

Planning Policy
Chichester District Council,
East Pallant House,
Chichester,
West Sussex
PO19 1TY

5th February 2019

By Email

Dear Sir/Madam

CHICHESTER LOCAL PLAN REVIEW 2035 – PREFERRED APPROACH CONSULTATION

CBRE Limited ('CBRE' hereafter) acts as planning advisors to Premier Marinas Limited ('Premier' hereafter) with respect to their land interests at Chichester Marina. Premier owns and manages a portfolio of nine operational marinas and boatyards. Premier is owned by the Wellcome Trust, a global charitable foundation that exists to improve health for everyone. All Premiers' profits are either re-invested or are applied to support the work of the Wellcome Trust. Wellcome has a diverse investment portfolio and takes a long-term approach to investment, as a result of which it aims to spend around £1 billion a year supporting scientists and researchers in biomedicine, the humanities and the social sciences, and public engagement and education in these fields.

With over 5,000 coastal marina berths, 9 boatyard operations and 480,000 sqft of waterside commercial property, Premier has a unique insight into the UK's leisure boating market. Premier is a long term owner of and investor in its sites.

CBRE is instructed by Premier to submit representations to Chichester District Council's Local Plan Review 'Preferred Approach' Draft Plan.

I set out for context, a brief description of Premier's site at Chichester Marina and the associated planning policy and environmental considerations. Comments in respect of specific policies are then set out below. These representations are submitted in advance of the consultation deadline of 7th February 2019.

Site Description

Chichester Marina, which predominantly comprises a large locked marina with a fully serviced boatyard and associated facilities, including two hoists, slipway, chandlery and marine services, berth holder facilities, residential and commercial development. The site has 19 residential units and a community of 31 residential houseboats along the Chichester Canal adjacent to the Marina, which is also under the long leasehold ownership of Premier Marinas.

Chichester Marina is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). It is also located adjacent, or in close proximity, to a number of sites of nature conservation importance which are subject to a strong level of environmental protection under European, national and local legislation and planning policy. These include (inter alia) the Chichester Harbour Ramsar Site, a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and a Special Area of Conservation (SAC).

Premier Marinas' Role

The plan is clear in setting out the support for the contribution that marine businesses make to the local economy.

As the owner and operator of Chichester Marina, Premier is a key economic stakeholder in the Chichester Harbour. The site employs 21 staff directly and supports 20 businesses and a Yacht Club, together employing some 80 staff. Research undertaken by British Marine (Economic Benefits of Coastal Marinas) suggests that every job in the core coastal marina sector supports a further 12 jobs in the local economy, suggesting that some 250 jobs are supported by Chichester Marina.

Chichester Marina provides berthing and boatyard services to both recreational boaters and the commercial businesses that support recreational boating. Premier sees boatyard operations as critical to the long term success of the marine economy and is the only UK marina group with an operational boatyard at every site. In addition to berthing and boatyard services, the site also provides commercial property to tenants, most of whom (but not all) provide essential complimentary services from boat maintenance and repair to food and beverage.

The plan identifies that leisure and tourism contributes importantly to the local economy. This is particularly important to Chichester Marina which, as a consequence of its unique location, attracts a large number of day visitors who come to walk, cycle, park, picnic or enjoy the food and beverage facilities offered. The site has more recently started to attract overnight visitors who stay at the marinas "Salterns" short-break apartments. Demand for sustainable tourism and leisure in waterside locations is growing and can contribute significantly to supporting the diversified marine economy. The plan rightly acknowledges the need to increase resilience with 'diverse sources of income' and this is reflected in Premier's strategy. Diversification towards sustainable tourism and leisure, where demand is growing, is considered by Premier to be critical to the future of a marine sector which is experiencing declining boat ownership and therefore demand.

DRAFT PLAN POLICIES

General Comments

Chichester Marina is a site benefiting both boat owners and the wider community. The "Boathouse" café is very popular and a key component of the sites sense of place and 'hub' of the surrounding rural community. The site is a popular walking and leisure location, supported by Premier's on-site car parking and footpath management.

