

CONSTRUCTION OF 6 No 5 BED HOUSES, 1 No DETACHED RESIDENTIAL BOAT STORE AND ANCILLARY OFFICE BUILDING, 1 No DETACHED BOAT STORE FOR SAILING CHARITY USE WITH HARDSTANDING, PONTOON RESTRICTED TO 12 BERTHS (6 FOR HOUSE RESIDENTS, 6 FOR NON-RESIDENTS) IMPROVEMENTS TO SLIPWAY, BEACH REPOSITION OF SEA DEFENCE TO SIDE OF SLIPWAY, COASTAL FOOTPATH AND THE CREATION OF ONE AREA OF COASTAL MEADOW AND ONE AREA OF CONSERVATION GRASSLAND. (Revised application)

PLANNING POLICY FRAMEWORK

NPPF paragraphs 14 and 115; RE4, BE11, BE12: Havant Borough Council Core strategy 2011. Chichester Harbour AONB Management Plan 2009-2014: A1, BD1, BD2, BD3: Appendix 3: Policy B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

CHICHESTER HARBOUR CONSERVANCY'S COMMENTS

This application follows the withdrawal of application APP/11/00955 in 2011. Essentially the proposal remains the same with the main issues for consideration being the loss of marine related commercial floor space, the principle of residential development and the visual, landscape and environmental impacts of the proposal in this very sensitive location adjoining the AONB.

The site and surroundings

Yacht Haven is a former boatyard located on the north side of Mill Rythe, Hayling Island. Mill Rythe has a wide opening to the main harbour channel, but rapidly narrows and becomes more enclosed and sheltered in character as it splits into two separate arms. At low tide it comprises mudflats and saltmarsh carved by tiny narrow channels. From records it appears that there was a working boatyard at the site until the early 1980s, which included a pontoon with 20 berths and a further 6 mud berths along the shoreline.

Yacht Haven has a varied history of uses since the 1980s following a fire and the remaining buildings and site area have been used for various unauthorised purposes including landfill, industrial uses (including anti-fouling paint testing which is believed to be a source of pollution on the site), and a scrap yard/builders yard.

The site lies in an exposed position on the edge of the harbour and AONB (the boundary of which runs along the shoreline and includes a significant part of the site). The southern parts of the site including the main metal shed and mud berth are currently visible from several kilometres away, including from the main harbour channel to the southeast. Trees, copses and hedgerows merge together in places to give the impression of a partly wooded shoreline, which provides the setting for the site and a scatter of harbourside houses running eastwards from the site, of varied designs set in large gardens, the buildings themselves being set back some distance from the waters edge. The overall character of the area is rural and highly tranquil, and the only remaining buildings on the site are fairly small-scale metal sheds. Although the site is in a highly neglected state including dilapidated buildings and scrap materials, its overall impact as viewed from the AONB and in wider views is relatively low key, with the large detached houses running eastwards from the site having a greater visual impact as viewed from the water. There are clearer views into the site from the public footpath which runs through the site along the shoreline, although most of the buildings are set back in the northern part of the site.

The intertidal area which forms part of the site is covered by various nature conservation designations including a Ramsar Wetlands Site of International Importance, a Special Protection Area (SPA) for wild birds, Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). An open area of unimproved grassland in the western part of the site forms part of a designated Site of Importance for Nature Conservation (SINC). 'Verner Common' is a small

headland located between the two arms of Mill Rythe and forms an important roost for Waders and Brent Geese, along with the 'Gutner Point', the headland to the north-eastern edge of the inlet. Mill Rythe Holiday Village and Hayling Yacht Company are situated on the southern side of Mill Rythe beyond Verner Common.

The AONB Landscape Character Assessment (2005) notes that despite the boatyards and industrial sheds at Yachthaven, Mill Rythe retains a largely undeveloped character, and that the sensitivity of the landscape to development and change is high due to this character and openness. It is particularly sensitive to further development on the adjacent coastal edge. One of the main planning and land management guidelines is therefore to conserve this character.

Planning history

In 1996, two planning permissions were granted to redevelop the site (93/50888/2 and 94/50888/3). This comprised 6 houses in the north-eastern part of the site in two rows of three, a replacement pontoon with 19 moorings, a replacement slipway, and the erection of a mast and sail store in connection with a boat compound and trailer/car parking area. The Conservancy had reluctantly accepted the proposal for 6 houses to help ensure that the on-going enforcement problems and the unsightly buildings, materials and activities would be removed, subject to retaining the existing open areas on the site.

