

Dear Rachel,

Dolphin Quay, Queen Street, Emsworth

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. **Request to discharge condition No. 7 (25.02.19)**

Fully delegated decision from Chichester Harbour Conservancy

Recommendation – No objection to the discharge of the condition.

Condition 7 reads –

“No part of the development shall be first occupied until detailed plans for all proposed boundary treatments, including the flood defence wall and access ramp, which by means of dimensioned cross-sections and constructions details shall demonstrate materials, finish, assembly method and relationship with context levels and paving finishes have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.”

The reason for imposing the condition reads –

“**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 2018.”

The reason given does not fully reflect the Conservancy’s interest in seeing this condition imposed. The Conservancy’s main interest was to protect and safeguard boating infrastructure within Chichester Harbour AONB, including pedestrian access to it.

The Conservancy also asked the Council to require a clause in the S.106 planning obligation to ensure that once provided, access over the pedestrian way to the eastern boundary leading from Queen Street to the eastern pontoon, would remain available at all times to those using the pontoon. The council failed to agree that provision with the developer.

The boating infrastructure referred to is the two pontoons immediately south of the application site for APP/16/00921.

It is clear that in granting planning permission, the council has effectively marginalised the western pontoon, which will now stand in isolation from and not joined to the new quay wall. It is clear that the council really did not understand the Conservancy’s written concerns when commenting on APP/16/00921, which were material planning considerations.

It is disappointing that no written statement appears to accompany the various plans and drawings submitted to seek the part discharge of this condition (full discharge being achieved if the details are agreed and then full implemented in accordance with those details).

Even the completed application form sheds little light on the logic surrounding the applicant's approach to this issue, save for some reference to pre-application discussion of the proposals, as if to give some credence and legitimacy to what has been submitted.

Leaving those issues aside, the Conservancy's main interest in these submissions and the condition wording is in relation to the pedestrian way to the eastern boundary leading from Queen Street to the eastern pontoon.

In other respects, the schedule of materials and treatment of means of enclosure are considered to have a positive impact on the natural beauty of the AONB, especially considering the present rather run down appearance of this small commercial boatyard.

Turning then to the principle item of interest, the 'way' would be reasonably level with only a slight gradient leading from the street down to the pontoon. By forming a gap through the raised sea wall and having a flood gate there (shown to have **a minimum width of 1.5m**, scaled off the pdp drawing 27958-PD150, level access is maintained to the pontoon. If the council approves this drawing, the Conservancy will expect to see that minimum dimension adhered to and delivered.

This addresses a concern the Conservancy had in that persons moving a trolley with sailing paraphernalia would have had to have unburdened this when reaching the sea wall and lift such items over the sea wall and onwards. The revised design to this part of the sea wall is therefore welcomed, whilst still providing a flood barrier when needed.

Yours sincerely

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