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BOROUGH COUNCIL

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Ms H McCrudden
PDP Architecture llp

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Ask For: Mrs R McMurray
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17 May 2016

Dear Ms McCrudden,

Site Location: Dolphin Quay, Queen Street, Emsworth

Re: Proposed redevelopment of site to include 4no. terraced units fronting onto Queen Street and 2no. detached dwellings at the rear fronting onto Chichester Harbour with associated parking.

I am writing to you further to your enquiry received on the 14 March 2016 and to our meeting on 13 April 2016 regarding the above address. I apologise for the delay in this response.

I am of the view that the following considerations will apply to the proposal:

1. Principle of development
2. Loss of employment space, retail unit and marine based business space
3. Flood risk
4. Design principle
5. Other matters

1. Principle of development

The primary objective of the National Planning Policy Framework is to increase delivery of sustainable growth and development. It is about delivering growth that is not to the detriment of future generations. This positive growth should perform an economic, social and environmental role and should be allowed to go ahead, without delay. The NPPF requires local development plans to take local circumstances into account and meet the objectively assessed development needs of an area.

The Local Plan includes the Core Strategy and the Allocations Plan which set out a series of strategic planning policies which are intended to guide the future of development in the Borough to 2026. Of particular relevance to this application are policies DM3, DM13, DM25, DM20, CS2, CS11 CS9 and CS16.

2. Loss of employment, retail and marine based business space

The proposal would result in the loss of Class B1 office space, Class A1 retail space and the loss of a boatyard (Class B2) which was formerly occupied by a marine based business. The previous application APP/14/00510 was refused partly because the LPA were not satisfied that it had been demonstrated that the site is no longer fit or unsuitable or financially unviable for employment uses and the use of shop through the means of a suitable comprehensive marketing exercise. This is a requirement of Policy DM3 of the Core Strategy which seeks to safeguard such uses and advises that development proposing the

loss of such uses would only be permitted where it has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community. In the case of local shops such as this, the premises have been marketed for at least six months and at least twelve months for the office space and boat yard. Core Strategy Policy CS2.7 is also of particular relevance to this proposal as it seeks to protect marine based businesses located on waterfront locations from non-marine related employment and other uses.

Chichester Harbour Conservancy (CHC) have in their response to this pre-application enquiry raised an objection to the loss of the boatyard. They consider insufficient efforts have been made to retain, or even partially retain the site in marine employment, this being the remaining boat building infrastructure in Emsworth with direct access to water and use of a slipway.

However, the marketing information which has been submitted provides evidence that a marketing exercise covering a period of 18 months has been carried out. Marketing activities undertaken have comprised:

- Erection of marketing board on the Antique Centre building fronting Queen Street (marketing for retail/office/workshop).
- Marketing on the commercial agent's own website (Holloway, Liffé & Mitchell) since 8th January 2015
- Adverts in The Business magazine produced by The News
- Marketing on a wide range of commercial property websites (total of 11 websites)
- Mailshots to live applicants on their database and hard mailshots to commercial occupiers in and around the area

In addition to this, an enquiry log has been supplied, which shows eight enquires received about the site between 18th February 2015 and 28th October 2015. To explain the lack of local press advertising, the marketing statement observes that advertisements in the local press tend not to be an effective method of marketing commercial premises. A number of the enquiries did not progress as the potential purchaser was put off by the poor condition of the existing buildings and the flood risk issue. Although the concerns of CHC are recognised, the LPA consider the quantity and level of detail of marketing information supplied meets the requirements of policy DM3. It also recognises the limited viability for another commercial use on the site, including that of a marine based business. Therefore although the proposal would not meet all of the requirements of Policy CS2.7, the loss of the boatyard seems unavoidable as justified in the marketing information.

3. Flood Risk

The previous application APP/14/00510 was partly refused on the grounds that the LPA was not satisfied that clear arrangements and responsibilities would be in place to ensure that adequate defences against flood risk would be in place as part of the proposed development.

The site falls within a Flood Zone 3a/b (high tidal flood risk). As such a flood risk assessment (FRA) has been submitted. The FRA provided with the pre-application enquiry states that the applicant would install on site flood defences to the site and contribute to wider area defences including a new sea wall around the site, subject to viability. The units would have no ground floor habitable space and this would only be used for parking and storage. This puts habitable space above 2115 flood outline levels (taking into account climate change).

