
Site Address:	Salt Shack Cafe, Northney Marina, Hayling Island, PO11 0NH		
Proposal:	Retention of Salt Shack Cafe and external terrace area.		
Application No:	APP/21/00883	Expiry Date:	13/10/2021
Applicant:	Mr Nash MDL Ltd		
Agent:	Mr Jobbins Luken Beck	Case Officer:	Selina Donophy
Ward:	Hayling East		

Recommendation: **GRANT PLANNING PERMISSION IN RETROSPECT**

1 Site Description

The site is the Salt Shack Cafe 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

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

APP/20/01084 Use of area with facilities (Serving Building) for temporary 3yr period for preparation and consumption of light refreshments for marina customers. Permitted 08.01.2021

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

- 2.2 This application comprises the Salt Shack Cafe which is an unauthorised development and has been investigated by the Councils Enforcement Team. An application decided earlier this year referenced APP/20/01084 agreed a temporary 3 year permission for a servery building set back behind the current siting of the Salt Shack building , and condition 3 of that application stated that following consent, the Salt Shack cafe should be removed - this is referenced below :

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.*

- 2.3 In practice the servery building has not been provided, and as an alternative approach this current application seeks the permanent retention of the Salt Shack Cafe.

3 Proposal

Retention of Salt Shack Cafe and external terrace area. The main cafe building comprises a single storey, pitched roof timber clad building with a flat roofed/ pergola covered terrace adjoining. The Cafe complex also includes an adjoining container.

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
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan
E1* (High quality design)

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling West Ward

No comment

Councillor R Raines - Hayling East

No comment

County Ecologist, Strategic Environmental Delivery

Thank you for consulting me on this application. Thank you for your patience.

The café has been operating for over a year within this well-developed site. I have no concerns in relation to the ecological impacts of the building footprint. I would also raise no concerns in relation to impacts from additional recreational pressure. The café is situated within an active marina and is not immediately adjacent to areas of designated marine habitats.

Economic Development

No comment received

Environment Agency

No comment received

Environmental Health Manager, Community Group

I have perused the documentation provided in support of this application and can advise I have no adverse comments to make, with regard to the retention of the existing café & external terrace area.

Hampshire Highways

The Highway Authority can confirm that continued use of the Salt Shack Café and external terrace area will not have a detrimental impact on the wider highway network and therefore provide no objections

Chichester Harbour Conservancy

Chichester Harbour AONB Unit Recommendation – No objection

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is located within an urban settlement built-up location within the AONB.

Suggested considerations: -

- a temporary period not in excess of 30 November 2026 (or 5 years from determination date) shall apply to the siting and use of the unit as described in the application submission
- removal of the units 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)

- schedule of materials and finishes to be agreed with LPA and the structures 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 / stained timber boarding is preferred by the Conservancy, the use of light or pale / 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 as a café for the preparation, sale, and consumption (on and off the premises) of refreshments, snacks and light meals only within Town and Country Planning Use Class E(b) and shall not include any other use or activity
- the operation of the temporary use shall only take place between the hours of 09:00 and 16:00 Monday to Thursday from 1 March to 30 September; 09:00 and 22:00 Friday to Saturday from 1 March to 30 September; and between the hours of 10:00 and 16:00 daily from 1 October to 28 February annually, and not at all on a Sunday or a recognised public holiday in recognition of the open dining area and the impact of artificial light within the AONB environment during darker hours.

The existing proposal would not generate concern under AONB PP01 or AONB PP02. Under AONB PP09 the glazing areas are modest but should require some blinds or shuttering controls to comply with PP09 and Joint SDP guidance. The use of the open terrace area also should not generate artificial lighting within the AONB. It is noted that the earlier temporary planning permission APP/20/01084 dated 8 January 2021 removed any external lighting to the terraced area (**planning condition 5**).

