
Site Address:	Dolphin Quay, alleyway adjacent 35 Queen Street, Emsworth		
Proposal:	Erection of small freestanding toilet facility for harbour users.		
Application No:	APP/19/01044	Expiry Date:	18/12/2019
Applicant:	Mr Jeremy Samuels Dolphin Quay LLP		
Agent:	Mr Patryk Ciemierkiewicz PDP Architecture llp	Case Officer:	David Eaves
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a vacant boatyard and formerly consisted of a single storey shop, a two-storey office building and associated outbuildings and moorings. It is located on the south side of Queen Street, alongside the Mill Pond. The site is adjacent to the Lord Raglan public house, Dolphin House and opposite the Old Flour Mill, all of which are Grade II listed buildings. It is also located within the boundary of the Emsworth Conservation Area and the Chichester Harbour Area Of Outstanding Natural Beauty (AONB). It is located within a Flood Risk Zone 3. There are existing moorings which are accessed from Queen Street. There is a public footpath which extends out through Chequers Quay and out onto the Mill Pond providing views back onto the site.

This section of Queen Street is characterised by a mixture of both residential and commercial buildings including the Lillywhites garage, commercial offices in the Old Flour Mill and adjacent and retail units towards the High Street. The buildings range in height from two-storey up to four-storey. The majority of the buildings have heritage value with several of them being statutorily listed. There is a more recent development in the form of Chequers Quay which was completed in the 1990's, which lies to the east of the Lord Raglan.

The existing buildings are being demolished on site with development under way pursuant to Planning Permission APP/16/00921 (see below).

2 Planning History

APP/14/00510 - Demolition of the single storey shop, two-storey office building and associated outbuilding and the boatyard. Erection of 4no. houses (3x 3no. bedrooms and 1x 2no. bedrooms) fronting onto Queen Street and associated parking and erection of an apartment building (4 x 2no bedrooms and 1 x 3no. bedrooms) fronting onto to the Mill Pond with associated parking.
, REF,22/07/2014

APP/16/00921 - Demolition of the single storey shop, two-storey office building and associated outbuildings. Erection of 4No. houses (3x 3No. bedrooms and 1x 2No. bedrooms) fronting onto Queen Street and associated parking and erection of 2No. detached dwellings (4No. bedrooms) fronting onto to the Mill Pond with associated

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)., 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

3 Proposal

Erection of small freestanding toilet facility for harbour users.

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)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Following conversation with D Eaves about path leading past WC the following comments are made:

A path that does not lead to a building is not covered by Approved Document M requirements

A standard path should be 1.8m but this can be reduced to 1.5m when considering obstacles on route i.e. tree protection and in exceptional circumstances 1.2m may be allowed when considering the approach and passing of other travelling in the opposite direction

If the WC is to be open to public use it will need to comply with the Equality Act 2010 requirements regarding approach, size etc. if however, it is not intended to be used by the public then an access statement will be needed to demonstrate compliance with the above taking into account visitors to the area it is serving

Officer Comment:

The width of the footpath route has been amended to increase its width at the pinch point to 1.525m which means that it is no narrower than other pinch points. The applicant has advised that: *The WC is not open to public use, it is for users of the private boat moorings, therefore Part M and the equality act do not apply. We believe we do have exceptional circumstances as we have a restricted site. An access statement would be provided to building control as part of the submission to highlight the users of the toilet and the pinch point which is in accordance with part M even if it does not need to comply.*

Chichester Harbour Conservancy

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – No objection, subject to implementation with specified materials.

Apologies for the delay in replying. I visited the site 6.1.20 and had regard to the policy framework* below.

The Conservancy is pleased that this former facility is being re-instated for those who have berths of the remaining private pontoon, taking access from Queen Street, which is also large enough to allow a person to change from wet clothing.

The structure would not be seen from Queen Street, but would be visible from two public footpaths east and west of the site and also seen against the context of the Lord Raglan PH's red brick rear projecting element. The flat roof would further limit the structures overall massing.

It is noted that the alley leading to the facility and pontoon beyond is to be gated and it is recommended this be a lockable railings gate, with keys offered to berth holders in the interests of community safety.

The new quay wall constructed should protect the facility from tidal flooding.

I note from answer to qu.11 of the application form that the facility will be connected to mains sewerage so the Conservancy has no concerns about pollution of the Harbour.

The Conservancy is satisfied that the character and appearance of the Conservation Area and the setting of the Grade II Lord Raglan PH would be preserved and that the proposals conserve and enhance the AONB and the purposes of its designation.

