
Site Address:	Teal Buildings, Northney Marina, Hayling Island, PO11 0NH		
Proposal:	3No. Storage containers		
Application Type:	Temporary Permission		
Application No:	APP/22/00709	Expiry Date:	12/10/2022
Applicant:	Mr Cook		
	Marathon Leisure Ltd		
Agent:		Case Officer:	Lewis Ford
Ward:	Hayling East		

Recommendation: **GRANT TEMPORARY PERMISSION**

1 Site Description

The application site is Teal Buildings, Northney Marina, Hayling Island, PO11 0NH, and is located in the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

The site comprises an existing large metal clad building within the Northney Marina development. The building is close to the marina moorings; is visible from the water; and was originally erected as part of an overall site refurbishment scheme (Planning Permission ref. 97/51153/25) as a Boat Services Building. Planning Condition No.22 of Planning Permission ref. 97/51153/25 restricted the use of the building to the construction, repairs, and servicing of boats and components of boats. Since this time, subsequent Planning Permissions have varied the Planning Condition to warehousing and distribution of marine equipment and/or construction, repair, and servicing of boats and components of boats.

2 Planning History

97/51153/25 – PERMISSION in September 1997 for the demolition of fire damaged building and construction of new boat services building and extension to existing marina office, together with revised car parking and internal arrangements, this to be carried out in association with new basin and mounding works previously approved under Planning Permission ref. 89/51153/7.

00/51153/033 – TEMPORARY VARIATION in September 2000 of Condition No.22 of Planning Permission ref. 97/51153/025 to enable use of "Boat Services Building" for the warehousing and distribution of marine equipment as well as for the construction, repair, and servicing of boats and components of boats. Along with insertion of 4no. additional windows in south-west elevation of Boat Services Building erected under Planning Permission ref. 97/51153/025.

03/51153/042 – RENEWAL OF PLANNING PERMISSION REF 97/51153/025 to allow for the use of Boat Services Building for the warehousing and distribution of marine equipment, and for the construction, repairs and servicing of boats and components of boats for a further 3 years until 01 October 2006.

05/51153/046 – RENEWAL OF PLANNING PERMISSION REF 03/51153/042 to allow for the use of the Boat Services Building for the warehousing and distribution of marine equipment and for the construction, repair and servicing of boats and components of the boats, for a further 3 years.

09/51153/049 – RENEWAL OF TEMPORARY PLANNING PERMISSION for varied use of Boat Services Building (currently approved under Planning Permission ref. 05/51153/046).

APP/12/00424 – TEMPORARY PERMISSION in June 2012 for Variation of Condition Nos 1 and 2 of Planning Permission ref. 09/51153/049 to allow continued varied use of Boat Services building.

APP/14/01256 – TEMPORARY PERMISSION in January 2015 for Variation of Condition No.22 of Planning Permission ref. 97/51153/025 to extend the period of varied use as currently amended by Planning Permission ref. APP/12/00424.

APP/17/01218 – TEMPORARY VARIATION of Condition No.22 as currently amended under Planning Permission ref. APP/14/01256 for further 3-year period from 01/02/2018.

APP/18/00765 – APPLICATION WITHDRAWN in October 2018 for use of land as external events area, with associated reception lodge accommodation, for temporary 3 year period.

APP/18/00783 – PERMISSION in January 2019 for single storey side extension to existing marina services building.

APP/20/00247 – TEMPORARY PERMISSION in May 2020 for the siting of 3no. storage containers at Teal Buildings, Northney Marina.

APP/21/00930 – TEMPORARY PERMISSION in November 2021 for the relocation of existing temporary office and community units, plus associated works, to have a lifespan of approximately 3 years.

APP/21/01358 – TEMPORARY PERMISSION in March 2022 for the temporary variation of Condition No.22 of Planning Permission ref. 97/51153/025 to extend the period of varied use as most recently amended by Temporary Planning Permission ref. APP/17/01218 for a further 3-year period.