The suggested hours of use (*PS para 5.4*) until 22:00 hours would imply external lighting, particularly during the autumn and winter months. It is noted that the claimed hours do not correspond with the website published hours of opening for the café, which generally close at 16:00 hours. The AONB therefore suggests different hours of operating trading for the proposal as part of regularising the current unauthorised use of the land and building.

With these caveats the proposed works could be retained and regularised in line with AONB PP09 guidance without significant or substantial intrusion to the dark skies policy.

4- The mixed planning use of the marina complex (blue-line site) would not be changed by this submission. The principle of the use and activity on the scale currently operating and adapted to comply with AONB Planning Principles would not likely be a significant concern. There is no new or additional land use operational aspect sought for the site by the current proposal.

5- The location of the proposal is within a commercial and partially built-up setting. Given the setting, the layout would not change or impact further on the sites spatial character. The works relate to the site and have a satisfactory relationship in distance to nearby buildings with the spatial building-grain of the immediate surrounds being unchanged. The layout design on the site works within the planning unit can be carried out without harm to the general surroundings within the AONB protected national landscape. The visual perception of the structure has little massing / bulk and is unlikely to be noticeable from public vantage points outside the marina complex subject to the dark finished treatment being retained.

6- The scale of the development is modest within the setting of the marina complex. The red-line site is small in coverage and both subservient and proportionate to the other buildings on the site.

The perceived massing is considered to be acceptable for AONB impact purposes. The physical works have a largely unnoticeable visual impact on the wider AONB protected landscape environment.

7- The architectural design and appearance of the proposal is cabin-style in concept. Visually it is appropriate in a mixed commercial / recreational land use activity location. The glazed areas enclose part of the decked area and therefore need to be carefully considered in regard to artificial lighting and the Dark Skies protocols for the AONB.

8- The retention of the existing use is unlikely to have an impact on the tranquillity of the AONB wider area or harm the environmental quality of this location within the AONB. The glazing areas should require dark skies protocol screen blinds to be installed.

9- The proposal would be unlikely to result in any substantial increase in the demands for recreational activity in the locality or add to the associated disturbance of wildlife areas. The proposal would not be viewed as harmful to the wildlife or biodiversity of the site. Measures to mitigate the impact of ecological disturbance should not be necessary. Native wildlife improvements could be considered generally through the installation of easy applied wildlife improvements.

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is location within the countryside area environment in the AONB. The proposal to retain the use has a localised impact on the character and appearance of the site and the immediate surrounds. The scale, design and appearance of the structure within its setting has no serious harm to the wider AONB protected national landscape.

The control of light emission associated with the windows should be restrained and proportional to the desire to maintain the character and ambiance of the AONB. The amount of glazing would require some controls to regularise this unauthorised use to reduce the impact to the wider area.

Given its setting, the proposal is not unduly prominent, intrusive, or detrimental to the character or the appearance of the wider Area of Outstanding Natural Beauty (AONB) in terms of landscape character. A temporary continuation of the use with the option to provide a permanent solution in the long-term is agreeable.

The development proposal in the AONB would be unlikely to have any identifiable harmful impact on matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection.

CHC has no substantive objection to the submitted proposal. The temporary proposal is generally acceptable within the AONB and has a limited external impact to the wider AONB protected landscape.

Other Comment

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as any overlooking impact to neighbouring property and spaces, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

Natural England Government Team

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. The café within an active marina and is not immediately adjacent to designated sites is therefore unlikely to result in adverse impacts from increased recreational disturbance .

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: 59

Number of site notices: 1

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
- (iii) Impact on the AONB
- (iv) Impact upon residential amenity
- (v) Ecology
- (vi) Parking
- (vii) Flood risk

- (i) Principle of development

7.2 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. The provision of small scale facilities such as those proposed could also be argued to accord with the tourism and employment policies of the development plan.

- 7.3 This is a retrospective planning application as the Salt Shack Cafe does not currently benefit from planning permission. The cafe building which was granted temporary permission under APP/20/01084 has not been constructed - however this earlier permission does demonstrate that additional cafe facilities at the marina complex have been supported by the Local Planning Authority.

