

DELEGATED OFFICER REPORT

PROPOSAL	Provision of Fixed Container of 9 metre length, to replace present mobile cafe unit; with external freestanding toilet.
LOCATION:	Brontes Cafe, Havant Road, Hayling Island, PO11 0LP
REFERENCE NO:	APP/25/00937
APPLICANT:	Ms and Ms Sally-Anne and Gemma Walker and Alexanian
APPLICATION TYPE:	Full planning permission
CONSULTATION EXPIRY DATE:	06/01/2026
APPLICATION EXPIRY DATE:	07/01/2026
WARD:	Hayling West
SUMMARY RECOMMENDATION:	Refuse

1. Site Description

- 1.1 The application site is a grassed area located on the north-east coast of Hayling Island between the Hayling Billy Trail and Havant Road just to the south of the Langstone Bridge. The site can be accessed via the Hayling Billy Trail, which from the north provides pedestrian access only but widens immediately to the south of the site to form a small car park with vehicular access along a small section of the Billy Trail from Havant Road. There is a line of mature Pine trees to the south-east partially screening the site from Havant Road and two tree stumps within the site from recently felled trees. These have been replaced with saplings. The ground level rises towards the tree line and the Billy Trail.
- 1.2 The site is outside the defined urban area with little nearby development, the closest being a petrol station approximately 70m to the north-west on the opposite side of Havant Road. Langstone Harbour lies to the north and east with the Chichester Harbour National Landscape visible on the opposite side of Langstone Bridge. The site lies within Flood Zone 3.
- 1.3 Bronte's Café is currently operated out of a vintage horsebox at the northern end of the car park. The horsebox is fully mobile and does not operate during inclement weather.

2. Planning History

No relevant history.

3. Proposal

Provision of Fixed Container of 9 metre length, to replace present mobile cafe unit; with external freestanding toilet.

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Management Plan 2024-2025
Havant Borough Council and Chichester District Council Joint SPD – Chichester Harbour Area of Outstanding Natural Beauty

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 Erosion Risk
CS16	High Quality Design
DM5	Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
DM8	Conservation, Protection and Enhancement of Existing Natural Features
DM9	Development in the Coastal Zone
DM10	Pollution

Havant Borough Local Plan (Allocations) July 2014

AL1	Presumption in Favour of Sustainable Development
AL2	Urban Area Boundaries and Undeveloped Gaps between Settlements

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: N/A
Conservation Area: N/A

5. Statutory and Non Statutory Consultations

County Property Team

No comments received.

County Highways Team

Thank you for the consultation on the above application. The proposals fall on land that is subject to highway status and therefore the provision of a coffee pod in a permanent state cannot be supported. The area of land is subject to a number of highway assets and statutory undertakers' apparatus. Access to the land is therefore required unobstructed by permanent features in order for these assets to be maintained.

The Highway Authority would also not support the stopping up of this highway land due to the presence of the existing underground infrastructure and the requirements for access for maintenance of the Langstone bridge.

The Highway Authority therefore **raise an objection** to the application due to these implications and recommend that the application is refused due to the

impact on highway maintenance and therefore the safe and suitable operation of the highway. Should the application be approved the Highway Authority would not permit the development to be undertaken on highway land and would subsequently object to any stopping up order application.

Officer Comment

A certificate B was initially completed serving notice on Havant Borough Council only. Following the response from Highways identifying the land as being subject to highway status a further certificate B was completed.

Environmental Health

Thank you for consulting Environmental Health (pollution) regarding the above application.

It is noted that no commercial kitchen extraction system is proposed.

Environmental Health (pollution) has no objection to the proposals, the siting of the cafe is relatively remote to residential receptors and no adverse impacts are anticipated from the proposed use.

The following condition is recommended, as a precaution should external lighting be installed at the site.

External Lighting

No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect residents from light pollution.

It is expected that external lighting shall be designed and installed in accordance with ILP Guidance Note 1 for the reduction of obtrusive light, 2021.