3 Proposal

3No. Storage containers

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD (December 2011)
Havant Borough Council Parking SPD (July 2016)
Joint Chichester Harbour Area of Outstanding Natural Beauty SPD (July 2017)

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
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)
CS2	(Employment)
CS7	()
CS8	(Community Safety)
DM1	(Recreation and Open Space)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

Not applicable.

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy (CHC)

No objection, subject to the three containers being dark green in colour and removed on or before 31 December 2025 and, for the sake of consistency with previous temporary permissions at the site, a condition suggested to read:

Except with the prior written approval of the local planning authority to the contrary and notwithstanding the provisions of any Town and Country Planning (General Permitted Development) or (Use Classes) Order in force at the time, the subject containers, shall only be used for storage ancillary to the warehousing and distribution of marine equipment and/or the construction, repair and servicing of boats and components of boats and for purposes wholly ancillary thereto. The three containers shall not be used for any other purpose during the period of the temporary consent hereby granted.

This is to comply with the spirit of the original permission for the adjoining building consented under ref. 97/51153/025, to retain marine related industry close to the Harbour.

I note that in determining ref. APP/20/00247, the local planning authority imposed a condition to the above effect (No.3). That temporary consent as to run out on 21 February 2021. Having visited the site 6-9-2022 and having made a photographic record of the application site, speaking with a building manager desiring to use the containers, it would seem that owing to the covid lockdown, ref. APP/20/00247 was never implemented.

The site falls outside the “urban area” which Policies CS17/AL2 relate to.

There is some visibility of the warehouse building next to this piece of yard from the Harbour, but the actual yard space is screened by tall trees to the south and east of where the container would be stored, from a public footpath over the creek to the south-east and the land used to lay up boats would also limit views from the Marina Basin.

According to information given at the time of ref. APP/20/00247, the containers are to hold large bulky items such as inflatable boats, kayaks, foam lifejackets, rope, and other general goods, sold within the Chandlery inside the Teal Building.

No colour finish is stipulated for the containers, but the Conservancy would favour the dark green colour shown in the interest links that form part of the submission.

Temporary permission to vary Planning Condition No.22 relating to the adjoining (Teal) service building (annotated Marathon Leisure in the aerial photograph above), would appear to have been renewed 8 times since first sought in 1997, the last permission seeming to APP/17/01218.

Having regard to the Policy Framework, the storage of three containers, notwithstanding the property’ siting within the AONB, would not have a permanent adverse effect on the AONB, also having regard to crime prevention.

*Policy Framework

NPPF – 1-3, 6-12, 15-21, 23, 28, 34, 38-43, 47-50, 55-57, 60-65, 68, 71, 73-77, 92-93, 98, 100, 104-105, 107-108, 110-114, 119-120, 124-126, 130-134, 152-155, 157, 159-162, 167, 169, 174-176, 179-180, 182-183, 185-186, 218-219; **NPPG** – ID’s 6-8, 26 & 27; **HBLP** – CS1, CS7-CS8, CS11-CS12, CS16-CS17, DM1, DM8, DM9; **HBLPA** – AL1-AL2; **CHMP** – 1, 2, 10, 13; **SPD**.

NPPF – National Planning Policy Framework (July 2021)

NPPG – National Planning Practice Guidance (March 2014 onwards)

HBLP – Havant Borough Local Plan (Core Strategy) (2011)

HBLPA – Havant Borough Local Plan Allocations DPD (December 2013)

CHMP – Chichester Harbour AONB Management Plan (2019-2024)

SPD – Borough Design Guide SPD (2011) and Joint CHAONB SPD (2017)

County Ecologist

HBIC regularly screen planning applications and where applications are in close proximity to known records of protected species/notable habitats and/or designated sites, they are flagged in case of any potential adverse impacts.

North Common & Saltmarsh SINC which is located approximately 25m to the south of the proposed containers has been designated for supporting a structurally diverse saltmarsh with some County Rare, County Vulnerable and County/Nationally Scarce flora. The SINC is also regionally important for over-wintering Brent Geese.