Conservation Officer, Development Control

Senior Conservation Officer – No Objection – 14/11/19

Site

Dolphin Quay is a former boatyard which is now under construction to be redeveloped into a residential development of 6no. houses. It is located within the Emsworth Conservation Area and surrounded by a number of listed buildings.

Proposal

Erection of small freestanding toilet facility for harbour users. The building would be constructed of brick work and be tucked in behind the Lord Raglan public house which is a Grade II listed building.

Legislative and Policy Context

Given the location within a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant which 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

Overall it is considered that the proposed toilet facility building would not result in harm to the adjacent listed building or wider conservation area. No objection is therefore raised subject to a condition requesting a sample of the brick proposed, to be submitted and agreed prior to above ground work construction. If details of the brick can be provided during the timeframe of the application, this can be considered without the need for a planning condition.

Officer Comment: The agent has advised that: *The brick is a Sussex Handmade in Guestling (red) colour. This is the same brick approved on the main Dolphin Quay development.* These bricks are considered acceptable.

Environmental Health

No objections to the proposed toilet.

Hampshire Biodiversity Information Centre:

Within 50m Priority habitat - intertidal mudflats

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: 9

Number of site notices: 1

Statutory advertisement: 01/11/2019

Number of representations received: 0

Comment	Officer Comment
No comments received	

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 AONB
- (iii) Impact on the Emsworth Conservation Area and the setting of Listed Building
- (iv) Impact upon residential amenity
- (v) Flood Risk
- (vi) Impact on ecology

(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 site is also within the Chichester Harbour AONB, Emsworth Conservation Area and adjacent to a Listed Building which all require special consideration as set out below.

In relation to the use of the facility, it is understood that the toilet would serve users of private boat moorings adjacent to the site. This facility would support leisure use of the harbour and reduce potential impacts of sewage discharge direct to the harbour and is supported in principle.

(ii) Impact upon the character and appearance of the AONB

The proposed facility is a very small free standing single storey building, it would be set back from the Harbour. Chichester Harbour Conservancy have commented that *The structure would not be seen from Queen Street, but would be visible from two public footpaths east and west of the site and also seen against the context of the Lord Raglan PH's red brick rear projecting element. The flat roof would further limit the structure's overall massing.* It is also noted that the approved site layout would result in two dwellings set closer to the harbour than the proposed building being erected which would further reduce the wider visual impact. Overall it is considered that the proposed development would have a limited and acceptable impact on the character and appearance of the AONB.

(iii) Impact on the Emsworth Conservation Area and the setting of Listed Building

The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 requires that:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In this case the small building would be located close to existing structures and the design of the building and the materials proposed are considered acceptable. The

Conservation Officer has raised no objection in relation to the proposals impact on the Conservation Area.

The site is adjacent to The Lord Raglan Public House a Grade 2 Listed Building. Section 66 of the Act requires:

In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The impact on the setting of the Listed Building has been considered by the Conservation Officer who confirms that he has no objection to the proposals impact on the setting of the Listed Building.

It is considered that the application preserves the character of the Conservation Area and preserves the setting of the Listed Building.

(iv) Impact upon residential amenity

The first floor of the Lord Raglan appears to be in residential use. The proposal has been considered by the Councils Environmental Health Officer who has raised no objection to the proposal. It is not anticipated that the proposed building and use would have an unacceptable impact on the adjoining property.

(v) Flood Risk/drainage

In relation to Flood Risk, the site is in Flood Zone 3. The wider development has included new flood defence works. The building is not providing residential accommodation. It is not considered that the proposed building would increase flood risk.

(vi) Impact on ecology

The site is located adjacent to Chichester Harbour and the Slipper Mill Pond. The facility would connect to the mains sewerage and would reduce the possibility of waste being added directly into the harbour from Yacht users. It is considered that the development would have a limited and acceptable impact on ecology.

8 Conclusion

In conclusion, the development is considered to be acceptable in principle and would have an acceptable impact on the Character and Appearance of the AONB. The development is considered to preserve the Conservation Area and the setting of the Listed Building. Impacts on residential amenity, flood risk and ecology are considered acceptable. Planning Permission is therefore recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01044 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site Layout Plan Drawing No. 18044-PD100 Rev B
Email Ross Nunn dated 2nd January 2020 regarding Materials
Heritage Statement April 2014

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used for the building hereby permitted shall be as specified in the application including the use of brick - Sussex Handmade in Guestling (red) colour.

Reason: In the interests of the amenities of the area and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.