Coastal Team

Thank you for consulting Coastal Partners on the above application. The site lies in the Environment Agency's Flood Zone 3 and is therefore considered to be at high risk (1 in 200 year / 0.5% annual probability) of experiencing an extreme tidal flood event. The applicant has provided a Flood Risk Statement. This comprises a single page and merely states that:

It is proposed that the Cafe Unit would -

- a) be of non-permanent nature to allow ready relocation;*
- b) be raised so floor is approx 0.30m above general ground level;*
- c) have any electrical outlets a minimum of 0.6m above floor.*

It must therefore be concluded that the risk to the site from tidal flooding has not been considered. Coastal Partners suggest that a site-specific FRA should be completed for this proposal, in line with national guidance, which states that a site-

specific Flood Risk Assessment (FRA) will be required for all proposals for new development located in Flood Zones 2 and 3. This should consider likely flood depths at the site, in metres above Ordnance Datum (mAOD) for the present and future climate change scenarios, calculated using UKCIP18 climate change allowances. Further guidance is available at: Flood risk assessments: applying for planning permission - GOV.UK.

For the avoidance of doubt, Coastal Partners note that

1. The proposed use is classed as 'less vulnerable' in Planning Guidance and that it is therefore not considered incompatible in principle with a location in flood zone 3. Coastal Partners acknowledge this and do not have an in principle objection to the proposed use in this location. However neither can the use automatically be considered appropriate without full consideration of the risks.

2. The applicant emphasises the 'non-permanent' nature of the proposal, and that this would allow 'ready relocation'. While this may be the case in terms of its medium or longer term future, the nature of the proposed structure does appear to be at least semi-permanent and would not be able to be removed from the site each time there is a flood warning. Making a full assessment of the tidal risk will not only help decision makers on this application, but will also allow the applicant to consider fully the likely implications of a flood event on the proposed unit. It will also allow full consideration of what resistance and resilience measures would be appropriate and effective.

Coastal Partners are also concerned that if flood depths are significant and the container and other structures are not effectively secured, that these could move in the event of a tidal flood event and damage flood defence or other infrastructure. The applicant should demonstrate through their FRA how this would be prevented.

End Note:

Coastal Partners makes comments only on flood risk in relation to tidal flood risk, and it is for the LPA to consider all other forms of flood risk as required by the NPPF and PPG, taking advice from any relevant consultees. Equally, it is for the LPA to satisfy themselves that any NPPF /PPG / local policy requirements for passing the sequential and exception tests have been met for all forms of flooding, including for tidal risk.

Arboriculturalist/Tree Officer

I believe this is highways land and would sit amongst a group of very important mature pines.

Chichester Harbour Conservancy

Thank you for consulting Chichester Harbour Conservancy on the above planning application. Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for conserving natural beauty within a National Landscape (formerly AONB). Further details are explained in the Appendix to this response.

Please note that the above case has been considered as a fully delegated decision by the Principal Planning Officer at Chichester Harbour Conservancy.

Chichester Harbour Conservancy's Response

OBJECTION ON THE FOLLOWING GROUNDS:-

The proposed building, due to its size and permanent nature, would be a visually intrusive and incongruous addition in an exposed location adjacent to the coastal footpath and clearly visible from Chichester Harbour National Landscape to the east and north-east. As such, it would fail to conserve and enhance the rural character and setting of the National Landscape as well as the rural character of the site itself, contrary to paragraph 189 of the National Planning Policy Framework, Policy CS12 of the Havant Core Strategy and Planning Principles PP01, PP04 and PP07 of the Chichester Harbour National Landscape Management Plan 2025-2030.

Reasoned Justification

This site is a small car park adjacent to the Hayling Billy trail / coastal footpath, surrounded by a grassed area and trees. The Chichester Harbour National Landscape boundary lies a very short distance to the east, incorporating the petrol station opposite the site and the land north of this on the east side of the Langstone Bridge. There are views towards the site from the Langstone Bridge and wider harbours on either side, and the site is viewed as a treed backdrop along a part of the shoreline with a relatively natural, undeveloped appearance except for the modest wall to the car park.

A mobile, transient refreshment unit has been operating in the car park; however, this application seeks to erect a much larger permanent building to replace the need for the mobile unit. The proposal would introduce a quite different visual impact, due to its larger size and its permanence, as well as the proposed surrounding structures including the ramped walkways, decking and toilet.