There were several attempts to renew the 1996 permissions or apply for variants of these between 2000 and 2001, all of which were 'not proceeded with'. In 2004, permission was sought for 9 dwellings on the site (04/50888/012). The Conservancy objected on the grounds of the cumulative impact of the new dwellings when viewed together with existing development being highly detrimental to the special quality of the AONB. We had also commented that additional numbers of people would be likely to increase disturbance to wintering birds and important roosting sites. This application was also 'not proceeded with'.

The 2011 application (11/00955) was for 6, five-bed houses and detached buildings for 6 boatsheds, marine office, pontoon for 12 berths, reinstatement of slipway, improvements to sea defences and the creation of a nature reserve. The Conservancy objected to the application but it was withdrawn before being determined by Havant BC.

The application

The current application seeks permission for the erection of 6 houses within the northern part of the site set in two rows of three, a marine-related element comprising a new pontoon with 12 berths, a marine office and a small boatyard with a detached building providing 6 boatsheds and works to the slipway and sea defences and coastal footpath.

The proposed houses are the same as the previous application but specifically they would be two-stories high, with flat roofs, in a mix of timber cladding, render in an 'earthy tone' and local stone. Four of the dwellings would be of similar design, with the two on the western side being larger, with longer side elevations and the house on the southwest corner having a curved corner feature with a canopy and mast structure above which would be approximately 10m high whilst the height of the other buildings would be approximately 6m. Five of the houses would have a detached flat roofed double garage on the northern side of the main building.

The office would be sited close to the water and would incorporate 8 lockable stores and WCs but it is intended that the office is for management of the site only and would not be commercial floor space. It would be of a relatively small scale with timber clad walls and a pitched slate roof. To the northwest of this, the proposed boat sheds would be constructed from green profiled metal cladding with a mono-pitched roof and 6 garage doors. It is proposed that this building would be for use by a sailing charity. A new pontoon would be created providing 12 berths, 6 allocated to the residents of the new houses and 6 for non-residents.

The application stresses that the site would be cleared of dangerous structures and polluting materials and that the sea defences and public footpath would be repaired to an environmentally acceptable standard. The site would be soft-landscaped and the area of Coastal Meadow and

Conservation Grassland to the west (part of the designated SINC) would be subject to a management plan.

The main issues for consideration by the Conservancy are the loss of marine-related employment floor space and the principle of a change to a residential development as well as the visual, landscape and environmental impacts of the proposal in this very sensitive location on the edge of, and partly within, the AONB.

Loss of marine-related commercial space

The applicants state that the costs associated with cleaning the site of contamination render all but larger scale commercial development of the site to be unviable and together with access constraints consider that marketing the site for commercial uses would be an unnecessary exercise. It is also stated that commercial uses would bring noise and traffic issues which would be detrimental to neighbouring amenity and would likely have a greater visual impact on the AONB.

Policy CS2 of the Havant BC Core Strategy seeks to protect marine businesses located on waterfront locations whilst Policy DM3 of the Core Strategy spells out the requirement for applicants to provide evidence of active and exhaustive marketing for a period of 12 months to enable the Council to consider whether it is appropriate to allow other commercial uses and ultimately non-commercial uses. Given the above constraints, the applicants consider that it is not necessary to undertake any marketing and have not provided any evidence. No viability assessment has been provided either. In the absence of either, it is considered to be premature to allow the loss of the commercial use of the site. Once a marine-employment use is lost to residential development, it is very unlikely to ever be re-established. The proposal is also contrary to the Conservancy's interim policy on the Protection of the Marine Economy (D1b) agreed in December 2012, which, consistent with HBC policy, requires a sequential approach to the marketing of the site.

Such a stance is supported by the 'Chichester Harbour Marine-related Business Evaluation' report (March 2013) that was commissioned by the Conservancy and which looked at the circumstances of Yacht Haven. It identified a number of recommendations: The site has not been marketed for marine related employment use and this should be explored with active promotion of other types of work linked to the sea which may include firms working on marine technologies, naval architects and yacht designers which may stem from start-up businesses who may not require slipway facilities but would benefit from a waterside location. These could be accommodated in low profile buildings that would not cause an amenity issue with neighbouring residents and would establish high-value companies in the harbour area.

Housing development on the site

The first two steps of the sequential approach set out in the interim policy (D1b) seek to retain marine related business use and secondly, a mix of marine and non marine related business use. Only if it has been clearly evidenced that these two steps are not viable could consideration to a residential use be considered; and it is expected that an appropriate mix of residential and commercial use to make a scheme viable is favoured. The proposed change to a predominantly residential use has not been justified and so remains a principle for objection, however regard must also be made to the impact of the proposal in terms of design, landscape impact and the setting of the AONB.

