
Site Address: Northney Marina, Northney Road, Hayling Island, PO11 0NH
Proposal: Use of area with facilities (Servery Building) for temporary 3yr period for preparation and consumption of light refreshments for marina customers.
Application No: APP/20/01084 Expiry Date: 11/01/2021
Applicant: Marina Developments Ltd
Agent: Mr Canford Case Officer: David Eaves
Cliffs Architects
Ward: Hayling East

Recommendation: **GRANT TEMPORARY PERMISSION**

Please note that due to Corona Virus restrictions the site has not been visited in relation to the current application. The site has been visited by the case officer previously in relation to previous planning applications and previous photographs, aerial photographs and other information have been used to provide a recommendation in relation to this development.

1 Site Description

The site is located within Northney Marina and adjacent to the existing Marina Services Building to the north. To the south and west are boat storage areas and to the east are the marina pontoons and berths. The site is located within the Chichester Harbour AONB, beyond the marina and its basin are national and international ecological designations including SPA, SSSI, Ramsar etc.

2 Planning History

The Marina has a long and complex planning history. The most recent history is provided below:

APP/20/00247 Teal Buildings Siting of 3No. storage containers (temporary permission until the 1st February 2021). Permitted May 2020

APP/19/00941 Retrospective application for use of land for siting of temporary brokerage office and 3No. storage units for 3 years. (Revised scheme to Planning Permission APP/18/00423). Permitted TPP November 2019

APP/19/00475 Temporary siting of 2No. storage containers for a 3 year period.(Renewal of planning permission reference APP/16/00256) Permitted TPP August 2019

APP/18/00765 - Use of land as external events area, with associated reception lodge accommodation, for temporary 3 year period., WD,16/10/2018

APP/18/00783 - Single storey side extension to existing marina services building., PERM,04/01/2019

APP/17/01218 Temporary variation of condition as currently amended under APP/14/01256, valid for further 3 year period from 01/02/2018. TPP 2018

APP/17/01042 The Rotundra Prior notification for change of use from class B1(a) office use to C3 residential use subject to prior approval covering flooding, highways and transport issues and contamination. Prior Approval not required November 2017

In addition a small cafe with outdoor seating was positioned on the application site but set forward of the position of the proposed building. This is known as Salt Shack Cafe. This was an unauthorised development and has been investigated by the Councils Enforcement Team. The current application is understood to have resulted from the enforcement investigation and the agent has confirmed that should planning permission be granted the current structure would be removed.

3 Proposal

Use of area with facilities (Servery Building) for temporary 3yr period for preparation and consumption of light refreshments for marina customers. (Retrospective.)

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
The Chichester Harbour AONB Joint SPD (May 2017)

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))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS5	(Tourism)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)
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)

Havant Borough Pre Submission Local Plan 2036

E5	(Chichester Harbour Area of Outstanding Natural Beauty)
DR1	(Delivery of Sustainable Development)
E4	(Development on the Coast)
C8*	(Food, drink and entertainment uses)
E1*	(High quality design)
E3	(Landscape and settlement boundaries)
E19	(Managing flood risk in new development)
C2*	()

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

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Chichester Harbour AONB Unit Recommendation - No objection

The landscape of Chichester Harbour was recognised as nationally important when it was designated as an Area of Outstanding Natural Beauty (AONB) in 1964, through the National Parks and Access to the Countryside Act of 1949. The Conservancy was established by the Chichester Harbour Conservancy Act of 1971. The purposes of the Conservancy are the responsibility for navigation and the conservation of nature. The Countryside and Rights of Way Act of 2000 formally established the Conservancy as the Joint Advisory Committee for the AONB, with the purpose to conserve and enhance the natural beauty of the landscape.

In its role in managing the Chichester Harbour Area of Outstanding Natural Beauty (AONB), The Conservancy has considered the submitted proposal against the Conservancy's planning guidance and principles - including The Chichester Harbour Management Plan (2019-2024), The Chichester Harbour Planning Principles (Management Plan version April 2019), The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019), and The Chichester Harbour AONB Joint SPD (May 2017), adopted by both Chichester District Council and Havant Borough Council.

