

Dear David

Firstly, apologies for the lengthy delay in replying. The applicant did contact The Conservancy at the end of September before making the application, which is appreciated.

I appreciate the application has been determined, but wanted the Council to have The Conservancy's views for its electronic records.

Whereas a cosmetic change is applied for to the face of the sea wall, this is an application under S.73 of the Act, so it is relevant to consider the whole development in the round and what it was supposed to deliver, including the right of way to private pontoon berth holders. Regard was had to the policy framework* below.

APP/20/00878 – Dolphin Quay Queen Street Emsworth

Vary Cond 2 of APP/16/00921 change in sea wall from brick to timber cladding

Fully Officer delegated decision

Recommendation – No objection, subject to the use of untreated, sustainably sourced timbers and reimposition of performance conditions attached to decision APP/16/00921, especially where related to the right of way to private pontoon berth holders.

Officer reasoned justification

It should be remembered that the new sea wall cut linkage to the western-most of two timber pontoons, leaving only the eastern-most connected to Queen Street via a new private right of way, between the new housing and the Lord Raglan pub.

The pontoons were not part of the 'red line' application site. It was not made clear at that time that the intervening piece of existing quay between the new sea wall and the western-most pontoon was to be removed.

The Conservancy made strong representation to the Council to secure access to the pontoons and encouraged the applicant to re-provide the limited sanitary facilities available to those owning private berths off the pontoons. The Conservancy was therefore pleased to support application APP/19/01044 which secured that limited new facility.

The Conservancy does not appear to have been consulted over application 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"*) - but was pleased to see that provision was made to perhaps provide a public slipway later, which I was aware of strong public feeling in that regard.

Condition 7 was imposed to APP/16/00921 to ensure that the private right of way was delivered as part of the housing development. The Conservancy considered this private right of way should have been secured in perpetuity though a planning obligation. Sadly, that was not forthcoming, but condition 7 did require provision, associated with the new sea wall and retention of what was agreed and provided. The Conservancy was supportive of details submitted in respect of Condition 7, subject to the flood gate in the sea wall at the end of the access from Queen Street being a minimum of 1.5m wide.

The annotation to submitted/approved pdp-architects plan number 27958-PD150-Rev H confirms the dimension of the level access flood gate to be 1650mm. The Conservancy is content with that and that condition 7 to the issued decision notice for APP/20/00878, requires that details approved for condition 7 to APP/16/00921 shall be implemented.

The Conservancy is fully supportive of applying a timber facing to the upper part of the somewhat austere brick clad concrete sea wall, as shown on approved pdp architects drawing 27958-pd118 and is pleased to note that Condition 2 to the issued decision notice for APP/20/00878, requires this timber to be unstained, safeguarding water quality in this part of the AONB. The hope is that the timber can be sustainably sourced too.

Policy framework*

NPPF – 1-3, 7-8, 10-12, 19, 28-29, 39, 47, 54, 59, 73, 91, 96, 102, 108, 117, 122, 124, 127, 130, 148-150, 155, 163, 166, 170, 172, 174-176, 180, Chapter 16, 212-213; **NPPG** – ID's 6-8, 18a, 21a, 23b, 26, 37; **HBLP** – CS1, CS11-CS12, CS14-CS16; **HBSA** – AL1, DM20, DM25; **SVENP** – C3, H1-H2, WF1, D1-D2, D4, D6; **PDLP** – DR1, IN1, E1-E5, E11-E15, E19, E22, H1-H4; **CHMP**– 1-2, 6, 15; **PP** - PP01, PP10, PP13; **SPG/D**.

NPPF – National Planning Policy Framework (2012)

NPPG – National Planning Practice Guidelines (2012)

HBLP– Policies from Havant Borough Local Plan (Core Strategy)(2012).

HBSA - Havant Borough site Allocations DPD (2014)

SVENP – Submission version Emsworth Neighbourhood Plan (April 2019)

PDLP – Pre-submission Havant Borough Local Plan to 2036 (February 2019)

CHMP– Chichester Harbour Management Plan (2019-2024)

PP - Planning Principles (as adopted 17 October 2016 onwards)

SPG/D – Supplementary Planning Guidance/Documents:-

- Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions (2010)
- Havant Borough Council - Borough Design Guide - Supplementary Planning Document (December 2011)
- Emsworth Village Design Statement (2008)
- Emsworth Conservation Area Character Appraisal/Management Plan (2010)
- HBC Residential parking and cycle provision SPD – March 2010

Yours sincerely

Steve Lawrence MRTPI		Chichester Harbour Conservancy
Principal Planning Officer		Harbour Office, Itchenor