The site lies outside the urban area as defined in the Havant Core Strategy and therefore the principle of residential development is contrary to Policy CS17 which states that development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy. Paragraph 55 of the NPPF states authorities should avoid new isolated homes in the countryside unless there are special circumstances including "where the development would re-use redundant buildings and lead to an enhancement to the immediate setting." The applicant states that residential use is the only feasible option that has the advantages of enhancing the site, is viable, is acceptable to neighbours and is compatible with

nature conservation. It is also stated that as the site is brownfield, residential development should be permitted without representing a significant departure from the Core Strategy. Particular regard should be had to areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development (NPPF para. 115).

The 1996 permission holds limited weight given the length of time passed and the subsequent changes in policy and legislation which now afford more protection to AONBs and European designated sites. Notwithstanding this, serious concerns remain regarding the visual impacts of the proposed dwellings due to their density, location and design.

Design and landscape impact

The dwellings would have five bedrooms and incorporate stone, render and timber boarding in the treatment of the elevations and flat roofs with a height of approximately 6m. The dwellings have an unashamedly angular, cubist appearance, accentuated by their flat roofs. It is considered that the design is not of an exceptional or innovative quality and has an urban flavour that would be out of keeping with the rural context. To the east of the site, there is a small ribbon of mostly large properties set in large gardens set back from the foreshore but which are low in density and interspersed with mature trees and vegetation against a backdrop of trees. Despite the previous use of the site and the existing buildings on the land, the application site retains a predominantly rural character with fields to the west and trees surrounding the site.

The proposal would impose on the site a large scale of built form, largely dictated by the density of the development which would have a detrimental impact on the landscape character of the area. A more sensitive scale to both the individual design of the houses and the cumulative impact of the overall scheme that nestles into the site and reflects the rural context and the adjoining pattern of development would be more appropriate. The design approach needs to better respond to its surroundings and it should respect the sensitivity of the landscape but the design currently proposed would be overtly dominant and alien resulting in a harsh conflict with its rural setting. The applicant contends that there would be a gap between the water fronting properties which would be interspersed with planting, however this would unlikely have the desired effect of screening the properties and there would be constant pressure from residents to limit tree growth so views are not spoilt. Due to the scale and form of the design, the proposed use of stone and muted colours in the painted render would not sufficiently mitigate their imposing appearance.

The existing site has been seriously neglected for many years and therefore it is acknowledged that it currently has a negative impact on the character of the area. However, the existing site and buildings have a low key appearance in the wider AONB landscape and the history of neglect should not undermine the high standard for development set by the NPPF and Havant Borough Council Core Strategy policies.

In summary, the design poorly relates to the sites' context and would have a detrimental impact on the character and appearance of the area, particularly when viewed from the footpath along the foreshore and from the water, but also upon wider views from the harbour. The proposal is therefore contrary to the criteria set out in Core Strategy policies CS12, CS16 and DM8 and planning guidelines A1, B1 and B3 of the CHC Management Plan.

Marine related outbuildings and pontoon

It is proposed that there would be no commercial use of the site. The office and lockers building would be for use of the management of the site only. The proposed boat building has been identified for use by a charity and the applicant's supporting statement includes a letter of support from a local sailing charity. Even if a charitable use of the site were to be established, it does not address the principle issue of the loss of commercial use referred to above.

With regards the pontoon, the site benefits from 26 mooring licences which have lapsed, but have effectively been 'kept on hold' for the site by the Conservancy. These comprised 20 moorings on the previous pontoon (which no longer exists), and 6 mudberths along the shoreline in front of the

site. The proposals would utilise 12 of these licences on the proposed new pontoon. Given that licences exist for 26 moorings, there would be no net increase in the total number of mooring licences. However, the new pontoon and the proposed works to the sea defences will need to provide appropriate habitat compensation and no reference has been made to this in the application. The preferred approach by the Conservancy and Natural England would be to 'waste' the remaining 14 moorings.

Sea defences and harbour frontage works

In the central section of the foreshore frontage, it is proposed to replace the existing slipway and replace the pontoon to which there is no objection. To the eastern part of the waterside the applicant has identified three options to undertake works, none of which are objectionable in principle but have implications which need to be resolved and or which require habitat compensation which has not been addressed. To the western side, it is proposed to remove detritus from the footpath edge and lay a new granular footpath which would be rolled back as the bank becomes eroded. There is however no indication as to who would manage this and overall whilst the proposed works are acceptable, there is insufficient information regarding mitigation measures to ensure ecological enhancements.