Under the Chichester Harbour Conservancy officer fully delegated decision process, the Local Planning Authority (LPA) is hereby advised that the Conservancy makes the following comment in relation to the above application.

Chichester Harbour Conservancy Recommendation - No objection

Suggested considerations -

- a temporary period not in excess of 31 January 2024 (3 years from determination date) shall apply to the siting and use of the unit as described in the application submission

- removal of the unit and reinstatement of land shall take place at the end of the temporary period granted

- within the temporary time period a permanent built solution for the temporary use shall be prepared for formal planning consideration in the future (i.e. no further temporary permission should be considered or issued)

- the structure shall be maintained with an external treatment and finish as per the schedule of materials to be as indicated on submitted application forms / or as subsequently agreed with the LPA (the use of a natural, dark coloured I stained timber boarding is preferred by the Conservancy, the use of light or pale I pastel colours should not be used).

- no external lighting shall be provided or operated in conjunction with this temporary use

- the temporary use shall relate to the use of the area and temporary building for preparation and consumption of light refreshments only and shall not include any other use or activity

- the operation of the temporary use shall only take place between the hours of 10:00 and 18:00 daily from 1 March to 30 September and between the hours of 10:00 and 16:00 daily from 1 October to 28 February annually.

The proposal would have a localised impact on the character and appearance of the immediate surrounds. The proposal would have a visual impact on the AONB protected landscape, but this is within realistic acceptable limits for the immediate area and the wider AONB protected landscape environment setting.

Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

The proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

It is noted that the submitted proposal makes no acknowledgement of the sites location within the Area of Outstanding Natural Beauty (AONB) protected landscape. The AONB landscape includes open countryside, rural hamlets and villages, urban built-up market towns as well as the harbour waters, all of which are subject to a higher level of planning scrutiny and where development is subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. The proposal has apparently been made with a level of understanding that would be considered negligible in this regard. This is regrettable and unfortunate given the nationally recognised protected status of the AONB.

A copy of the Chichester Harbour Conservancy AONB Unit Planning Assessment Report is attached to this consultation response for your information and for open transparency public view.

Should you require any further clarification with regards to this recommendation please contact the CHC AONB Planning Unit.

The delay in this consultation assessment and response to the LPA has been brought about due to the current limitations in the normal operational role and working practice of the CHC resulting from the coronavirus Covid-19 restrictions imposed for a safe workplace environment.

It is noted that as of 28 December 2020 (the date of this dispatch) the LPA web site still shows this proposal as still pending a decision.

Councillor Leah Turner - Hayling East

No comments received

Councillor M Wilson - Hayling West Ward

No comments received

Councillor R Raines - Hayling East

No comments received

County Ecologist

No comments received

Environment Agency

No comments received

Environmental Health

No adverse comments from the Environmental Health Pollution team.

Natural England

Natural England has no comments on the application. - (General advice on protected species provided)

Waste Services Manager

No comments received

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: 58

Number of site notices: Not applicable.

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 and the wider AONB
- (iii) Ecological impacts on the protected Harbour environments
- (iv) Flood Risk
- (v) Parking

- (i) Principle of development

The application site is situated outside an urban area but within an existing marina complex where development ancillary to the operation of the marina facilities at the site are considered acceptable in principle. Given the limited size of the building and sitting out areas and the limited 'light refreshments' menu, it is considered unlikely that the use would attract significant custom from people visiting the marina only to use the proposed cafe. This can however be monitored via a temporary consent to ensure the level of activity proves limited over the period of a temporary consent. The site is also in an environmentally sensitive location and this is considered further below.

(ii) Impact upon the character and appearance of the area

The site is located to the south of the existing marina services building with boat storage to the south and west. The site is more open to the east with the marina and boat pontoons providing water berths.

