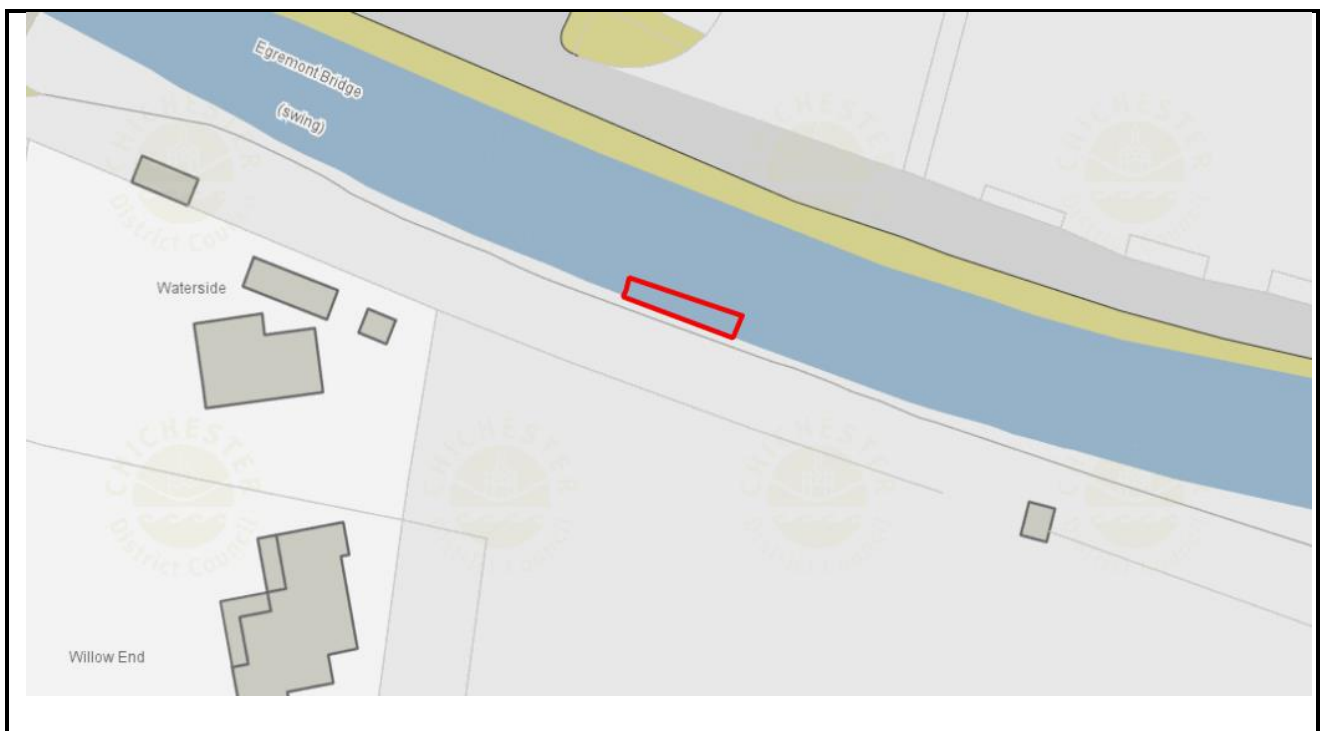



Parish: Birdham	Ward: The Witterings
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BI/20/02899/FUL

Proposal	Installation of a replacement houseboat at Berth No. 16 of Chichester Canal.		
Site	Houseboat Water Gypsy Chichester Marina Birdham Chichester West Sussex PO20 7EJ		
Map Ref	(E) 482973 (N) 101018		
Applicant	Premier Marinas Ltd	Agent	Mr James Dodds

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site lies on the Chichester Canal, to the southern side of Chichester Marina. The site lies approximately 0.8km to the north-east of Birdham. The application site relates to houseboat number 16 (known as Houseboat Water Gypsy) which is one of thirty houseboat sites that occupies this stretch of the Chichester Canal. The site is situated within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and outside of any settlement boundaries.
- 2.2 The site is situated in a prominent location due to its location close to a footbridge to the west, whilst a public footpath runs parallel to the houseboat, on the northern bank of the canal. To the north of the site, beyond the canal and public footpath, lie a number of commercial units serving Chichester Boatyard. South of the site are a line of mature trees that separate the site from the arable farmland beyond. The houseboat is flanked by neighbouring houseboats to the east and west.
- 2.3 The existing houseboats within the canal vary in respect of their design, scale and appearance. Examples include single and two storey boathouses which predominantly comprise floating platforms with a structure above. The form of each houseboat is however individual and there are examples of both traditional and contemporary structures within the immediate locality.

