

The Proposals and Economic Context

To provide additional secure boat storage to meet on going demand for good quality marine related storage at Mill Rythe.

The land at Mill Rythe was acknowledged by Havant Borough Council as suitable for industrial development and is adjacent to an area identified for Marine related Development, Policy EMP9 of Havant District Council's Local Plan.

The application site has been identified as development land since 1987, outline consent for a dwelling was granted on the site in the past.

These proposals aim to use the site for much needed boat storage that will not result in detrimental impact on the nearby Chichester Harbour AONB.



Google maps extract showing the application site (centre)

The Applicants

The Hayling Yacht Company have been serving the Solent since 1935, they are a family owned business with generations of experience providing expert boat repairs, osmosis treatments, winter boat storage and marina berths.

With so many years on the water, they have learned to change with the times, embracing the latest technology and techniques for boat repairs, but keeping some things the same - like pride in their work and a commitment to their customers.

Located on the western edge of Chichester Harbour the Hayling Yacht Company are perfectly positioned to take advantage of the natural shelter, offering calm marina berths and secure boat storage - with over 15,000 square feet under cover.

Their existing hard-standing boat storage provides access to both electricity and water points. The proposed additional open storage will enable them to meet their customers' demands. The business

employs 14 full time staff and the additional storage will enable the business to expand and continue to thrive.



The applicant's existing premises at Mill Rythe.

Layout

The site is screened by mature trees to the North and East of the site and a modern tree screen to the west. Existing industrial development screens views from the South. The site is not visible from the Harbour.

The access to the site provides for turning vehicles on site. The site affords easy surveillance but will not appear intrusive in the landscape.

Scale

The scale of the proposals is governed by the size of the site and the type of boats to be stored, the proposed use will not appear out of scale with existing uses at Mill Rythe. The proposed containers are needed to store essential plant and materials for safely supporting the boats.

Landscaping

There are no existing mature trees on the site, although existing trees outside the site will screen the storage.

The boundary of the site to the south west forms the natural boundary of the Mill Rythe Industrial area continuing the boundary created by the fence surrounding the car spares business to the south east of the site. It is proposed that a new palisade fence and gates be erected on the north boundary, to match the adjacent site.

It is intended some of the existing panel fence will remain.



In order to meet the insurance company's regulations the applicants will also have to fit an Armco barrier to avoid any chance of ram raiding.

Once the fence is erected there would be scope for some hedging to be planted at the front. The existing surrounding hedging would be trimmed but still remain.

The surface will be hard-core to allow the self-draining of surface water and a container would be located somewhere towards the back of the yard. The container would be for storage of boat related articles. The site would be serviced by both water and electricity.

Currently the area where it is proposed to have the entrance is covered by CCTV installed and monitored by Hants Motor Salvage. The applicants would, however, wish to have low level dusk to dawn SON lighting and further CCTV installed for extra protection.

Design Solution and Appearance

The proposals involve storage of boats and as such there is minimal design input, however it is considered that the appearance of the site will be in character with the marine based nature of Mill Rythe and the existing boat storage which is already well established.

The fencing proposed will match the existing metal palisade on the front of the adjacent site. The containers will be painted green to match the adjacent fence. PIR security lighting will be installed.

The location of an overhead telephone wire between the applicant's existing site and the proposed application site means that all boats and craft stored on the application site will have to have their masts down. The removal of all masts for storage will further ensure minimal impact on the wider landscape.

Site Assessment and Context

The site is located next to existing business units close to Chichester Harbour. The applicants are an existing marine business based at Mill Rythe, there is already boat storage in the vicinity.

The Hayling Yacht Co Ltd seeks to use an area south of Mill Rythe Lane for the storage of small to medium sized water craft.

The applicants understand that whilst the small area falls outside the allocated industrial area and still lies within the AONB and note that the HBC planning policy team confirm that the proposals meet the aims and intention of the NPPF.

Despite an intensive search around the immediate area the applicants have been unable to secure any land for the marine related outside storage which their business requires.

Below is an overhead picture with numbers relating to the other areas the applicants have looked at and the reason why they have been found to be unsuitable;



- 1 & 2 - Currently rented by ABC Marine but only sheds and not open storage.
- 3 & 4 - Currently rented by ABC Marine shed space but no open storage.
- 5 - Currently on running lease to HMS as secure storage for police recovered vehicles.
- 6 - The quay and shed currently rented by ABC Marine but very little open storage.
- 7 - Owned by Howards Scrap yard and not available.
- 8 - This is the land currently owned by the applicants and already utilised to the maximum.
- 9 - The Application site
- 10 - This area would be suitable but the current owner is not prepared to entertain leasing the land in anyway.