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

- 7.4 The cafe building comprises a pitched roof wooden building with a flat roof pergola and associated container - the cafe buildings are clad in dark stained wood . The cafe is located immediately adjacent to the south of the marina office and facilities building and is subservient in scale to that building. The cafe itself is not deemed to be of harmful design. The cafe building is not judged to be out of keeping with the marina setting with the appearance with the dark stained timber in keeping with the external finish of the marina facilities building. The design and appearance of the proposal is therefore deemed appropriate in context to the main building and is considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact on the AONB

- 7.5 The proposal site is located within the Chichester Harbour AONB and therefore the Chichester Harbour Conservancy have been consulted on this application. The CHHC have raised no objection to the proposal however this is subject to proposed conditions which include the proposal of a 5 year temporary condition . In this case it is considered that the cafe building is of a sufficiently permanent design that there is not adequate justification to apply a temporary use to the site. The hours of operation have been confirmed by the applicant (please refer to para 7.6) and the cafe opening hours will only be extended to 2200 hours on a Friday and Saturday night during the months of July and August where there would be adequate natural lighting so as not to require any additional external lighting. Overall the impact on the AONB is considered to be acceptable.

(iv) Impact upon residential amenity

- 7.6 The proposed opening times would be 0900- 1700 hours Monday- Sundays and during July and August on Fridays and Saturdays opening hours would be 0900 - 2200 hours. The proposed hours have been extended from what was agreed for the previous alternative cafe building which comprised 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.*

- 7.7 There are no residential properties within close enough proximity to the cafe building to be impacted by the proposal and no objections have been received in conjunction with this proposal which has already been in use for some time. The increase in opening hours during the summer months is not considered to result in harmful noise pollution/activity to nearby residential properties, the nearest being the round house building which is located approximately 100 metres away to the west of the site. The applicant has confirmed there will be no frying of food, with the majority of the catering offered including cold foods and therefore no extraction canopy is required. Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 and DM10 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(v) Ecology

- 7.8 Surrounding the site, outside of the marina itself is the SSSI/RAMSAR/ SAC area. The County Ecologist has been consulted in this regard and upheld no objection to the proposal - the site itself is hard surfaced and of little interest from an ecological perspective. Natural England have also raised no objections to the proposals and it is considered that the proposals would not be harmful to the protected areas.

(vi) Parking

- 7.9 The site makes use of the existing marina access and is sited adjacent to the marina car park where there are a large number of parking spaces available. Due to the marina location, there is no risk of cars parking on the road or in a hazardous manner to cause disruption to the highway and Hampshire Highways have no objection to uphold in this regard. The applicant has stated that the cafe is predominantly to serve users of the marina however there is nothing to stop members of the wider public making use of the cafe facility and it is assumed that this will be the case. The Havant Parking SPD states that an eating establishment should provide 1 space per 5sqm dining area/bar area/dance floor. The floor area of the salt shack and veranda area combined is approximately 45 sqm which would require 9 spaces however it is considered the existing marina car park offers capacity to allow for the additional use, noting that the main customer base is expected to be existing users of the marina facilities.

(vii) Flood risk

- 7.10 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.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the AONB and marina setting and is therefore considered to be appropriate and recommended for approval.
-

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION IN RETROSPECT** for application APP/21/00883 subject to the following conditions:

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

V01-100 Location plan
V01-101 Block plan
V03-300 Proposed ground floor plan and roof plan
V05-300 Proposed elevations
Planning Statement uploaded on the 25.11.2021

Reason: To ensure provision of a satisfactory development.

- 2 The building hereby permitted shall remain 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 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.

- 3 No external lighting associated with the development 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 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.

- 4 The proposed cafe buildings 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:
0900- 1700 hours Monday- Sundays; except during July and August on Fridays and Saturdays when opening hours would comprise of 0900 - 2200 hours

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 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.