
Site Address: Teal Buildings, Northney Marina, Hayling Island, PO11 0NH
Proposal: Temporary variation of condition 22 of Planning Permission 97/51153/025 to extend the period of varied use as most recently amended by Temporary Planning Permission reference APP/17/01218 for a further 3 year period.
Application No: APP/21/01358 Expiry Date: 21/01/2022
Applicant: Marina Developments Ltd
Agent: Canford Cliffs Architects Case Officer: David Eaves
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The proposal relates to an existing large metal clad building within the Northney Marina development. The building is sited close to the marina moorings and is visible from the water. The building includes a first floor to either side of the main 'warehouse' area.
- 1.2 The building was originally erected as part of an overall site refurbishment scheme approved under 97/51153/25.

2 Planning History

97/51153/025 - 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 permission 89/51153/7, PERM,01/09/1997

98/51153/027 - Variation of Condition no. 2 of Planning Permission no. 97/51153/25 to ensure the off site highway works are carried out in association with the construction of the new Marina Basin or extension of the Marina office but are not required in association with the Boat Services building., PERM,17/04/1998

00/51153/033 - Temporary variation of condition 22 of permission 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. Insertion of 4 additional windows in south-west elevation of Boat Services Building erected under planning permission 97/51153/025., SPL,25/09/2000

02/51153/040 - Application for permanent variation of Condition 22 of Planning Permission 97/51153/025 to enable the 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., WD,24/03/2003

03/51153/042 - Renewal of temporary planning permission 97/51153/025 to allow for the use of boat services building for the warehousing and distribution of marine equipment, and for the construction, repair and servicing of boats and components of boats for a further 3 years until 1 October 2006., PERM,02/05/2003

05/51153/046 - Renewal of Planning Permission 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., TPP,06/10/2005

09/51153/049 - Renewal of temporary Planning Permission for varied use of boat services building. (Currently approved under Planning Permission 05/51153/046.), PERM,11/06/2009

APP/12/00424 - Application for Variation of Condition No/s 1 and 2 of Planning Permission 09/51153/049 to allow continued varied use of Boat Services building., TPP,28/06/2012

APP/14/01256 - Application for Variation of Condition 22 of Planning Permission 97/51153/025 to extend period of varied use as currently amended by Planning Permission APP/12/00424, TPP,23/01/2015

APP/17/01218 - Temporary variation of condition as currently amended under APP/14/01256, valid for further 3 year period from 01/02/2018. PERM, 11/01/2018

APP/20/00247 - Siting of 3No. storage containers (temporary permission until the 1st February 2021). PERM, 15/05/2020

3 Proposal

Temporary variation of condition 22 of Planning Permission 97/51153/025 to extend the period of varied use as most recently amended by Temporary Planning Permission reference APP/17/01218 for a further 3 year period.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour AONB Management Plan (2019-2024)

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)
CS2	(Employment)
CS9	(Housing)
DM9	(Development in the Coastal Zone)

Submission Version Havant Local Plan

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – No objection to the continued variation of Condition 22 to planning permission 97/51153/025, subject to the additional use for warehousing and distribution of marine equipment ceasing on or before 1 March 2025.

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

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.

Temporary permission to vary condition 22 relating to the adjoining (Teal) service building (annotated Marathon Leisure in the aerial photograph above), would appear to have been renewed 9 times since being first sought in 1997, the last permission seeming to be APP/20/00247.

Having regard to the Policy framework* below, the continued use would still be related to marine industry and meet the wider aspirations of The Conservancy's Planning Principle 02. Granting temporary planning permission would have no harmful effect on the AONB nor the purposes of its designation.

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.

*Policy framework

NPPF - 1-3, 6-12, 20, 28, 38-42, 47-48, 54-55, 81-85, 107-108, 111, 119, 122, 130, 134, 153-154, 159, 161, 174, 176, 180, 185, 212-213; **NPPG** – ID's 2, 3a, 6-8, 26 & 37; **HBLP** – CS1, CS2, CS11-CS12, CS16-CS17, DM1, DM3, DM8-DM10, DM14; **HBLPA** – AL1-AL2; **SVHBLP** - DR1, KP3, IN3, E4-E5, C1; **CHMP** – 1, 2, 10, 13; **PP** – 01-02; **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)

SVHBLP - Submission version Havant Borough local plan 2036 (23.6.2021).
CHMP – Chichester Harbour AONB Management Plan (2019-2024)
PP – Conservancy's Planning Principles (adopted 17-10-2016 onwards)
SPD

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: 37

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: No comments received.