3.0 The Proposal

- 3.1 This application seeks planning permission for the installation of a replacement houseboat at Berth No. 16 of Chichester Canal.
- 3.2 The proposed houseboat would comprise a floating platform with residential accommodation above. The proposed houseboat would have a length of approximately 14.050 metres, a depth of approximately 4.345 metres and a height of approximately 3.77 metres.

4.0 History

13/00993/FUL

PER

Replacement houseboat.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Countryside	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Birdham Parish Council objects to this application on the grounds of the design and the scale being inappropriate and not in keeping with the surrounding area and the AONB, and it does not resemble a boat. It does not in any way enhance the AONB.

6.2 Natural England

Summary of comments received 14th January 2021:

Habitats Regulations Assessment - waste water impacts on Solent European sites

Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria.

If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving site and the following advice is relevant.

6.3 Chichester Harbour Conservancy

Summary of comments received 7th January 2021:

Chichester Harbour Conservancy Recommendation : NO OBJECTION

Suggested considerations -

- The external construction materials for the houseboat shall be treated in a muted / subdued colour treatment to blend in with the landscape (no pale or light colour finish) and be designed to weather evenly so as to be unobtrusive in this rural location
- The external appearance of the houseboat shall be maintained to a standard to ensure the approved visual condition is retained for the duration of the development as berthed in this location
- Any and all outbuildings on the bank associated with the houseboat berth shall only be used and shall remain ancillary to the domestic use of the houseboat
- The installation of the houseboat to the mooring should take place outside the bird breeding season.

6.4 CDC Environmental Strategy

Bats

If any works need to take place to the willow tree on site further survey work for bats will be required.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Reptiles

We are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the building and / or tree within the garden of the property.

6.5 Third party objection comments

None received

7.0 **Planning Policy**

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Birdham Neighbourhood Plan was made on the 19th July 2016 and forms part of the Development Plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 44: Development around the Coast

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 53: District Canals

Birdham Neighbourhood Plan

Policy 3: Habitat Sites
Policy 5: Light Pollution
Policy 6: Biodiversity
Policy 9: Traffic Impacts
Policy 10: Footpaths and Cycle Paths
Policy 12: Housing Development
Policy 15: Rural Area Policy
Policy 16: Housing Density and Design
Policy 18: Flood Risk Assessment

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. 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.*
- 7.5 Consideration should also be given to the following paragraph and sections: Sections 4 (Decision-making), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following documents are material to the determination of this planning application:

Chichester Harbour AONB Joint SPD (May 2017)
CHC Chichester Harbour AONB Management Plan (2014-2029)
The Chichester Harbour Planning Principles (Management Plan version April 2019)

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character and appearance of the surrounding area and Chichester Harbour AONB
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological considerations
- v. Sustainability
- vi. Other matters

i. Principle of development

8.2 The application site lies outside any defined settlement boundary, within the countryside, whereby new dwellings are not normally permitted; in accordance with Local Plan Policies 1, 2 and 45. It is notable however that the application seeks permission for a replacement houseboat. The lawful positioning of a houseboat in this location is established under LPA ref. 99/02546/ELD. Therefore the proposal would be acceptable in principle, subject to an assessment of material planning considerations.

ii. Design and impact upon character and appearance of the surrounding area and Chichester Harbour AONB

8.3 The primary policy consideration is Policy 43 of the Chichester Local Plan which requires, amongst other considerations, that the natural beauty and locally distinctive features of the AONB are conserved and enhanced.

