

Ms I Rorvik
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Our Ref: GEN/21/00356
Direct Line: (023) 01730 234223
Ask For: Ms L Wells
Email: planning.development@havant.gov.uk

01 June 2021

Site Location: Dolphin Quay, Queen Street, Emsworth

Re: Proposed temporary structure

Dear Ms Rorvik

I am writing to you in regard to your enquiry in relation to the above address. Please find my full response below. Please accept my apologies for the delay in replying.

As the proposal is for an enclosed seating area for food and take aways, the following planning considerations are relevant.

1. Principle of development
2. Impact on the character and appearance of the Emsworth Conservation Area and the Chichester Area of Outstanding Natural Beauty
3. Impact on neighbouring properties
4. Highways
5. Parking
6. Flooding
7. Drainage

1. Principle of development

With regard to the principle of development the site is located in the urban area where new development is considered acceptable in principle under policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

Other relevant policies are:

Havant Borough Local Plan (Core Strategy)

CS4 - Town, District and Local Centres

CS5 - Tourism

CS11 - Protecting and Enhancing the Special Environment and Heritage of Havant Borough

CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB)

CS15 Flood and Erosion Risk

CS16 High Quality Design

Havant Borough Local Plan (Allocations)

Policy AL3 Town, District and Local Centres

Policy DM20 Historic Assets

Emsworth Neighbourhood Plan 2019 - 2036

Policy C2 - Retail, High Street & Food/Drink Uses

Policy H1 - Design & Heritage

Policy W3 - Change of Use Applications

W4 - Technology & Tourism

WF1 - Public Enjoyment of the Waterfront.

D1 - General Design Policy

D2 - Height, Mass & Materials

D3 - Layout, Form & Density

D5 - Integration & Strong Connections

D6 - Mitigate Light Pollution

As to how the proposal would operate it is understood it would be used for the sale and serving of drinks and food on the premises and takeaways. However, food would not be prepared on the premises, but brought in. The site lies outside of the 'Retail, High Street & Food/Drink Uses' area identified in Policy C2 of the Emsworth Neighbourhood Plan. Any proposal would have to justify the use of the site as a cafe with a takeaway option in this location.

In addition, the site is the subject of a Section 106 agreement dated 10/12/2018 under reference APP/16/00921, to provide permissive paths and unadopted rights of way across the land, to remain open and accessible to the public in perpetuity, unless adopted by Hampshire County Council as highway authority. Any application would need to ensure that such access remains available.

2. Impact on the character and appearance of the Emsworth Conservation Area and the Chichester Area of Outstanding Natural Beauty

The site falls within the Emsworth Conservation Area, the Chichester Area of Outstanding Natural Beauty, with Listed Building in the immediate locality and the Mill Pond to the rear. Therefore, in heritage and environmental terms the site lies within a very sensitive location, where high quality design is of the utmost importance.

The Council's Conservation Officer has been consulted who has advised as follows:

"I know this site well and have watched the development being built out over the past year. That area of land proposed for the structure was permitted to be a public amenity space with views on the harbour. I can see the positives in providing a different solution for the parcel of land which still provides a public amenity benefit. However, the CGI images show the structure in the context of the modern buildings at the rear and not within the context of the more traditional buildings which it would sit directly adjacent to. It would be closer to two heritage assets – the Flour Mill and Dolphin House and is certainly more modern in appearance. That in itself does not necessarily mean that it would not be supported but I am keen to see how it would work in the context of the listed building / traditional style new buildings, rather than the modern buildings at the rear of the site. "

An application for the site, should set out, in a Heritage Statement how the proposal would work in the context of the listed building/traditional style new buildings. Or alternatively consideration given to a more traditional style structure.

As to the design of the proposal, its use during hours of darkness would lead to light pollution. This is likely to lead to an objection to the proposal from the Harbour Conservancy, which should be addressed as part of any application.

3. Impact on neighbouring properties

The intention is to use the structure for the sale and serving of drinks and food on the

premises or as takeaways, with outside seating. However, food will not be prepared on the premises, which should help with problems such as smells and odours.

There is residential development on either side of the site and opposite and the use may give rise to noise and disturbance. If permission was forthcoming, hours of operation would likely be imposed via a condition, to protect residential amenity.

4. Highways

The Highway Authority provide their own pre-application service, which you may wish to avail yourself of, before submitting an application, for which a fee is payable.

5. Parking

Car parking is not provided for the proposal, in an area with very limited on-street parking. Cycle provision would also be required. Havant's Car Parking SDP, sets out the level of parking/cycle standards required for eating and drinking establishments which may be found via the following link:

[https://cdn.havant.gov.uk/public/documents/Final%20Parking%20SPD%20-%20for%20web%20\(updated\)_0.pdf](https://cdn.havant.gov.uk/public/documents/Final%20Parking%20SPD%20-%20for%20web%20(updated)_0.pdf)

6. Flooding

The site is located within Flood Zone 2 and 3. The Environment Agency, who provide their own chargeable pre-application advice, provided some limited comments to the proposal which are:

"The Environmental Constraints identified on the site include:

- Within 8m of a main river
- Flood Zones 2 and 3

Based on the information currently available, the development raises some environmental concerns that you will need to address as part of your planning application. Further work will be needed to show how these issues can be satisfactorily addressed to ensure no environmental impacts."

You may wish to seek pre-application advice from the Environment Agency, before moving forward with any proposal for this site. That said, a Flood Risk Assessment would be required as part of any application, due to the site falling within Flood Zone 2 and 3.

7. Drainage

It is noted that the structure would be sited over a culvert - hence the intention to be able to move it, if required. No response has been received in respect of this pre-application query from consultee in respect of drainage, which should be the case if an application is submitted.

To conclude, whilst the site lies within the built up area, it falls outside of the 'Retail, High Street & Food/Drink Uses' area identified in Policy C2 in the Emsworth Neighbourhood Plan. Therefore, justification as to its location and for such a modern design would be required, as set out by the Conservation Officer. A public right of way would need to be maintained across the site. On site parking and cycle provision would also be required, unless it can be demonstrated that there is adequate provision in the locality. The site is located within 8m of the a river and within Flood Zone 2 and 3. These issues would need to be addressed, with an application.

Please note that the above comments are the opinion of individual Planning Officers and are

in no way binding upon the Council when determining any future applications for planning permission and nor will they prejudice the outcome of any applications submitted.

This advice also only relates to planning matters and does not relate to any other application that may be required under Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 02392 446571

Yours sincerely

Ms L Wells
Principal Planner
Our Ref: GEN/21/00356