Due to the location of the site, noise and visual disturbance and pollution incidents are likely to adversely affect the nearby SINC. However, having reviewed the available documents, I note that the containers will be transported to site and placed on an area of existing hardstanding and therefore the noise generated are not considered to be of a level to disturb birds during the overwintering season which runs between October and March. Similarly, there is not considered to be any risk of pollutants such as runoff water, dust, etc, as a result of the proposals. Whilst structures could affect the sightline of Brent geese and waders and therefore affect the suitability of areas used for roosting/foraging, I note that a wooded area is located between the application site and the SINC. Therefore, no visual disturbance is likely.

Overall, I have reviewed the proposals and can confirm that I have no major concerns and no further survey work or mitigation will be required.

Councillor L Turner - Hayling East

No comments received.

Councillor M Wilson - Hayling East

No comments received.

Councillor R Raines - Hayling East

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: 34

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received.	

7 Planning Considerations

7.1 In having due regard to the relevant policies in the development plan, it is considered that the main issues arising from this application are:

- (i) Principle of Development
- (ii) Impact upon the Character & Appearance of the Area
- (iii) Impact upon Residential Amenity
- (iv) Impact upon the Local Ecological Network (LEN)
- (v) Flood Risk

(i) Principle of Development

7.2 The site is outside of the defined “urban area” as set out in Policies CS17 and AL2. However, the proposed development relates to additional storage provision to serve a marine use within an existing marina development. Therefore, development is considered acceptable in principle subject to the usual development management criteria.

(ii) Impact upon the Character & Appearance of the Area

7.3 The existing “Teal Building” was originally granted Planning Permission (ref. 97/51153/25) as a Boat Service Building and its use was restricted by Condition No.22 to the construction, repair, and servicing of boats and components of boats. Since this time, subsequent Planning Permissions have varied the above Planning Condition to allow for the use of warehousing and distribution of marine equipment and/or general construction, repair, and servicing of boats and components of boats. In terms of this current planning application, the Applicant is proposing the temporary siting of 3no. steel storage containers (until 31 March 2025) to the east of, and approximately 10m away from, the Teal Building as follows:

- 1no. 40ft container comprising a length, width, and height of approximately 40ft (12.19m), 8ft (2.44m), and 8ft 6ins (2.59m) respectively; and
- 2no. 20ft containers each comprising a length, width, and height of approximately 20ft (6.1m), 8ft (2.44m), and 8ft 6ins (2.59m) respectively.

7.4 A similar proposal was granted Temporary Planning Permission under ref. APP/20/00247 in May 2020. However, it is understood that due to restricted business operations during the Covid-19 pandemic and associated lockdowns, the previous temporary permission was not enacted.

7.5 The application site is in the Chichester Harbour Area of Outstanding Natural Beauty (AONB) which was designated as an AONB in 1964. The primary purpose of the AONB designation is to conserve and enhance the natural beauty of Chichester Harbour. There is some visibility of the Teal Building from the Harbour but the actual yard space - where the proposed containers would be sited - is screened by tall trees to the south and east. In addition, the land used to lay up boats - near a public footpath to the south-east – would also help to limit the view of the proposed containers from the Marina Basin. Given the above, the Chichester Harbour Conservancy (CHC) has raised no objection to the proposed siting of the 3no. storage containers providing that:

- The 3no. containers are dark green in colour; and
- The 3no. containers are removed on, or before, 31 December 2025; and
- A planning condition is included to limit the use of the 3no. containers for storage ancillary to the warehousing and distribution of marine equipment and/or construction, repair, and serving of boats and components of boats.

7.6 The above has been captured as planning conditions as requested – see below. It is considered that the above broadly mirrors the planning conditions included on Temporary Planning Permission ref. APP/20/00247 [which was not enacted], and also accords with the spirit of the original Planning Permission for the adjoining Teal Building consented under Planning Permission ref. 97/51153/025 to retain marine related industry close to Chichester Harbour.