8.4 The proposal comprises a rectangular houseboat simple in its appearance and detailing which result in a contemporary design. It is not uncommon to find rectangular flat roofed houseboats along this part of the canal, including some spread over two floors. It is notable that the scale of the houseboat would be commensurate with the scale of other houseboats along this stretch of the canal. There are also other example of houseboats that are modern in their design and appearance.

8.5 The proposal responds to the context of the site and its surroundings; the design would reflect elements of the houseboats close by, with the use of cedar cladding appropriate given the presence of timber cladding to both houseboats and other commercial building within the locality. The proposed cedar cladding would also soften the appearance of the houseboat; minimising the perceived bulk and mass. It is considered that the proposed houseboat would sit comfortably within the eclectic mix of houseboats, and it would not appear incongruous within its setting, nor would it detract from the visual amenity and scenic beauty of the surrounding area.

8.6 It is therefore considered that the proposal constitutes a high quality design that respects and responds to its context and therefore the proposal accords with national and local policies in this respect.

iii. Impact upon the amenity of neighbouring properties

8.7 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.8 The proposal would retain a separation distance of approximately 8.4 metres to the neighbouring houseboat to the west and a separation distance of approximately 5.4 metres to the neighbouring houseboat to the east. It is notable that houseboats are characterised by their close knit relationship and it is considered that the proposed separation distances in this instance would be appropriate. The larger separation distance to the houseboat closest to the proposed terrace area would be sufficient to prevent unacceptable loss of privacy from this arrangement.

8.9 It is considered that due to its siting and design the proposal would not have any adverse impacts, particularly given the open character of the locality and the natural overlooking and surveillance that occurs as a result of the public footpath running alongside the canal. It is also considered that the proposed replacement houseboat would not result in any material change in noise and disturbance given there is an established and lawful use of the mooring for a houseboat, and therefore the proposal would not be unacceptable in this respect.

8.10 Subject to a condition to ensure that the roof would not be used as a terrace it is considered that the amenities of the neighbouring properties would be safeguarded in accordance with national and local planning policies.

iv. Ecological considerations

8.11 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced. Policy 3 of the Birdham Neighbourhood Plan requires, amongst other considerations, development must avoid harming existing ecological assets.

8.12 The banks of the canal and the surrounding vegetation provide potential habitats for a range of protected species, including reptiles, water voles and hedgehogs, bats and birds. The developer has submitted an ecological impact assessment for the proposed works, which indicates that the impact of the works upon ecology can be suitably managed and conditions are recommended to ensure that the mitigation proposed takes place. The Council's Environmental Strategy Officer has confirmed, subject to a condition controlling the timing of works clear any vegetation to facilitate the mooring of the houseboat on the application site, that the proposal would be acceptable in respect of ecological considerations. Ecological enhancements are required in line with policy, and a condition is recommended to secure the provision of a hedgehog nesting box, bird box and bat roosting box. Conditions are also recommended to ensure that the development is undertaken in accordance with the water vole mitigation strategy and to prevent any external lighting that may affect wildlife.

8.13 The proposal is therefore considered to comply with Policy 49 of the Chichester Local Plan.

v. Sustainability

8.14 Policy 40 of the Chichester Local Plan sets out a ten point criteria in relation to sustainable design and construction.

8.15 The developer has advised that the existing houseboat on the site (approved under LPA ref. 13/00993/FUL) has reached the end of its usable life. A specification for the proposed replacement houseboat has been provided which incorporates measures such as high levels of insulation and low E thermal glazing. It is notable that the thermal performance of the glazing would be approximately 30% more efficient than that required under current building regulations legislation.

8.16 It is considered that the sustainable design measures proposed would commensurate with the scale of development and would accord with the provisions of Policy 40 of the Local Plan.