Ecological impacts

Due to the relative inactivity on the site since the 1980s, it has been 'reclaimed by nature' to an extent. It is certainly the case that the north part of Mill Rythe has a highly tranquil feel and is one of the most undisturbed inlets in Chichester Harbour (the lack of easy public access contributes to its undisturbed nature). The site lies adjacent to and partly within various designated sites for nature conservation including seagrass beds, and very close to important roosts for waders and Brent Geese who take advantage of this undisturbed character.

Concerns over the approach taken in assessing the impact upon nature conservation interests identified in the previous application have not been addressed and remain. Notably, many of the conclusions made in the ecological assessment underplay the significance of the European site, which leads to underestimating the potential impacts and subsequent mitigation needs.

The applicant states that no dredging will need to be undertaken, but other documents mention 'bottom levelling' which could constitute a capital dredge and would be difficult to achieve without significant adverse impacts.

The bird survey work submitted misses key timings which are important for understanding potential impacts on bird populations from increased activity, missing the key midwinter and autumn passage period. The Gutner point/Verner Common sites are key wader roosts (holding 33-45% of the harbour population for 4 species of roosting birds) both in the over winter and passage period. For some species (Curlew, Redshank, Whimbrel, Greenshank) July/August/September are the peak months (this distinction is noted within the SPA designation), and the Gutner/Verner roost is particularly important. This means there is no seasonal separation between the likely peak activity and important period for the roosting birds. Furthermore, the proposed activity 2.5 hours either side of high tide is also when the roost will be utilised by birds. Any increase in this currently undisturbed part of the harbour could significantly affect the important roosts, a limited attempt has been made to investigate the effect of boats on the roost sites, but does not address other key points including potential disturbance from terrestrial activities including the occupants of the new dwellings, berth holders, the launching slip and any access to the site from the general public.

Furthermore, the additional assessments continue to underplay the importance of the site and surroundings and make incorrect analysis of bird populations, for example by failing to acknowledge the high proportion of the overall population which use the immediate area, and therefore the importance of this. Some of the assessments acknowledge a direct loss of intertidal habitat from the proposals but miss the principle of 'no net loss,' attempting to base the concluded 'insignificant' impacts on an incorrect assessment of the quality of the habitat.

The applicant is proposing to form two areas of ecological enhancement, one to the west of the site the other between the proposed houses and the water. It is proposed to clear scrub vegetation to create an area suitable for birds and also to plant an appropriate coastal wildflower meadow. In principle this may be welcomed but there is insufficient detail in the application to assess how this would be undertaken and managed in the long term.

Overall we would question the statements and conclusions, which fail to demonstrate that there would not be adverse impacts on the nature conservation interests of the designated sites and important roosts within Mill Rythe.

Conclusion

In the absence of any attempts to market the site for marine related businesses or other suitable employment uses, and a viability appraisal, the proposed loss of a commercial site with marine potential is a principle to which the Conservancy raises a strong objection. This would be clearly at odds with Core Strategy policies CS2 & DM3 and CHC planning guideline policy D1b. It is not the case that Natural England would object to a purely commercial use of the site and there are no other compelling justifiable reasons to accept a predominantly residential development. Furthermore, the proposed boatshed identified for charitable use does not satisfy the requirement for commercial use of the site and even were a charitable use taken up, its long term viability given its scale and close association with the residential development is questionable.

The scale, design and density of the development is at odds with the rural setting and would be in stark contrast to the character of adjoining residential development. It would have a harmful impact on the character and appearance of this sensitive area and there is consequently a strong objection with regards to the design of the houses, their number and the impact they have on the local landscape. The proposal is contrary to the criteria set out in Core Strategy policies CS12, CS16 and DM8 and planning guidelines A1, B1 and B3 of the CHC Management Plan and paragraph 55 of the NPPF.

Finally, the proposals would likely have significant direct impacts on the intertidal area and in the absence of a detailed plan setting out the ecological mitigation measures, the Conservancy again strongly objects to the application.

DATE CONSIDERED

CONSIDERED BY

Chichester Harbour Conservancy Planning Committee.

RECOMMENDATION

The Local Planning Authority is advised that the Conservancy has no objection to this application, but asks that the following matters be negotiated if possible:-

The Local Planning Authority is advised that the Conservancy recommends refusal of this application.