7.7 Moreover, it is considered that the temporary siting of the proposed 3no. storage containers for marine-related business operations would not have a significant visual impact on the character and appearance of the AONB and, therefore, would not be contrary to Policies CS11, CS12 and CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact upon Residential Amenity

7.8 The nearest residential properties are in “The Roundhouse” which is more than 83 metres from the proposed development. Notwithstanding the above, there a number of units which screen and/or act as a buffer between the existing residential properties and the proposed development. Consequently, it is considered that – given the above and that the proposed development would complement existing marina uses – the proposed development would not be overbearing, nor would it lead to overshadowing, loss of light, overlooking, and/or loss of privacy to nearby residential properties. As such, the proposed development would have a limited and an acceptable impact on the residential properties at “The Roundhouse” and would, therefore, not be contrary to Policy CS16 in the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Impact upon the Local Ecological Network (LEN)

7.9 The Hampshire Biodiversity Information Centre (HBIC) regularly screens planning applications. In doing so, this planning application was highlighted as being in close proximity (approximately 25m) of the North Common & Saltmarsh SINC. The SINC has been designated for supporting a structurally diverse saltmarsh with some County Rare, County Vulnerable and County/Nationally Scarce flora, as well as accommodating over-wintering Brent Geese and waders. The County Ecologist has no major concerns and has confirmed that no further survey work or mitigation will be required. This is because the noise generated from the use of the proposed containers is not considered to be of a level to disturb birds during the overwintering season (October to March). Similarly, there is not considered to be any risk of pollutants – i.e., runoff water, dust etc – as a result of the siting of the proposed containers. Finally, although the containers could affect the sightline of Brent Geese and waders – and, therefore, affect the suitability of areas used for roosting / foraging – it is considered that the wooded area located between the site and the SINC will help reduce any potential visual disturbance. Consequently, it is considered that the proposed containers would not be contrary to Policies CS11 and DM9 in the Havant Borough Local Plan (Core Strategy) 2011, nor Policy DM23 in the Havant Borough Local Plan (Allocations Plan) 2014.

(v) Flood Risk

- 7.10 The site is in the “Estuary 20m Buffer” and climate change modelling has predicted that the site will be in a future flood zone. Notwithstanding the above, it is not considered that the proposal would be contrary to Policy CS15 in the Havant Borough Local Plan (Core Strategy) 2011 due to the temporary siting of the proposed containers on an area of existing hardstanding.

8 Conclusion

- 8.1 The proposed development would provide additional storage for the existing marine related business, and would have a limited and an acceptable impact on the character and appearance of the Chichester Harbour AONB.
- 8.2 Notwithstanding the above, as the proposed development would comprise ancillary storage for the warehousing and distribution of marine equipment – and for the sake of consistency with previous temporary planning permissions – it is recommended that Permission should be subject to a condition that the containers are removed on or before 31 March 2025 unless otherwise agreed in writing by the Local Planning Authority (LPA).

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/22/00709 subject to the following conditions:

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

Drg No: KAD-01-A-LP – Location Plan [Published 20 July 2022]
Drg No: KAD-01-A-LP – Block Plan [Published 20 July 2022]
Northney Marina Estate Plan [Published 20 July 2022]
Container Specification (40ft / 12m Length) [Published 17 August 2022]
Container Specification (20ft / 6m Length) [Published 17 August 2022]

Reason: To ensure provision of a satisfactory development.

- 2 This permission shall be for a limited period expiring on 31 March 2025, on or before which date the use of the land for siting of the 3no. containers shall be discontinued permanently, and the site shall be restored to its former state as a boat building yard area unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.

Reason: The containers 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.

- 3 Except with the prior written approval of the Local Planning Authority to the contrary and notwithstanding the provisions of any Town and Country Planning (General Permitted Development) or (Use Classes) Order in force at the time, the subject 3 No. containers, shall only be used for storage ancillary to the use of the existing building for the warehousing and distribution of marine equipment and/or the construction, repair and servicing of boats and components of boats and for purposes wholly ancillary thereto. The three containers shall not be used for any other purpose during the period of the temporary consent hereby granted.

Reason: To safeguard against unjustified and inappropriate non-maritime related commercial usage of the building, to the detriment of the surrounding environmentally sensitive rural and coast area, and having due regard to Policies CS2, CS12 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework (NPPF).

- 4 The external finish of the containers shall comprise a dark green colour finish unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area and having due regard to Policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework (NPPF).