We feel that the proposed unit would introduce a visually intrusive development into an undeveloped part of the shoreline within the rural area directly adjacent to the National Landscape, which would detrimentally affect its setting. Views from the Langstone Bridge and nearby National Landscape would change from a natural treed setting with a transient, small mobile unit, to a much larger, permanent structure in this very exposed position directly adjacent to the coastal path and harbour. Given the above, it is considered that the proposal would harm the setting of the Chichester Harbour National Landscape as well as the natural, rural character of the site itself.

Ecologist

Thank you for consulting me on this application, which is not accompanied by any ecological information. The application site is in a highly sensitive location adjacent to the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Langstone Harbour Site of Special Scientific Interest (SSSI).

Whilst the concept of an improved refreshment facility in this general location is in my view fully understandable, there must be recognition of the potential impacts – direct and indirect - of new development on the adjacent sensitive habitats and the species they support. It is the responsibility of the applicant to provide sufficient information to demonstrate that these potential impacts have been addressed. I note the objection from the Chichester Harbour Conservancy based

on the impacts to the Chichester Harbour National Landscape and from Coastal Partners in relation to tidal flood risk.

The proposal will require mandatory Biodiversity Net Gain (BNG) unless an exemption can be demonstrated. The application form indicates that the applicant is claiming a de minimis exemption, based on a total area of 24m² being impacted. I am unclear if this is correct: the habitat present will certainly be either 'modified grassland' or 'other neutral grassland' and will therefore have a value greater than zero (though no information is provided). In terms of area impacted, this must include both direct impacts (loss) as well as other areas affected. The total area of the container, WC and decking clearly exceeds 25m². I would welcome further clarification.

NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Councillor Wilf Forrow

No comments received.

Councillor Paul Gray

No comments received.

Councillor Jonathan Hulls

No comments received.

6. Publicity and 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: 1

Number of site notices: 1

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice	First Site Notice Display	10/12/2025	06/01/2026	Is advertised in the public interest

Statutory advertisement: N/A

Number of representations received: 11

Comment
<p>This large structure becomes almost permanent in a car park that is too small for this. Side areas are already muddy & churned up. I was under the impression that this was a seasonal pitch & does it need such a permanent type structure.</p>
<p>I write in support of the application. It is an example of local residents bringing "Pride in Place" to an area and is therefore completely aligned with the Council's strategic objectives . The design is both sensitive and sympathetic to the special natural environment it adjoins. Further, the proposal is a real life example of the regeneration that this area deserves, following many years of neglect and decay (since it's Civic Award in the 90's). I am puzzled by HCC Highways negative comments as the structures are: movable (modular); use an existing car park/access (which is not being altered/expanded); and are proposed to compliment increased footfall from the new King Charles III Coastal Path - an outstanding new asset for Havant bringing free public access to the coast and associated wellbeing/health benefits - once again in line with HBC's stated strategic objectives.</p>
<p>This is an attractive spot with grass and established trees adjacent to the shore and a pleasant welcome to visitors as they cross the bridge onto the island. It is possible to park cars and admire the seascape across to the mainland.</p> <p>The existing coffee shop arrangement works very well, the converted horse box that is towed away at the end of business each day leaving the site free for use by others.</p> <p>The proposed structure is effectively a permanent structure, filling the car park whether open or closed, night and day. It will be a magnet for antisocial behaviour when unattended.</p> <p>I would support the pitching of a larger mobile facility if the existing one is too small in practical use, but not for something that is parked there all the time whether it is open or closed.</p>
<p>A 9m long container is far too big to accommodate in such a small car park. Placing a 9m long container into the site on the shores of the Chichester harbour SSSI (https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::sites-of-special-scientific-interest-england/explore?location=50.821373%2C-0.915377%2C13.00) will not be sympathetic to the environment. Placing a 9m long container into the site within a few metres of Chichester harbour area of outstanding natural beauty (https://naturalengland-defra.opendata.arcgis.com/datasets/areas-of-outstanding-natural-beauty-england/explore?location=50.831494%2C-0.976302%2C18.23) is not sympathetic to the local environment and against HBC policy.</p> <p>Placing a 9m long container into the site on the shores of the Chichester and Langstone Harbour RAMSAR site which is of international importance is not sending the right message for a council who polices say they care about the environment (https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::ramsar-</p>

england/explore?location=50.819435%2C-0.992146%2C13.02). Placing a 9m long container into the site on the shores of the Chichester and Langstone Harbour Special Protection Area (SPA) does not send the right environmental message especially juxtaposed with the council's environmental policy (<https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::special-protection-areas-england/explore?location=50.814738%2C-0.963771%2C10.85>)

