

From: Jeremy Sayer

Sent: 18 November 2022 11:13

To: Donophy, Selina

Subject: FW: Our response to HCC Highways, Building Control and CH Conservancy regarding 12 Nile Street

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Selina,

Further to our conversation earlier in the week please see responses to points raised by Chichester Harbour Conservancy and Hampshire Highways in respect of APP/22/00831. We also discussed bats and we would need to carry out the required surveys at an appropriate time.

Please let me know if you require any further information in establishing the next steps..

Regards,

Jeremy Sayer

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From: Daniel Burdfield

Sent: 16 November 2022 16:48

To: Jeremy Sayer

Subject: Our response to HCC Highways, Building Control and CH Conservancy regarding 12 Nile Street

Existing Pedestrian and Vehicular Movements of the Hobby Space

Existing movements are pedestrian and vehicular access to the building via the garage door in the existing building which opens onto Nile Street directly (picture '12 Nile Street Emsworth-PWP-SLW-4-min' attached).

Regarding Commercial / Maritime Use

We determine that the buildings continued use is as 'a domestic garage and a domestic hobby space' and has been for at least 35 years. This can be seen by the collection of car event/rally attendance signs run by classic car societies that date from 1987 to 2002 (picture '12 Nile Street Emsworth-PWP-SLW-16-min' attached). The buildings use as a hobby space for classic cars for at least 35 years has established that the most likely use is domestic, not commercial. This is supported by the 'Emsworth Conservation Area Character Appraisal' (ECACA) in which it states:

'Historically, Nile Street is a relatively new street, built at the later part of the 18th century between St Peter's Square and the Mill Pond. It is straight and narrow with a mixed character of older and modern town houses, one remaining works building and with smaller cottages towards its west end at Bridgefoot Path.' (Available at:

<https://cdn.havant.gov.uk/public/documents/Emsworth%20Cons%20Area%20Appraisal%20-%20Approved%202010.pdf>)

This statement, approved in March 2010, suggests that there is one remaining works building on the street. As the Former Independent Chapel was converted to commercial use in 1929 and was still in use until 2012, this suggests that 12 Nile Street is not considered in commercial use and that the former chapel was the one remaining works building. As the document makes no explicit mention of 12 Nile Street whilst outlining notable spaces; such as Dolphin Quay, The Hut (by shipbuilder John King) and some remaining boat store buildings on Kings Road, related to maritime industry elsewhere, we conclude that the building is not related to the industry and not subject to Policy 13 or PP02 of the Chichester Harbour AONB Management Plan. As outlined, the building does not currently function as an existing employment site. No businesses occupy the site and the statement from the ECACA indicates there was one remaining works building, the now demolished Westminster Works. Therefore, we do not consider that marketing the property (regarding Policy CS2 – Strand 5) as a commercial building, maritime or otherwise, is necessary. In addition to this, the location of the property in relation to the surrounding residential buildings, and its placement away from the main thoroughfare of traffic and existing commercial buildings, would not be beneficial to businesses.

We have also found some evidence that the building had been previously occupied. Please see the attached copy of an article from The Observer and West Sussex Recorder dated 11.02.1920, showing the death of Ann Carpenter at 12 Nile Street at the age of 89. This can be found at the bottom right of the PDF under the header '*Births, Marriages and Deaths*'. This would indicate that the building was previously occupied in a domestic capacity. Please see the attached historic maps which show that by 1898 the application building is there; and as our newspaper shows Ann Carpenter dying in 1920, we can assume that the building was built for residential means, not commercial/maritime. The maps also show that by 1942 there was a building occupying the space between 12 and 14 Nile

Street and abutting the property, which is most likely why the western façade is considerably newer than the rest of the building.

Regarding the Potential Issue of Unprotected Areas (re possible development)

We have determined that as 12 Nile Street is an existing building, any new development would have to adhere to the notional boundary set by space separation factors that results in the buildings compliance. This is seen in Diagram 13.3 of 'AD B – Vol 2.' and Diagram 11.3 of 'AD B – Vol 1.'. We determine the buildings use as a 'domestic garage and domestic hobby space'. This means that by using Table 12.1 of AD B Vol 2. we can determine that the minimum boundary for the use is as follows:

Existing Building Use

Domestic – 10% of unprotected area results in a minimum boundary distance of 2.5m
If the existing use was as light industrial, then the equivalent minimum boundary distance would be 5m

Proposal Use

Domestic – 13% of unprotected area results in a minimum boundary distance of 2.5m

Therefore, we believe that there is greater potential for possible development, regardless of the 3% increase in unprotected area, with what we have proposed for 12 Nile Street as it would either increase available square footage for possible development or maintain the current amount. Please see the attached copy of '5692 SK01 Plan Showing Notional Boundary' to show each boundary. The conclusion is that any future development will need to respect the notional boundary of the existing building at 12 Nile Street with respect to unprotected areas.

Withdrawn Certificate of Lawfulness

An application for a Certificate of Lawfulness was withdrawn when it became apparent that the current application would supersede the existing use consideration.