Through this management of footpaths and public car parking within the site, Premier supports recreational access to the countryside for pedestrians. Premier would support engagement regarding better integration of the various pedestrian and cycle paths in the area, as part of enhancing the overall contribution of the site to the harbour.

Premier is also keen to encourage suitable small-scale leisure uses of land within its ownership for increasing the opportunity for access to the countryside and the water for visitors and tourism, including appropriately scaled accommodation and ancillary supporting development.

Given the area covered by the Plan includes significant coastline and areas of water, it is proposed that the policy approach should also recognise the contribution that access to water has for health and wellbeing, including:

- Leisure boating;
- Watersports;
- Enjoyment of waterside location.

The benefits offered by access to the water and waterfront as well as the wider countryside, are material and should be encouraged as part of this plan.

Policy S2: Settlement Hierarchy

As set out above, Chichester Marina has an existing thriving residential community, economic community and leisure/tourism visitors which all meet to generate a genuinely mixed, balanced and sustainable community around the marina and canal.

As such, Premier believes that Chichester Marina should be considered as being part of Birdham service village, or its own service village, in recognition of the 50 residential dwellings comprising 31 houseboats and 1,750 sq m of floorspace at the site.

The opportunity to provide sustainable residential development on the site is important to the long term future of Chichester Marina and to the community. It is important in policy terms, that the marina is able to provide suitable further sustainable development, considering the strategic housing and economic needs of the Plan. Residential use also contributes significantly to the overall diversity and sustainability of the marinas economy. Simply restricting development to local needs is unlikely to ensure the long-term strategic growth that the Marina is capable of contributing towards the Plan.

Policy S3: Development Strategy

The policy makes provision for non-strategic growth beyond the site allocation identified, including small-scale employment, tourism or leisure proposals. We would propose that the wording 'small-scale' is not effective as it is not specific, and therefore propose that the policy is reworded accordingly:

*b. Local community facilities, including village shops, that meet identified needs **both** within the village, neighbouring villages and surrounding smaller communities, **and also the wider needs of the District in relation to the strategic aims of the Plan**, and will help make the settlement more self-sufficient in the immediate and long-term; and*

*c. ~~Small-scale~~ employment, tourism or leisure proposals **related to sustaining and enhancing existing sites and communities.***

It should be recognised that whilst clearly the majority of major development will be directed towards main settlement hubs, that the unique characteristics of the District should be considered in terms of offering further specific development opportunities to sustain the economic viability and housing capacity required.

The Plan sets out a requirement to consider in the next review, the allocation of a strategic new settlement, in order to meet housing need. As such, development which is sustainable and capable of contributing towards development needs in the shorter term should be considered favourably.

Policy S24: Countryside

The response to this policy is related to the above comments regarding policy S2, namely, that Chichester Marina should be considered within a settlement boundary and not as 'countryside'. The site is not open countryside, it has a long established residential and working population, a unique leisure and tourism offer, is host to a range of businesses and one of the UK's most successful yacht clubs.

The site is developed, with over 5,000 sq m of commercial and leisure floorspace, and 1,100 berths. Therefore, this is not a typical 'rural' countryside setting.

The permitting of development only where it relates to requiring a countryside location or meeting local need is simply too narrow. It does not recognise the historic or current contribution of these sites outside of settlements to jobs and homes of the District. Furthermore, it does not consider the potential for these sites to provide enhanced economic prospects, leisure and tourism opportunities and in meeting housing needs.

Accordingly, the policy should be amended as follows:

1. *It conserves and, where possible, enhances the key features ~~and qualities of the rural and landscape character of the countryside~~ **site's context and setting within the countryside;***
2. *It is of an appropriate scale, siting and design that is unlikely to cause unacceptable harm to the appearance of the countryside ~~and existing site and locational context;~~ ~~and~~*
- 3. It contributes towards the fulfilment of the development needs of the District in an appropriate manner.**
- ~~3. It requires a countryside location or meets an essential local need, as provided for in Policies DM21 and DM22~~

The landscape character of the District is protected and secured by other policies in this plan relating to designated land.

Policy S25: The Coast

Premier is pleased to see a recognition within the Plan for support for leisure and recreational use and water-based activities in the coastal areas, and marine employment uses.

Since the recession of 2008, the UK leisure marine industry has seen a significant fall in the UK boat population, the driver of demand for marina berths and their associated facilities. The consequence of this is that most marinas increasingly see marina occupancy declining and this reduces the demand for the supporting marina trades on site. Recovery is unlikely as demographics and changing consumer behaviour mean that the proportion of the population owning a boat will decline. Marina operators and marine businesses are required to strategize, diversify and invest in order to develop sustainable business models for a different future.

It is therefore essential that a policy approach considers the wider range of uses suitable for coastal locations in order to maintain, as the policy states, such sites as 'an important recreational, economic and environmental resource.'

Development Management Policies

Policy DM9: Existing Employment Sites

Premier understands and supports the need to protect employment land for the wider viability and economic success of the district. Indeed the objectives of maintaining "a flexible supply of employment land and premises" and the retention of "suitable employment sites and encouraging their refurbishment, upgrading and intensification to meet modern business needs" are supported by Premier. Premier is also supportive of the policy supporting text which notes that: "There may be other occasions where part of an employment area is located in an area which could accommodate leisure or community use". Diversification for leisure uses is particularly relevant to waterside locations, as set out above in respect of the policy approach at S25 relating to suitable development at the Coastal area.

However, the following paragraph (7.59) is at odds with this:

'Given the limited opportunities for employment uses with direct access to the coast, and reflecting the Chichester Harbour Conservancy Management Plan's planning principles, particular scrutiny will be given to the marketing evidence for marine related employment sites with the aim of preserving these uses.'

The Chichester Harbour Conservancy Management Plan is not a statutory Development Plan Document, and nor is it considered to be a robust policy approach. Indeed, Premier made representations to a number of elements in this Plan through the consultation period (see appended to these representations). Fundamentally,

this plan should not be cross-referenced as it is not in compliance with national policy, and therefore is not a sound policy basis.

The definition of 'marine-related employment sites' could be interpreted so as to prevent the flexibility that is promoted by much of the supporting text to Policy DM9 and which is required in a changing marine industry. Interpreted too narrowly, this paragraph will have the opposite effect to that intended. Lengthy marketing periods risk leaving a property empty and creating no employment when a change of use would create employment and further economic benefits.

Paragraph 7.59 should recognise the relevance of complimentary uses which support the economic viability of marinas. These include not only leisure and tourism and but also other uses to be able to 'accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances' as per paragraph 81 of the NPPF.

The NPPF requires that 'Planning policies and decisions should recognise and address the specific locational requirements of different sectors' (paragraph 82). Chichester Marina can also be argued to form part of the rural economy, and the NPPF supports 'the development of and diversification of... land-based rural businesses... sustainable rural tourism and leisure developments which respect the character of the countryside.' (paragraph 83)

The policy supporting text wording for paragraph 7.59 should therefore be amended to 'marine related and supporting and ancillary uses' in recognition of this, and in accordance with the NPPF, Policy S25 and paragraph 7.57 of the plan.

Dealing with the Policy text, Premier considers that it is only appropriate for changes from employment to residential use to require demonstration that properties are no longer suitable for employment uses. Changes of use which retain or enhance employment should be encouraged as this will provide employment sites with the flexibility they require to respond to market changes and prevent loss of employment.

The policy should therefore be amended accordingly:

Existing employment sites will be retained to safeguard their contribution to the local economy.

Changes of use which retain or increase employment will be supported. Planning permission will be granted for ~~alternative uses~~ **residential uses** on land or floorspace currently or previously in employment generating uses where the following criteria are met:

1. It has been demonstrated **based on reasonable evidence (which could include marketing evidence, occupier evidence or site specific conditions)** (~~in terms of the evidence requirements accompanying this policy~~) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses to meet future demand; or
2. There is an overriding community, **tourism** or leisure benefit from the proposed alternative use which cannot be met elsewhere and that the use does not prejudice the operation of and market attractiveness of the wider employment area; or
3. For B1(a) uses that the sequential test set out in national policy has been met.

Appendix C

As set out above, the requirements of Appendix C should only apply for applications to change from employment uses to residential use. To do otherwise risks reducing employment retention and creation.

If Appendix C is to apply to any change of use it is considered that it is far too onerous and applies unrealistic and disproportionate requirements to securing the most economic viable use.

This policy does not:

1. Recognise the significant impact on viability that such a long void period may have with business rates on empty property being payable after between 3 and 6 months;
2. Provide sufficient flexibility to allow marine businesses to plan for and manage change. The marine industry experiencing profound change not only in the demand for marina berthing but also in the demand for marina related commercial property. Marine service providers are increasingly seeking to avoid the costs associated with business premises and consolidating into single premises or operating out of vans. This changing behaviour, combined with declining demand for boat building, maintenance and repair services will lead to a reduction in demand for commercial property to support those activities. Demand for commercial property to support growth in tourism provides the opportunity for marine businesses to diversify.
3. Recognise that marinas require supporting ancillary uses in order to be sustainable, such as A1 retail or A3 restaurants and cafes, and which are very relevant to waterside locations and increasingly important to their sustainability. A strict interpretation of marine use, based on an outdated understanding of what uses are appropriate to waterside locations, will not allow operators to create long term and sustainable businesses.

The proposed marketing period of 2 years is extensive, unjustified and creates an unnecessary financial burden on the owner, Vacant property is not in an owners' interest and the marketing requirement may well achieve the opposite of the policy aim to 'safeguard contribution to the local economy'. An empty unit creates no employment and change of use provides much needed flexibility for businesses and is more likely to preserve or increase employment.

This element of the Local Plan should therefore be amended to set out:

*'The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a ~~minimum of 2 years~~ or a reasonable period based on the **nature and size of the site/premises, the local/use-specific economic market and the current economic climate.**'*

Policy DM13: Built Tourist and Leisure Development

Premier welcomes and acknowledges the need to maintain the attractiveness and character of the harbour, and recognises that this is a significant benefit in drawing visitors and maintaining the local economy.

As drafted, the policy approach only supports the development of tourism and leisure proposals within or adjacent to settlement hubs. Outside of these areas, only 'small scale development' is permitted, and only where demonstrated that there are no alternatives through the re-use of existing buildings or within defined settlement boundaries. It is only 'exceptionally', that large scale facilities will be permitted, and only where there is a requirement for a countryside location.

This policy approach is at odds with the approach at DM9 to allow release of employment sites for leisure uses where appropriately evidenced. This approach does not recognise the fact that much of the attraction of Chichester District is in its countryside and coastal setting, which is certainly relevant to the attractiveness of Chichester Marina to berth holders and visitors alike.

If Chichester Marina is incorporated within a settlement hub as has been requested above in these representations, then Premier is comfortable with the policy approach in relation to this.

However, if this is not the case, Premier has concerns, as set out above, with the restrictions that would be applied to the economic viability of the site.

The policy should represent a positive approach to suitable tourism-related development, and set out that development will be acceptable where it meets the required criteria for mitigating harm, maintaining the rural

character and securing nature conservation. Premier considers that the policy should actively support appropriately-scaled, sustainable and well-managed development which contributes to the overall viability and success of marina sites in order to maintain and enhance visitor attractiveness and sustainable tourism.

Accordingly, we propose the following amendments to the policy:

Elsewhere in the plan area, small scale development for tourism and leisure development will be granted where the above criteria have been met and where it can be demonstrated that the scale and use is appropriate to the location.

~~2. Where proposals seek permission for new buildings, that the development cannot be accommodated elsewhere, including through the re-use, and expansion, of existing buildings in the locality and developing within the defined settlement boundaries.~~

~~Exceptionally, Larger scale tourism or leisure development facilities will be permitted elsewhere in the plan area where it can be demonstrated that there is an overriding and compelling justification in terms of enhancing visitor use and/or appreciation of a specific feature or location of significant recreation or leisure interest. Proposals will need to demonstrate the requirement for and compatibility with a specific or countryside location.~~

DM19: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Premier has experience of delivering major developments within the AONB, at Chichester Marina and elsewhere in the country. It is acknowledged that development can be harmful to the AONB, however, Premier has a strong track record of delivering quality development schemes in sensitive locations.

The policy approach should be consistent and no more onerous than national planning policy in relation to AONBs.

The reference in the wording of Policy DM19 to the policy aims of the 'Chichester Harbour AONB Management Plan' should be amended, given that:

1. This is not a statutory policy document; and
2. This plan is not consistent with the NPPF.

The supporting text acknowledges the needs of existing communities within the AONB and the development needs of these communities. It should be emphasised that this also includes communities contributing to the economic viability and success of the AONB, including tourism and leisure.

Therefore, we propose the following AONB policy alterations:

Policy DM19: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

The impact of individual proposals and their cumulative effect on Chichester Harbour AONB and its setting will be carefully assessed. Planning permission will be granted where it can be demonstrated that:

1. *The natural beauty and locally distinctive features of the AONB are conserved and enhanced;*
2. *Proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB as defined in **National Policy** in the ~~Chichester Harbour AONB Management Plan;~~*
3. *Either individually or cumulatively, development does not lead to actual or perceived coalescence of settlements or undermine the integrity or predominantly open and undeveloped, rural character of the AONB and its setting;*

4. The development is appropriate **and contributes** to the economic, social and environmental well-being of the area **and its communities** or is desirable for the **access, use, understanding and enjoyment** of the area and

~~5. The development is consistent with the policy aims of the Chichester Harbour AONB Management Plan and Joint Chichester Harbour AONB SPD.~~

Opportunities for remediation and landscape improvements to address existing harm will be taken as they arise.

DM20 – Development around the Coast:

Premier notes the support for the marine economy at paragraph 7.126, and notes that there is explicit support for the need to accommodate and develop, as well as the recognition for the importance to tourism and leisure.

However, the text at 7.127 which states that: ‘exceptionally... a small part of a marina or boatyard to be used for alternative uses’, is unacceptably restrictive. This relates also to the comments made in respect of Policy S25.

The case has clearly been made in relation to other policy elements around the need for economic diversification at marinas in association with maintaining existing employment uses and supporting new tourism/leisure developments.

The policy direction acknowledges that housing pressure from government is a relevant concern. Premier considers that residential and leisure and tourism uses are essential to waterside place making and its portfolio of marinas demonstrate that these uses not only co-exist comfortably with marine uses but enhance and contribute to the sense of place. Chichester Marina has an established residential community on site. This includes the 31 residential houseboats on the Chichester Canal on which residential use dates back over 50 years. More recently, in 2016, Premier invested £4m at Chichester Marina in converting redundant and end of life office and retail property into of 19 residential apartments. These are let on a short term and a long-term basis to people either looking for a short break or a more permanent residence in the marina and have provided a new lease of life to otherwise redundant buildings.

Amongst its portfolio of nine marinas Premier has residential use at 7 sites. Premier has also recently secured planning permission for a mixed-use scheme at Noss on Dart Marina in South Hams, Devon, for a scheme which offers a high quality new marina, boatyard, commercial development and hotel alongside a substantial residential development, located within the AONB on the South Devon coast. Although localised to reflect the uniqueness of its location, the approved plans for Noss on Dart demonstrate that the mixed-use sustainable development which is critical to ensuring the longevity of marinas and the communities which they support is possible in sensitive areas.

Premier also recognises the unique qualities of the marina’s location and rural setting, and considers that the protection of the environmental and landscape quality is extremely important. It acts as the long-term manager and steward of the site and seeks to actively and appropriately manage users and the environmental setting for the benefit of biodiversity and ecological enhancements.

Therefore, we propose the following policy amendments:

*At boatyard and marina sites within the coastal area the Council will permit development associated with ~~boat building, and the fitting out, maintenance and repair of boats and ancillary uses,~~ **marine employment, leisure, tourism and related uses**, provided that it does not:*

- a. jeopardise the safety and ease of navigation on the water or have a detrimental impact on the regime of the river;
- b. adversely affect nature conservation, landscape or heritage interests; or
- c. cause a reduction of water quality.

~~Exceptionally, Development or redevelopment may~~ **will** be permitted incorporating ~~a modest amount of~~ floorspace not restricted to boat-related uses, where ~~Council is convinced that~~ such a use is **appropriate to, and needed** ~~needed~~ to secure the future of a boatyard or marina and it is demonstrated that the development will complement the use of the site and/or the enjoyment of the water.

Policy DM22: Development in the Countryside

The responses in relation to policies above, sets out above establishes the need for marinas and marine businesses to diversify. Should Chichester Marina not be incorporated within a settlement, and remain as designated 'countryside', this policy approach would stifle the economic viability and ongoing contribution of the marina.

The permitting only of 'essential, small-scale, and local need which cannot be met within or immediately adjacent to existing settlements', does not recognise the contribution of the countryside to the wider achievement of the Local Plan policies in terms of economic and social development.

Therefore, the policy should be amended as follows:

*Within the countryside, outside Settlement Boundaries, development will be permitted where it is **compatible with** ~~requires~~ a countryside location ~~and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements or,~~ **is** for employment uses within the B Use Class, within or immediately adjacent to existing employment sites, **or is for tourism/leisure development.***

Planning permission will be granted for sustainable development in the countryside where it can be demonstrated that all the following criteria have been addressed:

- 1. The proposal is well related to an existing farmstead or group of buildings, or located close to an established settlement **or developed site** or, for employment uses within the B Use Class, an existing employment site;*
- 2. The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses; and*
- 3. That the scale, siting, design and materials of the development would have minimal impact on the landscape and ~~rural~~ character of the area.*

Applications for retail development in the countryside will be considered where it has been demonstrated that the appropriate sequential and/or impact assessments have been undertaken. Local/small scale farm shops will be permitted provided they sell goods that have predominantly been produced on the farm.

Development/conversions that would create new isolated homes in the countryside will be avoided unless there are special circumstances as outlined in Government guidance.

Policy DM33: Canals

Premier is a key stakeholder and user of the Chichester Ship Canal, holding a long leasehold interest from West Sussex District Council for the Canal from Chichester Harbour to the A286.

The Canal was largely abandoned by 1928 having fallen into disuse. Yacht moorings on the canal along the stretch now adjacent to Chichester Marina were retained and their use as such pre-dates the building of the marina. There are currently 31 houseboats moored along this stretch of canal. Much of the canal is heavily silted and the two main road bridges have been replaced by unnavigable culverts preventing navigation of the canal.

It is highly unlikely that the canal can ever become navigable. Doing so would require major infrastructure works, including re-routing of or bridges over the A286 and B2201. The ecological designations affecting the various parts of the Canal (including the SAC, AONB and protected species) will affect the possibility of such major infrastructure works being undertaken.

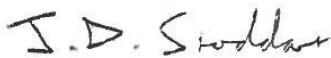
Given this, the policy approach should recognise and support the potential of the canal's historic use for houseboat living rather than holding out for a navigable canal which will almost certainly never be delivered and economic benefits that are not clearly established. Premier supports a policy approach that encourages "increased recreation, leisure pursuits and economic activity" but it believes that policy should explicitly include houseboats. These support the ongoing management of the canal and public access to it, support marine employment (houseboats use the same electrical and marine systems as recreational boats and therefore support marine employment), and add to the mix of site uses positively. As such, the policy wording should be amended as follows:

*Development that ~~makes provision of through navigation or~~ supports the further use and enhancement of the Chichester Ship Canal and the Wey and Arun Canal will be supported where it meets environmental, ecological and transport considerations. **This includes improvements to the existing houseboat population and further houseboat development on the canal.***

Conclusion

Premier welcomes this opportunity to submit representations to the Chichester Local Plan Preferred Approach consultation. We would be grateful if you could confirm receipt of this letter and that the representations have been duly made. I would also be grateful if Premier can be kept up-to-date on the process of consideration of these representations and the timescales for progressing the Local Plan further.

Yours faithfully



JONATHAN STODDART
HEAD OF LONDON AND SOUTH EAST PLANNING

CBRE Limited for and on behalf of Premier Marinas (Chichester) Limited.