The car park exists to service the need for parking for those actively participating in wellbeing activities along the Billy Trail. The council's Wellbeing policy will be seriously compromised by a 9m container in the car park and will reduce the car park capacity by around 50% and therefore cause a restriction on wellbeing participants

The council says (subject to its confirmation) that it intends to install a ticket machine and charge money to park here. Whilst the council's plans are fundamentally financially flawed and against the council's own policies - a 9m container on the site will reduce council income because of the car park real estate will be reduced by 50% making this a poor investment

A 9m container seems to me to be an increase in business size/throughput, currently operating in a 3m caravan. Larger business = more customers, more customers means more vehicle movements into the site and this will lead to increased congestion at busy times and also increased road traffic accidents

Toilets are not simply not necessary, local people have survived at this place without toilets for decades. The toilets at the north end of the bridge are on the existing footpath just a short distance away and are therefore sufficient

The site access will not accommodate a vehicle big enough to deliver a 9m container.

To summarise, It will be unsightly (an eyesore) for all of our visitors to Hayling Island and it will be fundamentally against all the environmental policies currently in the council's policy portfolio.

The current arrangement is easy on the eye, it certainly does not demonstrate "permanence" as a very large container will do. A container on this site is so wrong in so many respects as outlined, maintaining the status quo seems the best option. I oppose this proposal.

I object to this application based on: 1 - completely out of character to the surrounding area at this point 2 - this would be the first view of the island to the visitor and residents and a modular unit, or shipping container or whatever is used, along with a WC, will not be the most inviting vista 3 - The additional rubbish that would accumulate and no matter how hard the owner states they will clean up, there is always additional rubbish 4 - possible impeachment of the Billy trail which is already imposed upon for cyclists and walkers as customers of the portable cafe spread out monopolising the area already. 5 - it's an area of natural beauty which if this development is allowed, will impact this area and what wildlife there is.

I regularly cycle from Havant to Hayling Island and pass through the car park where the existing mobile cafe operates. I find it unbelievable that there is a proposal to site an ugly industrial container, effectively a permanent building, in an area of outstanding natural beauty. Industrial containers are for use on building or industrial sites, not in a setting overlooking Langstone Harbour.

The existing mobile cafe seems well subscribed, as does the mobile cafe at the end

of the recently resurfaced section of the Billy Line. There is no need for a monstrous eyesore to ruin the experience of numerous walkers and cyclists who use the route through that small car park.

I object to this application:

1. The car park where the proposed unit would be sited is already used to over-capacity; vehicles are often parked on the grass at the entrance to the car park.
2. The proposed unit's size would remove a significant amount of parking space.
3. Traffic is often queued on the A3023 waiting for a vehicle to be able to enter the car park – this situation will be worsened if parking space is more limited.
4. The staff required to operate the proposed catering facility would also probably need to park – a loss of more visitor spaces.
5. Vehicles already park in a 'random' manner in an attempt to maximise parking – causing potential hazards for pedestrians and cyclists as drivers manoeuvre in and out of spaces.
6. A structure of this size would 'stick-out like a sore thumb' and spoil the view as people travel on and off the Island.
7. If this application is approved, will all the other mobile refreshment providers on the Island also want permanent premises? And if so, would they obtain permission? And if not, would this be fair?
8. If permission is granted, I would suggest it is limited to one year at a time. This will give the Council the opportunity to revoke the permission and for the structure to be removed when the points once the appearance and hazards and appearance of the structure

We totally object to this ridiculous application.

There is ample food and drink available at the garage opposite.

The area is of outstanding natural beauty and will not benefit from a 9 metre container with several meters of decking!

What an eyesore!

We love our natural island scapes and must protect them.