Visibility splays in accordance with TG3

Eastward visibility up Nile Street will be limited as the existing wall attributed to No.10 would block the envelope of vision, however we have improved upon the existing lack of visibility westwards where a full splay has been achieved. Therefore, we are improving the existing visibility situation and providing a solution which is consistent with, and in some cases better than, existing parking elsewhere such as 13/15 Nile Street which required a vehicle crossover. Access to both the proposed boat store and the parking space are directly accessed from the road and not across a footway/cycleway, limiting the impact on pedestrian movement that a vehicle crossover would. It can also be argued that due to the nature of the road, a tight two-way street with inconsistent pedestrian access along one side, that the 30mph is unachievable and a lower average speed most likely. We consider that the use of Nile Street is as a shared surface where pedestrians are more alert to car users and car users are more alert to pedestrians.

Tracking to show ability to manoeuvre boat into store.

The attached Proposed GF Plan has been updated to Revision F to show the turning circle for manoeuvring the boat into the boat store.

Clarification on whether gates are proposed to the boat store

The Boat Store access will utilise a rolling sectional door, not gates, to maximise accessibility.

Reference of APP/21/01383 and APP/18/00424

References were made of APP/21/01383 and APP/18/00424 only with regards to more modern developments having success at planning within the conservation area, supporting our more conservative design which aims to retain most of the existing façade and make changes to the building fabric to improve the overall quality of the building within the conservation area.

We are confused as to what is meant where the Principal Planning Officer states 'The application property is already taller than it and the new mansard would not be taller than the existing roof ridge' as the proposal does not contain a mansard roof. It is assumed that they are referring to the neighbouring property (No. 10) which is considerably taller than the application property (No. 12). We do not believe that the proposal for No. 12 creates any adverse visual impact in the conservation area.

Regarding Development Plan Policies

Havant Borough's Core Strategy, along with other relevant policies and supplementary documents, have been considered in the development of the application proposal using the following policies:

By developing an existing, underused building within the urban centre of Emsworth, the proposal encourages using sustainable means of travel, such as walking and cycling, to make trips to local shops and leisure spaces. The location of the property gives occupants the opportunity to use local leisure and sport facilities such as the nearby sailing club and the oyster trail walk; and the inclusion of a boat store within the proposal both supports the local maritime heritage and allows occupants to participate in sailing/boating. The proposal also connects the property to an existing footpath where it had not before, which improves safety for people accessing the property. This relates to: *CS1 – Strand 7, CS17, Emsworth Neighbourhood Plan Policy L3, Chichester Harbour AONB Management Plan Policy 9, Chichester Harbour AONB Management Plan Principle PP04, NPPF Paragraph 92, 98*

By adapting the existing garage into a smaller boat store, the amount of active frontage will be increased, promoting social interaction where it would otherwise be difficult. To maintain the amount of defensible space, part of the boundary wall will be retained, and by adapting the building for residential use there will be an increase in natural surveillance of the street and car park. This relates to: *CS8, NPPF Paragraph 92*

Although the building is not considered a heritage asset, the site is situated within the Emsworth Conservation Area. This requires careful consideration for materials used and respecting existing material palettes to retain the areas aesthetic whilst improving the architectural quality of the building. By replacing the existing garage with the proposed boat store, the application property will be more in keeping with the wider conservation area and more sympathetic to the two-storey element. The two-storey building, which was built much earlier, will be repaired and elements such

as the roof and windows will be retained and reinstated where feasibly possible. Establishing the domestic use of the property is a very good way to ensure that the building will be protected in the future because of more regular habitation patterns and resulting maintenance, and therefore its cohesion within the wider conservation area. This relates to: *CS11, Adopted Allocations Plan Policy DM20, Emsworth Neighbourhood Plan Policy H1-3, Chichester Harbour AONB Management Plan Principle PP01, Emsworth CACA – Paragraph 5, Emsworth CA Management Plan – Paragraph 1, NPPF Paragraph 176*

The quality of the proposal, determined by its consideration of its local context, and the retention of the buildings key existing features adheres to policy requirements for high quality design. This relates to: *CS16, Emsworth Neighbourhood Plan Policy D1, Borough Design Guide*

The proposals impact on the AONB is limited, as it retains the distinctive appearance of the existing property and does not adversely affect the wider AONB. By changing the use of the property to a residential dwelling, it will reduce the number of trips the occupant would have to make by car and increase the opportunity for sustainable travel as it will be located within walking/cycling distance of shops and leisure facilities. This relates to: *CS12 and DM9, Chichester Harbour AONB Management Plan Policy 1-2, NPPF Paragraph 92*

By internally insulating the two-storey element of the existing property we can minimise the carbon footprint of the building during use by increasing thermal efficiency, reducing the need to commute via carbon positive travel and implementing both water-saving devices and energy-efficient lighting. By retrofitting, and not building new, we will also limit construction waste as materials will be reused where possible and limit construction emissions by using locally sourced materials. The area proposed as a parking space will partially consist of permeable pavers to reduce water run-off. The proposal has also considered the potential impact of artificial light on the night sky and has not proposed external lighting for the property, save for a localised light source at the front elevation. This relates to: *CS14, Adopted Allocations Plan Policy AL1, Emsworth Neighbourhood Plan Policy D6, Chichester Harbour AONB Management Plan Principle PP04 and PP09, NPPF Paragraph 10-12, 152-154, 158*

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