vi. Other matters

- 8.17 The Design and Access Statement advises that each berth holder is allocated access to the berth holders parking areas to the north of the canal. It is not considered that the continuation of this arrangement would result in issues of highway safety or amenity.
- 8.18 The consultation response received from Natural England advises that 'Proposals that comprise new development with overnight accommodation will have waste water implications.' The proposal comprises a replacement houseboat and therefore there would not be any net increase in residential development that would result in issues of waste water quality. Accordingly, this is not a consideration for this application.
- 8.19 Chichester Harbour Conservancy has offered no objection to the proposal however a number of suggested conditions have been proposed. Two suggested conditions relate to the external appearance of the houseboat and officers recommend a condition to ensure development is undertaken in accordance with the Houseboat Technical Specification provided. It is not considered necessary to control the stationing of outbuildings on the bank as these would be situated outside of the application site and would require a separate grant of planning permission. It is not considered to be necessary to restrict the mooring of the houseboat on the canal to outside of the bird breeding season and instead a planning condition requiring the development to be undertaken in accordance with the recommendations of the submitted ecological impact assessment would be sufficient.
- 8.20 Following clarification from the planning agent (email dated 1st March 2021) and the provision of an amended plan (01 Rev A), it is no longer proposed to undertake any works to the willow tree situated to the southern bank of the canal.

Conclusion

- 8.21 Based on the above it is considered that the replacement houseboat would be a suitable addition to the canal that would not have a detrimental impact upon the natural beauty of the Chichester Harbour AONB, whilst also incorporating sustainable design measures and providing ecological enhancement to the area. The proposal therefore complies with development plan policies 1,2,6,33,39,40,42,43,44,45,48,49 and 53 of the Chichester Local Plan and policies 3,5,6,9,10,12,15,16 and 18 of the Birdham Neighbourhood Plan. Accordingly, the application is recommended for approval.

Human Rights

- 8.22 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The development hereby permitted shall not be first occupied unless and until the following ecological enhancements have been provided:

- i. 1 no. bat box shall be installed to a tree to the southern bank of the canal positioned 3-5 metres above ground level,
- ii. 1 no. hedgehog nesting box shall be installed to the land south of the canal, and
- iii. 1 no. bird nesting box shall be installed to a tree located to the southern side of the canal.

Once installed the bird box, bat box and hedgehog box shall thereafter be retained in perpetuity.

Reason: To enhance biodiversity on the site.

4) Notwithstanding any indication on the approved plans, the houseboat hereby permitted shall be constructed strictly in accordance with the submitted Houseboat Specification (received 12/03/2021), and thereafter maintained as approved in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the Chichester Harbour AONB

5) Notwithstanding any indication on the approved plans, the houseboat hereby permitted shall be constructed strictly in accordance with the submitted Houseboat Specification (received 12/03/2021). The glazing hereby approved shall achieve U-Values of no greater than 1.1 w/m²K. Thereafter the glazing shall be maintained as approved in perpetuity and should at any time replacement glazing be required, any replacement glazing shall achieve U-Values of no greater than 1.1 w/m²K unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable construction and design

6) The development shall be carried out in strict accordance with the mitigation and enhancement measures outlined within Appendix 6 of the submitted Ecological Impact Assessment (dated November 2020) compiled by GE Consulting Services (UK) Ltd.

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

7) Notwithstanding any indication on the approved plans and documents, no demolition of any brush pile, compost or debris pile shall be undertaken on site within the hedgehog hibernation period comprising mid-October to mid-March inclusive. Outside of this period, the piles must undergo soft demolition.

Reason: To maintain the hedgehog population which is identified as being present locally.

8) Notwithstanding any indication on the approved plans or documents, any works to trees or vegetation clearance shall only be undertaken within the bird breeding season (1st-March-1st October inclusive) if an ecologist has performed a site check prior to any works taking place (within 24 hours of any work). If vegetation clearance is required, it shall be undertaken in a sensitive manner with suitable care taken to check for any reptiles present, and using a two-phased cut.

Reason: To ensure that the ecological value of the site is maintained

9) Notwithstanding any indication on the approved plans and documents, water usage shall not exceed 110 litres per person per day unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sustainable water usage for the lifetime of the development

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

11) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the roof area of the houseboat hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Site location plan - houseboat berth 16	29-3661-101 REV P2		10.12.2020	Approved
PLAN -	002		16.12.2020	Approved
PLAN -	01	REV A	01.03.2021	Approved
MATERI - Materials PLAN -	Specification		12.03.2021	Approved
PLAN	21-3688-601	P1	16.03/2021	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJML3KERIIM00>