Of great significance this area of grass adjacent to the carpark belongs to the Highway Dept and is used for Emergency Staff at times of accidents on the bridge or in the Havant Road as we have witnessed on several occasions.

Absolutely no need to offer more than the 'first intended' summer seasonal mobile offer!

I totally object this application. It is a disgusting application of greed.

This is a cherished harbour and for a fixed container and (toilet) just to make it sound great sat in the car park should not even be entertained.

The whole idea of these pitch's with the 3 situated along the billy trail is to not be fixed and what I would call pop up !

They will take valuable parking for people that want to enjoy the harbour rather than just go for a coffee. There will always be an increased level of litter like what's occurring already on the road side and once if granted would get worse. It would attract [Redacted] along the way.

The garage across the road is well stocked so no need for more fast food and to litter the harbour with waste packaging. It's bad enough that if you go and sit on the sea wall all you hear is their diesel generator going.

This business has been slowly crouching on the land bit by bit for their own financial gain.

What is up with what they got a van a pop up shelter if they want more [Redacted] get them to bid for a bigger pitch. Once again this was not intended for these pitch's

and should not be granted.
TOTALLY OBJECT

I strongly object to this proposal as this car park is very well used by walkers on the Billy Trail etc and a fixed cabin of this type plus toilet and decking would use too much of the site. Also traffic turning in /out when they find the site full with such a large structure would cause traffic chaos. Food and drink are readily available across the road at the petrol station so no need for any other such outlet selling coffee etc. The building itself would be an eyesore on what is the edge of an AONB site.

Wish to object to the above application as it is difficult enough to cycle through the car park at the moment, without additional developments.

And the whole point of a "pop up" cafe is that it is not there all the time. A semi-permanent building will intrude upon the beauty of the harbour 24/7.

Officer Comment

It is noted that the proposed unit would not be within the car park but would be set on land to the north.

Material planning considerations are addressed in Section 7.

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) Appropriateness of design and impact on the character of the Chichester Harbour National Landscape
- (iii) Impact upon residential amenity
- (iv) Impact on Highways safety
- (v) Flood risk
- (vi) Impact on ecology including the Langstone Harbour SSSI
- (vii) Impact on trees
- (viii) Biodiversity Net Gain

- (i) Principle of development

7.2 The application site is located outside the urban area, which on Hayling Island is classed as 'non-urban' land rather than undeveloped gap. Policy AL2 of the Havant Borough Core Strategy (2011) states that planning permission will be granted for development outside the urban area provided it either relates to small scale householder development, meets an overriding public need that cannot be accommodated elsewhere in the Borough, or meets the policies for exceptional development in 'rural areas' as set out in the NPPF. The NPPF (2024) advises in paragraphs 88 and 89 that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, provided the development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable.

7.3 The proposals are to replace the current mobile café with a fixed container, including decking around the south-west of the container to provide access and six secure cycle racks, and a separate toilet block. The proposals neither relate to householder development nor meet an overriding public need and have therefore been assessed against the criteria for exceptional development.

(ii) Appropriateness of design and impact on the character of the Chichester Harbour National Landscape

7.4 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 requires that new development responds to, draws inspiration from and respects local context and identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site. Policy CS11 of the HBLP (Core Strategy) seeks to protect and, where appropriate, enhance the borough's key landscape and built form principles as set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment (2007) Policy CS12 of the Core Strategy requires, amongst other matters, that development will conserve and enhance the special qualities of the Chichester Harbour National Landscape (formerly AONB).

7.5 The proposed drawings indicate a partially clad container structure raised up on posts with a rounded bay to the north-east end and an overflying roof. The container including the bay and cladding would be approximately 9.9m in length and 2.8m in width with a height of approximately 3m. This would be considerably larger in scale than the current mobile horse box. The proposed toilet block is shown as 'freestanding' to the south-east of the main container and would be 2.4m in length and 1.62m wide with a maximum height of 2.5m. The cladding would be a mixture of timber and white fibreglass (GRP), with the latter to the rounded bay end. The colour of the timber cladding is not defined and is shown as a natural colour on the proposed streetview but as a dark grey in the 3D image View A. The Havant Borough Council and Chichester District Council Joint SPD notes that, whilst natural timber cladding and muted tones are considered appropriate, very light colours and synthetic materials such as the white fibreglass cladding proposed do not blend well with the rural landscape. Given the relatively open nature of the surrounding area and the proposed location of the container, which is visible from Langstone and Chichester Harbours and from the Hayling Billy Trail as far back as the Langstone Bridge, the container is likely to appear overly prominent within the context of the site and is therefore considered to be unacceptable.

7.6 The proposed decking would cover some 18.8m² in area and would wrap around the south-west end of the container to form servery and entrance areas with access ramps. The decking would be a maximum 0.525m in height and as such would be relatively low lying, although based on the proposed site plan provided it appears to encroach on the Hayling Billy Trail which is a Public Right of Way. Provision of secure cycle racks is mentioned within the Design and Access Statement but none appear on the submitted drawings and therefore cannot be assessed.

7.7 Policy DM5 of the HBLP (Core Strategy) states that new development for food and drink establishments should include adequate provision for the disposal, storage and collection of refuse. No information has been given on the disposal of waste from the holding tank for the proposed toilet block or from the proposed café. Although no cooking facilities are shown, on the basis that a general seating area would be provided it is assumed that there would be some waste generated from food and packaging as well as wastewater. Provision of bins for refuse and recycling is mentioned within the application form but no further details have been provided.

7.8 Chichester Harbour Consultancy have been consulted with regards to potential impact on the Chichester Harbour National Landscape and have raised an objection on the grounds that the proposal would be a visually intrusive and incongruous addition in an exposed location, contrary to Policies CS12, DM9 and the Chichester Harbour Management Plan 2024-2025.

7.9 The design and appearance of the proposed development is deemed inappropriate in the context of the site, resulting in an adverse impact on the character and visual amenities of the wider locality. The proposed development does not meet the requirements of Policies CS11, CS12, CS16, and DM9 of the HBLP (Core Strategy) and is therefore considered to be unacceptable.

(iii) Impact upon residential amenity

7.10 There are no immediately adjacent residential properties, with the nearest dwelling being located approximately 140m to the south. As such residential impact is considered to be negligible in this instance.

7.11 Consequently, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy 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 of the HBLP (Core Strategy).

(iv) Impact on parking and Highways safety

7.12 The adjacent car park is public and is therefore available for use by visitors to the local area as well as customers of Bronte's Café. The current café opens Wednesday to Sunday between the hours of 08:30 and 15:00. The proposed hours are Monday to Sunday 07:30 to 17:00. Whilst the Havant Borough Council Parking SPD (2016) does not include a minimum standard for Class E uses (formerly Class A3), no information has been provided on potential traffic implications from the extended opening hours and it is noted that the existing car park is small and has very constrained access and manoeuvring space. Secure cycle racks are mentioned within the Design and Access Statement but no details as to the size and location of these have been provided.

7.13 The Highway Authority have commented that the site is on land subject to highway status which requires unobstructed access to highway assets and statutory undertakers' apparatus at all times for maintenance purposes and the safe operation of the highway. Whilst a suitable certificate B has been provided by the agent, the Highway Authority objects on the grounds that the proposal would compromise highway safety and would therefore be contrary to Paragraph 116 of the NPPF (2024).

(v) Flood risk

7.14 The site is within Flood Zone 3. The Council's Flood Risk Sequential Test & Exception Test Guidance for Applicants & Planning Officers (January 2026) states that Havant Borough Council will exclude non-permanent non-residential development (e.g. storage containers, kiosks etc) from requiring a sequential test. As such, a sequential test is not required.

7.15 Coastal Partners were consulted and requested a site-specific Flood Risk Assessment, in line with national guidance and Policy CS15 of the of the HBLP (Core Strategy). It was noted that the Flood Risk Statement provided states that the proposal would be non-permanent and could be relocated but does not explain how this would be achieved or investigate the potential risks of the development moving during a flood event, which

would also have contamination implications from the toilet block holding tank contrary to Policy DM10. As such it has not been adequately demonstrated that the proposals would meet the criteria for Policy CS15.