The applicants have extensive experience and knowledge of boat storage and can confirm that each winter the area outlined in the image above is completely filled with boats to the extent that they have to turn boats away.

The photo was taken several years ago and the applicants have since installed a further 41 berths in the marina of which they now have 80% occupancy. They will continue to be unable to meet the demand for storage without additional space

Because of the shape of their existing storage area the applicants have always had to stack the boats 4 deep. This means that when boats need to go into the shed, they have to be stacked at the front or they become trapped.

The proposed new area would enable the applicants to stack the boats in rows reducing the need to undertake multiple movements to get to one boat.

At the moment the applicants have to ask customers when they wish to launch the following season; the boats are then stacked according to their launch date.

The proposed additional storage area will have two different functions depending on the time of year. During the summer the aim is to market it as primarily as a storage park for speed boats and Jet ski's.

The applicants have been down to the ferry boat (Langstone Harbour entrance) and asked owners of this type of craft if they would be interested in leaving their boats in a secure storage area and about 70% said they would as long as the price was good.

The Jet ski owners advised the applicants that any storage facility would need to be approved by their insurance company so the applicants have undertaken research as to what would be required.

During the winter months it is anticipated that some of the summer boats will stay on site and the remaining extra space can then be used for the storage of motor boats and yachts with mast down.

On the application site the masts will have to be removed because a telephone wire crosses the road between the applicant's existing site and the application site.

Planning Context

In developing these proposals the applicant was keen to ensure that they met with the aims and intentions of local and national planning policy.

National Planning Policy

National Planning Policy Framework (NPPF) March 2012

The NPPF forward makes it clear;-

- In order to fulfill its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives.
- The purpose of planning is to help achieve sustainable development.
- Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable.
- Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.
- Development means growth.

- Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.
- Sustainable development is about change for the better, and not only in our built environment.
- So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.
- The planning system is about helping to make this happen.

In the NPPF the Government have identified the following;

The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

13. The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

It is considered that the proposals accord with the aims and intentions of the development plan and in particular the NPPF.

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

It is considered that the proposals constitute sustainable development and as such should be supported.

Core planning principles

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.

These (12) principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;



- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004³⁹ even if there is a limited degree of conflict with this Framework.
215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Government guidance with respect to development is contained with the NPPF and in particular the following paragraphs;

3. Supporting a prosperous rural economy

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses;
 - support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
 - promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The proposed business will incur considerable investment which will help to promote and support a strong rural and marine economy.

In accordance with paragraph 81 the proposals will facilitate opportunities for outdoor sport and recreation.



11. Conserving and enhancing the natural environment

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the

overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important

considerations in all these areas, and should be given great weight in National Parks and the Broads.²⁵

In accordance with Paragraph 89 the proposals are for appropriate facilities for outdoor sport and recreation, they have been carefully developed to ensure that they preserve the character of the setting and do not conflict with the purposes identified in Paragraph 80 of the NPPF.

They are located close to existing marine uses and it is considered that they will not harm the character or appearance of the area.

Recreation, Tourism and Leisure

The NPPF identifies that;

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

The importance to the economy of the local area of high quality facilities like that proposed cannot be disregarded.

In addition the staff and associated businesses connected to marine based activity also play a significant part in the local economy.

Regional and Local Planning Policy

The South East Plan Regional Spatial Strategy for the South East of England May 2009

In July 2010, the new Government placed an order in Parliament to revoke Regional Spatial Strategies (RSS) with immediate effect. In May 2011, a judicial review appeal which claimed that the Government's intention to revoke RSSs could never be a lawful consideration in decisions on planning applications was rejected at the Court of Appeal. This concluded that the Government's intention to abolish Regional Strategies through primary legislation could be a material planning consideration in making development control decisions, but not in plan-making decisions.

Havant Borough District-Wide Local Plan (Saved Policies)/ The Havant Borough Core Strategy DPD

The Havant Borough District-Wide Local Plan was adopted on the 30 September 2005 but as a result of the Planning and Compulsory Purchase Act 2004 it was only able to be used for three years after its adoption.

As that three year period expired on the 30 September 2008, the Saved Policies from the Havant Borough District Wide Local Plan form part of the Havant Borough Local Development Framework now known as the Havant Borough Local Plan and Other Planning Policy Documents.

The Havant Borough Core Strategy DPD is the principal document in the council's Local Plan, adopted in March 2011.

Following the adoption of the NPPF, local plans need to be revised to take the policies in the NPPF into account:

Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.

For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

As the Havant Borough Local Plan dates from 2005 paragraph 214 will apply. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The NPPF identifies that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

The NPPF requires decision makers to consider the balance between the benefits of proposals against any adverse impact taken as a whole and to bear in mind the presumption in favour of sustainable development.

Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The proposals in the previous application were supported by the HBC policy team who approved the principle of the proposed development in May 2012.



Planning Application Response of Planning Policy

Application No:	APP/12/00301
Address:	Land south of Mill Rythe Lane
Development:	Open boat storage
Case Officer:	Sally Smith
Comments by:	Lucy Howard
Date of Comments:	14 May 2012

Comments:

Promoting Havant Borough's Economy: The application site is adjacent to land safeguarded for marine related development under Saved Local Plan policy EMP9. The proposed change of use to open boat storage will complement the existing marine business offer at Hayling Yacht Company in line with policy CS2.7 of the Local Plan (Core Strategy). Marine businesses are an identified as a local business cluster with potential for growth in the Local Plan (Core Strategy).

Caring for our Borough: The application needs to comply with all the criteria set out in policy CS11 on protecting and enhancing the special environment and heritage of Havant Borough. The site is located in the Chichester Harbour AONB and therefore the application needs to comply with all aspects of policy CS12.

Spatial distribution: The site is located outside the urban area as defined in policy CS17 and is therefore strictly speaking contrary to Local Plan policy. However, the policy does state 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 28 of the National Planning Policy Framework (NPPF) supports the sustainable growth and expansion of all types of business and enterprise in rural areas. The change of use of this small piece of land for open boat storage is in line with this positive policy approach.

Principle of development: approve

C3 DEVELOPMENT IN THE COASTAL ZONE (saved policy i-iv) / DM9 Development in the Coastal Zone (core strategy policy 1-7)

The site lies within the Coastal Zone and in accordance with these policies the proposals will ensure that:

- infrastructure used for water-based recreation is retained;
- boatyards and marinas are retained;
- it contributes positively to the landscape and has regard to best practice on the design of new buildings in coastal locations; and
- public access is retained and/or provided to connect existing paths along the waterfront where appropriate.

1. The proposals will result in no harmful effects on nature conservation within the Chichester and Langstone Harbour SSSIs and SPA, Solent Maritime SAC and Ramsar site, or any SINC's and Local Nature Reserves.

2. Maintains and enhances the appearance and distinctiveness of existing settlements and landmarks along the coast.

The proposals will not result in any impact on existing settlements or landmarks along the coast.

3. Contributes positively to the landscape and has regard to best practice on the design of new buildings in coastal locations.

No new buildings are proposed, the proposals will not be seen in the wider landscape being well screened.

4. Upgrades existing footpaths and ensures that public access is retained and provided to connect existing paths along the waterfront where appropriate.

No change to existing footpaths.

5. Would result in improvements to or redistribution of moorings, marine berths or launch on demand facilities (dry berths) in the harbours.

The proposals will offer improved facilities to marine users of the harbours.

6. Would not be detrimental to infrastructure for, and quality of, water-based recreation, or be detrimental to the safety of navigation.

The proposals will improve infrastructure for water based recreation,

7. Provides recreational opportunities that do not adversely affect the character and appearance of the coast.

The proposals will not adversely affect the character or appearance of the coast and are related to recreational opportunities.

HBC identify the importance of the few sites such as the Mill Rythe industrial area, which have access to the water. Since the Council seeks to restrict development along the open coast, such sites are relatively scarce. It is therefore essential to make the best use of land by not permitting development for which access to the water is not required.

Proposals should not close off the possibility of access to the water unless this can be justified for nature conservation and/or landscape reasons.

The proposed boat storage will provide much needed additional storage space for an established and thriving business essential to the harbour based economy and infrastructure. This infrastructure is a key part of the national and international boating on The Solent and comprises a resource which should not be lost to housing or other development which does not require access to the water.

L1 CHICHESTER HARBOUR AREA OF OUTSTANDING NATURAL BEAUTY (AONB) (SAVED POLICIES) Policy CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB) (Core Strategy)

In accordance with this policy the proposals have carefully assessed the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.

The proposed marine storage is appropriate to the economic, social and environmental wellbeing of the area and is desirable for the understanding and enjoyment of the area. The proposals seek to conserve and enhance the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).

The proposals meet the policy aims of the Chichester Harbour AONB Management Plan and provides mitigation of any detrimental effects.

The site lies within the Chichester AONB but is not viewed from the Harbour and is screened by existing landscape and development. The proposals will not result in harm to the natural beauty of the landscape.

The proposed boat storage will provide additional and much needed marine related storage.