The proposal includes the provision of a food preparation building with servery and small area for customers. The structure is single storey and flat roofed with a height of 2.6m. The building would be clad in black timber boarding and would therefore be recessive in wider views. To the front of the building would be a sitting out area for customers. The area of the site is small and measures approximately 19m x 15m. The proposal is considered to have a limited and acceptable impact on the character and appearance of the area including the wider landscape of the Chichester Harbour AONB and it is noted that Chichester Harbour Conservancy raise no objections to the proposal.

The proposal is understood to replace the existing unauthorised cafe facility and building and a condition is recommended to ensure the removal of this more prominently sited building.

(iii) Ecological impacts on the protected Harbour environments

Whilst the site marina 'pool' is not within environmental designations beyond the site are Chichester Harbour International and National designations (SPA, Ramsar, SAC, SSSI and to the south a SINC). The site itself is hard surfaced and of little interest from an ecological perspective. Natural England have raised no objections to the proposals and it is considered that the proposals would not be harmful to the protected areas.

(iv) Flood Risk

The site lies outside of existing and future flood zones and a cafe type use is classed as less vulnerable to flood risk. It is not considered that flood risk would make the proposed development unacceptable.

(v) Parking

The use will primarily serve users of the marina facilities and is unlikely to attract significant additional trips to the site. The marina itself is well served by parking including to the north of the marina facilities building.

8 Conclusion

In conclusion, the proposed development is considered acceptable in principle on a temporary basis, this will enable the impacts of the use to be assessed over a period of time and would also allow for the possibility of a more permanent building to be considered.

The impact of the building on the character and appearance of the AONB is considered acceptable and ecological, flood risk and parking issues have been assessed. It is concluded that a temporary planning permission subject to conditions can be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/20/01084

(A) subject to the following conditions

- 1 This permission shall be for a limited period expiring on 1st February 2024, on or before which date the building and external seating shall be permanently removed from the site and the land shall be restored to an open gravel surfaced area unless the prior written consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The building is of a type not considered suitable for permanent retention in addition a temporary consent will enable the use of the facility to be monitored over a period of time to assess levels of activity and impacts on the character and appearance of the marina / Area of Outstanding Natural Beauty and having due regard to policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework.

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

Location, Block / Site Plan, floor plan and elevations Drawing No.1
Planning Statement Camford Cliffs Architects November 2020

Reason: - To ensure provision of a satisfactory development.

- 3 The existing cafe building and associated structures located to the south of the Services Building shown on Drawing No1 and on the submitted site photographs (received 6th January 2021) shall be removed from the site within 1 year of the date of this permission or prior to the first use of the facility hereby permitted whichever is the sooner.

Reason: In the interests of the character and appearance of the area and Area of Outstanding Natural Beauty, to ensure that the unauthorised facilities are removed and that the facilities on site are limited to those required to primarily serve marina users having due regard to policies CS11, CS16 and DM9 of Havant Borough Local Plan (Core Strategy) 2011, Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework.

- 4 The building hereby permitted shall be dark stained and timber clad as set out on the plans and particulars hereby approved.

Reason: In the interests of the character and appearance of the area and Area of Outstanding Natural Beauty, having due regard to policies CS11, CS16 and DM9 of Havant Borough Local Plan (Core Strategy) 2011, Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework.

- 5 No external lighting associated with the temporary use hereby permitted shall be provided/erected unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution to Chichester Harbour and in the interests of ecology having due regard to policies CS11 and DM10 of Havant Borough Local Plan (Core Strategy) 2011, Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework.

- 6 The temporary use hereby permitted for the use of the area and proposed building shall be limited to the preparation and consumption of light refreshments only and shall not include any other use or activity.

The use shall not be open to the public except between the hours of:
10.00 and 18.00 Monday to Sunday between 1st March and 30th September,
and:
10.00 and 16.00 Monday to Sunday between 1st October and 28th/29th February.

Reason: To ensure that the facilities are appropriate to be ancillary to the use of the marina site and have a limited impact on the character and appearance of the site and the Area of Outstanding Natural Beauty having due regard to policies CS11 and DM9 of Havant Borough Local Plan (Core Strategy) 2011, Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework.