

parking and access from Queen Street. (13.12.18). Request to discharge condition No.s 3,4,6,10 and 13. (31.01.19). Request to discharge condition No. 7 (25.02.19). Request to discharge condition No. 5 (20.3.19). Request to discharge condition nos 15 and 17 (12.7.19). Request to discharge condition nos 6, 7 and 17 (27.2.2020)., PERM,13/12/2018

APP/19/00826 - Application to modify S106 agreement (dated 10.12.2018) to remove the affordable housing contribution., REF,19/12/2019

APP/19/00865 - Application of non-material change to Planning Permission APP/16/00921 relating to locally reducing seawall adjacent to seating area to allow for a 2.4m wide flood gate to serve a potential future slipway and 2no. trees within raised planting bed to be omitted as they are not able to be relocated without clashing with the culvert to the left of the site., PERM,23/12/2019

APP/20/00695 - Variation of S106 Agreement dated 10th December 2018 entered into in connection with Planning Application APP/16/00921 in relation to delay of payment of second affordable housing payment until end of March 2021 due to COVID 19 lockdown., Current Application

3 Proposal

Variation of Condition 2 of Planning Permission APP/16/00921 to vary approved Drawing 27958-PD108F (Street Scene and Section) and supersede with drawing 27958-PD118 (Proposed Site Section / Wider Street Scene) relating to change in sea wall material finish from Brick to Timber Cladding.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from

AL3 Residential Development)
(Town, District and Local Centres)

Havant Borough Pre Submission Local Plan 2036

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1 (Design & Heritage)
ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)

Listed Building Grade: Grade 2
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No comments received

Conservation Officer

Senior Conservation Officer – No Objection – 5/11/2020

Site / Planning Background

Dolphin Quay is a site located in Queen Street within the Emsworth Conservation Area. It previously comprised a former boatyard and associated workshops, but is currently being redeveloped to a residential development comprising 6no. dwellings.

Part of the development included the construction of a new sea wall around the development which is to protect the site and wider area from flooding as it is located in a Flood Risk Zone 3. The majority of the wall has now been constructed however, it still requires a finishing material above sea water level. The approved material is brick however, an application has now been submitted to use a wooden cladding instead of the brick along the entire length of the sea wall.

Proposal

To use a rough sawn Lignia horizontal cladding on the exterior of the sea wall which surrounds the development.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Assessment

In the case of this proposal, it is impact on the Emsworth Conservation Area and Chichester Harbour (AONB) which two of the dwellings on the site front onto, that

needs careful consideration, as the development is highly visible from several public vantage points. Also, consideration is required as to how the final appearance of the wall will be viewed in context with the Dolphin Quay residential development.

With regards to the residential development, this comprises a terrace row of traditional style housing fronting onto Queen Street and two further modern style properties facing onto Chichester Harbour. A number of materials have been used across the site including brick, tile, aluminium, glass and wooden cladding, all within the palette of materials within the local vernacular.

The proposed cladding is a Ligina wood which is described as a hard wearing, durable timber which is suitable for more exposed locations. A rough sawn, unstained sample has been submitted which would complement the mix of materials now present on the site, particularly those on the two modern units. Furthermore, when viewed in context of the harbour setting, the wood cladding for the wall complements the remaining wooden jetties which exist in the harbour and also reflects the historic use of the site as a boat repair yard.

Overall, the proposal to use the Lignia rough sawn cladding on the sea wall is not considered to result in harm to the conservation area and would therefore accord with the relevant national and local planning policy with regards to designated heritage assets.

Councillor Julie Thain-Smith

No comments received

Councillor Lulu Bowerman

No comments received

Councillor R Kennett

No comments received

6 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: 21

Number of site notices: 1

Statutory advertisement: 16/10/2020

Number of representations received: 0

Comment	Officer Comment
Comment I would like to object to the use of timber instead of brick. There are many examples around Emsworth of timber having been used and not lasting as the sea	The proposed timber cladding is considered in part 7.

rots the wood too quickly. Brick is much more in keeping with the surrounding area and will last a lot longer. Please don't let the developer go for a cheap and easy option when these houses are up for millions of pounds.	
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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) Impact upon the character and appearance of the area and Emsworth Conservation Area
- (iii) The impact on the wider landscape including Chichester Harbour Area of Outstanding Natural Beauty
- (iv) Impact upon residential amenity

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. In this case, the proposal is a S73 application for a variation of condition relating to an alteration to the previously approved scheme planning application reference APP/16/00921. The alterations relate to the sea wall cladding only and the previous consent has been implemented. It is not necessary to revisit the range of issues considered in the original consent. The implications in relation to the changes to the finishes to the sea wall the subject of this application are considered below The Section 106 Agreement relating to the previous consent allows for subsequent S73 permissions.

(ii) Impact upon the character and appearance of the area and Emsworth Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The site is prominent within the Conservation Area and the sea wall is viewed from footpaths to the east, west and south of the site and from Chichester Harbour. The proposed cladding also needs to be acceptable in terms of the context of the wider development. At the time of the case officers site visit the sea wall includes a metal base (below high tide level) with a concrete top. The original consent included a brick finish to the wall and a brick was approved in relation to the relevant planning condition discharge.

The proposal for timber cladding instead of brick has been carefully considered and the Councils Conservation Officer has viewed a sample of the proposed cladding. As

set out in the Conservation Officers Comments, the residential development comprises a terrace row of traditional style housing fronting onto Queen Street and two further modern style properties facing onto Chichester Harbour. A number of materials have been used across the site including brick, tile, aluminium, glass and wooden cladding, all within the palette of materials within the local vernacular.

The Conservation officer continues: *The proposed cladding is a Lignia wood which is described a hardwearing, durable timber which is suitable for more exposed locations. A rough sawn, unstained sample has been submitted which would complement the mix of materials now present on the site, particularly those on the two modern units. Furthermore, when viewed in context of the harbour setting, the wood cladding for the wall complements the remaining wooden jetties which exist in the harbour and also reflects the historic use of the site has a boat repair yard.*

It is noted that the Lord Raglan PH is a listed building, however the cladding of the sea wall is not considered to impact the setting of the listed building.

It is concluded the proposed Lignia rough sawn cladding to the sea wall would not result in harm to the Conservation Area and would preserve the Conservation Areas character and appearance meeting the relevant national and local planning policy and guidance in relation to designated heritage assets.

(iii) The impact on the wider landscape including Chichester Harbour Area of Outstanding Natural Beauty

The site is within the Chichester Harbour Area of Outstanding Natural Beauty and would be viewed from the water in the wider landscape. It would be viewed against a mixed backdrop of materials with timber, brick and more contemporary materials all featuring in the local area. It is considered that the proposed timber cladding would have an acceptable appearance in this context when viewed within the Area of Outstanding Natural Beauty.

(iv) Impact upon residential amenity

Given the nature of the proposed change, it is not considered that the proposals would be harmful to the residential amenities of nearby existing residents or future residents of the site.

8 **Conclusion**

In conclusion, the proposed changes to the finish of the sea wall are considered acceptable in principle, and would preserve the character of the Emsworth Conservation Area. The wider impact on the landscape character of the AONB is considered to be appropriate. Planning permission can therefore be recommended subject to the imposition of appropriate conditions. As this is a S73 application it results in a further planning permission and conditions are re-imposed from the original consent where required taking into account where necessary where conditions have previously been discharged.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00878

(A) subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Topographical - DN: 27958-PD-100
Site Plan - DN: 27958-PD-103K (as amended by minor subsequent changes)
Proposed floor plans plots 3-6 - DN: 27958-PD-104F
Proposed floor plans plots 1-2 - DN: 27958-PD-105J
Proposed site section A - A - DN: 27958-PD-109B (as amended by minor subsequent changes to sea wall crossing)
Proposed elevations plots 3-6 - DN: 27958-PD-106F
Proposed elevations plots 1-2 DN: 27958-PD-107G
Flood Defence Wall Layout Drawing No. 18-3130-121 C4 received 17th December 2019
Soft Landscaping Plan Drawing No. 27958-PD140 rev C
Proposed Site Section / Wider Street Scene DN: 27958-PD118
Boundary Treatments, Hard Landscaping Plan DN: 27958-PD150 Rev H

Reason: - To ensure provision of a satisfactory development.

- 2 The timber cladding to the sea wall hereby approved shall be Lignia Rough Sawn unstained horizontal cladding unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and Chichester Harbour Area of Outstanding Natural Beauty and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The development shall take place in accordance with the site levels information submitted in relation to planning permission APP/16/00921 Condition No.3 and subsequently approved by the Local Planning Authority on the 30th May 2019.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall be carried out in accordance with the foul and surface water drainage details submitted in relation to Condition No.4 of planning permission APP/16/00921 and subsequently approved by the Local Planning Authority on the 24th May 2019. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant

Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted shall take place in accordance with the details submitted in relation to planning permission APP/16/00921 Condition 5 with regard to materials to be used externally on the buildings and subsequently approved by the Local Planning Authority on the 11th July 2019. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The development hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.6 and subsequently approved by the Local Planning Authority on the 10th August 2020. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The boundary treatments and sea wall hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.7 and subsequently approved by the Local Planning Authority on the 30th September 2020 as amended by this consent in relation to the sea wall cladding. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure, or additional windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 10 The construction phase of the development hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No. 10 and subsequently approved by the Local Planning Authority on the 21st March 2019. Throughout the site clearance and implementation of the development, the approved parking provision, storage compound and mud prevention facilities shall be kept available and used only as such.
Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation the following windows at second floor level in the east elevation of Plot 1 and in the west elevation of Plot 2 to serve ensuite bathrooms, shall be fitted with non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 12 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plots 3-6, all windows serving a bathroom or ensuite as shown on Drawing Number 27958-PD104 Rev F shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 13 The construction phase of the development hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No. 13 for the Construction Environmental Management Plan and subsequently approved by the Local Planning Authority on the 24th May 2019. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
Reason: In the interests the nearby environmentally sensitive areas and having due regard for policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by OPUS International Consultants (UK) Ltd, dated 11 May 2014 (in relation to planning permission APP/16/00921) and the following mitigation measures detailed within the FRA:
1. No habitable use of the development to occur below 4.8mAOD
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- Reason:** To ensure that the proposed development and its occupants remain safe over its lifetime. This condition is in line with Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Council Core Strategy 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.
- 15 The siting and design of any proposed external meter boxes/metal ducting/flues and guttering shall be in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.15 and subsequently approved by the Local Planning Authority on the 29th August 2019 unless otherwise agreed in writing by the Local Planning Authority.
- Reason:** In the interest of the appearance of the development within the Conservation Area and having due regard for policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 16 The south elevations on the two detached dwellings fronting onto the Mill Pond shall include the use of non reflective glazing at all times unless otherwise agreed in writing by the Local Planning Authority.
- Reason:** In the interest of the amenity of the environmentally sensitive setting and having due regard for policies CS11 and CS12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 17 The provision to be made for external lighting for all plots shall be in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.17 and subsequently approved by the Local Planning Authority on the 10th August 2020. There shall be no external lighting on the site other than as thereby approved.
- Reason:** To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