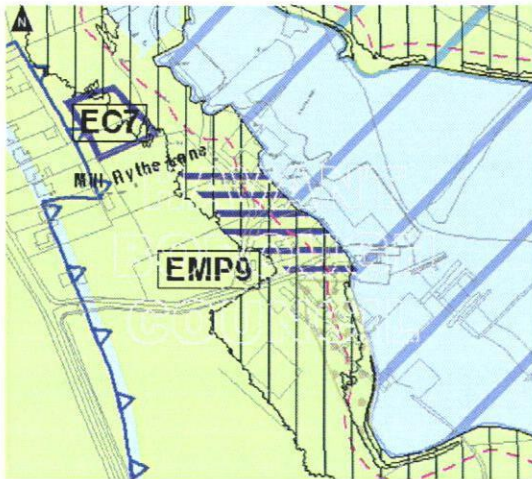
EMP9 MARINE RELATED DEVELOPMENT

The site is adjacent to the Marine Related Development Area and is surrounded by existing industrial development. The proposed use will be closely linked to the existing business within the Marine Related Development Area.

F1 TIDAL FLOODING / CS15

The site lies on the edge of the Tidal flooding area but outside the coastal erosion area.

Below is an extract from Havant Borough Council's Local Plan;



Access

- Approach; The site is accessed from Mill Rythe Lane, using well established connections.
- Parking; Within the boat storage yard spaces will be provided for cars and cycles in accordance with Havant Borough Council T9 and Hampshire County Council's parking standards. The provision and location of the parking spaces will vary, with the number and location of boats on site at any time.
- Entrances; A wide entrance and turning on site have been included to fit the needs of the proposed storage and the boat lifter.

Biodiversity

The site lies on previously developed land and has not been identified within an area designated for Nature Conservation. It is considered that the proposals would not prove detrimental to the biodiversity of the site.

Flood Risk Assessment

Below is an extract from the Environment Agency flood risk map for the site area:



A Flood Risk Assessment was prepared in 2003 for the development at the end of Mill Rythe that identified the extreme Harbour Water Levels as follows:

	Extreme Harbour Water Level m AOD		
Return Period	1997	2003	2053
MHWS	2.36		
1 year	2.8	2.836	3.136
5 year	3.08	3.116	3.416
10 year	3.15	3.186	3.486
50 year	3.28	3.316	3.616
200 year	3.45	3.486	3.786
1000yr (est.) (200 yr. + 0.400m)	3.85	3.886	4.186

As stated in the first flood risk assessment in 2003 "It must be noted that as the flooding is tidal it will be short-lived. The depth of water indicated above is the maximum depth and will only occur at the peak of the tide. In order for these extreme depths to occur it is necessary for a meteorological surge to coincide with an exceptional astronomical (spring) tide". The topographic survey identifies the heights of the existing ground level on site ranging from 3.57m AOD (Southern Corner) to 4.35m AOD (North East Corner) with Mill Rythe Lane between 4.01 to 4.16m AOD.

The proposed use of the site for storage

This Flood Risk assessment is for planning purposes only as does not guarantee that flooding will or will not take place.

Foul Sewerage and Utilities

Mill Rythe Lane is served by mains Gas, Water and Electric. Existing utility services will not be affected by the proposals.

Lighting Assessment

The areas of external security lighting will not be significant and all external lighting will be controlled by Light and Movement sensors to restrict usage to when needed.

The proposals are not in the vicinity of a residential property, listed building or liable to affect a conservation area or open countryside.

Noise Impact Assessment

The site is not located close to residential properties and the proposed use is already established at Mill Rythe. The site lies adjacent to an established car spares business.

Open Space Assessment

Not applicable

Planning Obligations

It is understood that contributions towards Transport infrastructure are unlikely to be required.

Statement of Community Involvement

Not applicable

Transport

No building floor area is proposed. The site is accessed from Mill Rythe Lane and served by existing well established industrial transport connections.

The site is not expected to have a significant effect or implication on the existing transport network. The applicants existing business at Mill Rythe is expected to reduce the need for travel outside the locality and improve local employment prospects.

During the summer months it is anticipated the majority of vehicle movements will take place at weekends.

The applicant estimates that a maximum of 10 boats would go in and out in per day.

Use of the site for Jet ski storage would not result in any additional traffic but would redirect existing traffic to Mill Rythe.

During the winter movement levels would reduce to in the region of around 10 per week.

Arboricultural Implications

The proposals do not affect and will not involve the loss of any existing trees.

Conclusion

The proposals will offer additional marine related boat storage for an existing established and thriving business which must continue to develop and meet its customer's needs and demands.

The proposed use is already well established at Mil Rythe and will not prove detrimental to the amenities or appearance of the site.

The applicant hopes that decision makers acknowledge that this area of land is of vital importance to the applicants as they have explored every other available option prior to making this application.

