permitted Development) Order, Unit 1 shall only be used as an office (Class E (formally B1(a))) and for no other purposes within Class E (formally Class B) of the above Use Classes Order.

Reason: In the interests of amenity and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.