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 AONB
- (iii) Impact upon residential amenity
- (iv) Highway Implications
- (v) Effect on Sensitive Areas/SSSI etc

(i) Principle of development

7.2 This building was originally given permission as a Boat Services Building with a use restricted by condition (22) to construction, repair and servicing of boats and components of boats and for purposes wholly ancillary thereto and for no other purpose whatsoever.

7.3 It is understood that the building was originally designed for Premier Yachts who subsequently went out of business. The building was then vacant for some time as there was no demand for a building of this size from other boat builders. In 2000 temporary permission was granted 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; it shall not be used for any other purpose during the same period (until 1 October 2003). It was considered that a permanent permission was not appropriate as the option to return the building to 'Boat Services' should be maintained.

- 7.4 Subsequent to this original temporary consent, there have been further temporary permissions most recently in 2017. Commercial market conditions in relation to boat building have continued to preclude the use of the premises in accordance with condition 22 of the original consent. The use of the building is currently as a warehouse facility for distribution of marine equipment and general boat and component maintenance works which are all marine related. It is considered that the continued use of the building for a further temporary period for this established marine related business is appropriate in the current market conditions.

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

- 7.5 The proposal is for a continuation of an existing use in an existing building. Chichester Harbour Conservancy confirm that they have no objections to the proposal. There are no external changes proposed to the building or its setting. It is considered that the continued use in its existing commercial marina context would have an acceptable impact on the character and appearance of the AONB.

(iii) Impact upon residential amenity

- 7.6 The building is located in a position detached from the Marina Centre which has been subject to a prior approval for residential use. The site is also shown in the emerging local plan for Mixed use development of about 40 dwellings and 1,000 sqm of employment, commercial and service uses (Class E) which support the function and operation of the marina, however, at this stage the emerging plan has very little weight. The originally consented use was for construction, repair and servicing of boats and components of boats and for purposes wholly ancillary thereto. The current use for the warehousing and distribution of marine equipment potentially has less impact than the originally consented use in terms of potential future residential uses in the vicinity. It is not considered that a further renewal of the temporary use could be refused in terms of the impact on possible potential residential uses.

(iv) Highway Implications

- 7.6 It is not anticipated that any additional highway issues would result from the continued use of the building as proposed.

(v) Effect on Sensitive Areas/SSSI etc

- 7.7 The site is located adjacent to SSSI/Ramsar etc and within the AONB. Natural England raised no objections to a previous renewal and with no changes proposed to the building or its use compared to that previous renewal it is considered that the impact on nature conservation would be limited and acceptable.

8 Conclusion

- 8.1 In conclusion the proposed further temporary permission for the existing use is considered acceptable in principle and in terms of its impact on the character and appearance of the AONB, highways and nature conservation.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01358 subject to the following conditions:

- 1 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, the subject building (i.e. the building specified in Condition 22 of Planning Permission 97/51153/025), shall be used in the period up to 1st April 2025 only 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. It shall not be used for any other purpose during that same period.

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 coastal area, and having due regard to Policies CS2 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 2 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, the subject building shall be used in the period following 1 April 2025 only for the construction, repair and servicing of boats and for purposes wholly ancillary thereto.

Reason: To enhance the potential for long term usage of the building for the purpose for which it was originally erected, and thereby to safeguard against unjustified and inappropriate additional building development for that same purpose in the visually and environmentally sensitive rural and coastal locality, and having due regard to Policies CS2 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 3 The subject building shall not be used at any time for undertaking retail sales of marine equipment or any other goods without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to Policies CS2 and CS12 Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

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

Site and Location Plan Drawing No. 30

Planning Statement Received Ref: RW/PE/2111-184 November 2021

Reason: To ensure provision of a satisfactory development.