(vi) Impact to trees

- 7.16 The Council's Arboriculturist has provided comments raising concerns over the proximity of the proposal to a group of valuable mature pines. The proposals would also be within 2m of two recently planted saplings and no impact or method statement has been provided indicating how these would be protected. As such it is not possible to assess the impact of the proposals on nearby trees and the requirements of Policies CS11 and DM8 of the HBLP (Core Strategy) have not been met.

(vii) Impact on local ecology including the Langstone Harbour SSSI

- 7.17 The Council's Principal Ecologist was consulted and has raised concerns that, considering the sensitive nature of the site, no ecological appraisal has been undertaken. The site is adjacent to the Solent Maritime Special Area of Conservation (SAC) as well as Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Langstone Harbour Site of Special Scientific Interest (SSSI). Policy DM9 of the HBLP (Core Strategy) requires that new development has 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. No evidence has been given that ecological concerns have been considered. As such it is not possible to assess if the requirements of Policies CS11 and DM9 have been met.

(viii) Biodiversity Net Gain

- 7.18 The total floor area of the container, toilet, and decking combined would equal approximately 49.6m² and, although it is noted that the container would be raised above ground level on posts, it is likely that the development would still have an impact on the existing grassland. No information has been provided on the capacity of the proposed underground holding tank and no information on the size and location of bin and bike stores has been given. The Council's Principal Ecologist requested further clarification but none has been forthcoming.

8 Conclusions

- 8.1 The proposal would appear incongruous and visually intrusive in the wider context of the local area and would fail to conserve and enhance the landscape and scenic beauty of the Chichester Harbour National Landscape. The proposal would result in harm to highway safety by restricting access for maintenance of highway infrastructure. Insufficient information has been submitted to demonstrate that the proposal would not likely have a significant effect on the Solent European Sites. Insufficient information has been submitted with regards to how the container would be removed from site or secured during a flooding event. As such it has not been demonstrated that the proposal would be safe for its lifetime and would not result in an increase in flood risk elsewhere. Furthermore, it has not been demonstrated that nearby trees would be safeguarded nor would waste be appropriately managed. On this basis it is recommended for refusal. It is noted that the agent and applicants were contacted regarding concerns raised by consultees and declined to offer further information.
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9. RECOMMENDATION:

That the Development Manager be authorised to REFUSE PERMISSION for application APP/25/00937 for the following reasons:

Reason:

- 1 The proposed development would by reason of its design and siting appear incongruous and visually intrusive in the wider context of the local area and would fail to conserve and enhance the landscape and scenic beauty of the Chichester Harbour National Landscape. As such the development would be contrary to Policies CS11, CS12, CS16, and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Design Guide SPD 2011, Chichester Harbour Management Plan 2024-2025, Havant Borough Council and Chichester District Council Joint SPD – Chichester Harbour Area of Outstanding Natural Beauty, and the National Planning Policy framework.
- 2 The proposal would be on land that is subject to highway status and therefore the siting of a container would result in loss of access for the maintenance of existing underground infrastructure and the Langstone bridge. The proposal would therefore result in harm to highway safety and would be contrary to Paragraph 116 of the National Planning Policy Framework.
- 3 Insufficient information has been submitted to determine the impacts on the adjacent Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and the Langstone Harbour Site of Special Scientific Interest (SSSI). In the absence of a Habitats Regulations Assessment and appropriate mitigation measures, it cannot be determined whether the development would likely have a significant effect on the Solent European Sites. The proposal would be contrary to Policies CS11 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.
- 4 Insufficient evidence has been provided to demonstrate that the proposed development would not result in a harmful impact to nearby trees, which contribute to the visual amenity of the area. Furthermore, no details of waste management have been provided to ensure that there would be no adverse impact on visual amenity and ensure that pollution would be prevented. As such the development would be contrary to Policies CS11, DM5, DM8, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy framework.
- 5 Insufficient information has been submitted with regards to how the container would be removed from site or secured during a flooding event. As such it has not been demonstrated that the proposal would be safe for its lifetime and would not result in an increase in flood risk elsewhere. Furthermore, it has not been demonstrated that there would be no contamination impacts during a flooding event from the toilet block holding tank. The proposal is therefore contrary to Policies DM10 and CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Informatives:

- 1 In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit,

Your application is considered unacceptable for the reasons set out in this Decision Notice.