The Environment Agency have been consulted and have advised that given the location in a FRZ 3a/b, the Sequential and Exception Tests should be undertaken and clearly demonstrated. They advise that as a minimum the FRA should demonstrate:

- That all sources of flooding have been considered. This includes tidal, river, surface water, groundwater and infrastructure failure. Even though this site is situated within a high flood risk zone localised flooding can still occur from sources such as rising groundwater levels, nearby ditches and watercourses, burst water mains, road drains, run-off from hillsides, sewer drainage system overflows.
- Predicted flood levels should be provided, and FFL set above the level for climate change. Where predicted floor levels are unknown, we would recommend that for new development FFLs be set above existing ground level.

If a formal application is submitted, the FRA needs to meet the requirements as set out by the EA above. The flood defence elements of the proposal will be also be assessed against the criteria of Local Plan (Allocations) Policy DM25 (Managing Flood Risk in Emsworth).

4. Design Principle

The previous application was refused partly on the basis that the proposal, by reason of its scale, mass and design was considered to be excessive and inadequately related to the scale, character and design of surrounding development. It would also constitute an incongruous and strident form of development, out of keeping with its surroundings, which would seriously harm the appearance and character of the Conservation Area, the setting of listed buildings and the character of the AONB. The loss of space would also reduce important views which provide visual connection between Queen Street, including the setting of the former Flour Mill building to the north, and the Harbour.

The new proposal redevelops at a lower density, creating a total of six dwellings, four facing onto Queen Street and two facing onto the Mill Pond. This is a reduction from the nine dwellings in the original proposal. The setting of the listed buildings has been considered by means of setting back the front of the development to be further away from the flanking listed buildings. The massing of the buildings has also been reduced from that proposed in the original scheme and the style of roofs and windows altered to a more traditional finish, taking into account advice in the Havant Borough Design Guide SPD.

With regards to the buildings at the rear fronting onto the harbour, it is clear that much consideration and thought has been given to these properties in order to address the concerns with the previous proposal. The character of the area in the immediate vicinity of the site is generally two storey domestic scale buildings, which is reflected in the revised design of 2no. dwellings along with an industrial boatyard style character.

Following our meeting in April, further changes were made to the design of these dwellings and these are reflected in the amended drawings submitted on 25/4/16. However I am of the view that further amendments are required to the design of these buildings. These include:

- Front elevation - version on Drawing Number 27958-PD107 Rev E preferred with the centralised section, but with equal sized windows and less glazing bars on the central section. Revision F shows 4no contrasting windows which results in an unbalanced, uncoordinated appearance.
- Rear elevation - Still too much horizontal emphasis, resulting in a top heavy appearance. This could be addressed by reducing the width of the centralised panel and setting it down from the roof, similar to that of the front elevation. There is still too much detail in terms of glazing bars, particularly above the centralised section.

It would be useful to submit with any planning application, an indicative 3D image showing the proposed dwellings in situ on the site in the context of the site surroundings. With regards to the 4no. dwellings fronting onto Queen Street, myself and the Conservation Officer support the design revisions made with regards to this element of the scheme.

5. Other matters

Highways:

The Council's Development Engineer has been consulted and has raised no objections to the proposal. Parking is proposed in line with the Council's adopted standards.

Affordable Housing:

I have sought advice from our Planning Policy team with regards to the changes to the thresholds for affordable housing. I have been advised that Core Strategy Policy CS9 (Housing) technically applies until such a time as the government either reissue the Ministerial Statement or change the PPG. That is our best assessment of the current situation based on various legal commentaries following the Court of Appeal ruling. As Policy CS9 advises that for developments proposing between 5-14 dwellings, affordable housing applies, then it will apply to this proposal. This can be either provision on site or a contribution in lieu.

A query was raised at the meeting as to whether a contribution towards affordable housing could be off set due to the wider benefits that the proposed flood mitigation measures would bring to the Borough. You have advised that the total cost of the sea wall is likely to be in the region of £580,000. In order for the LPA to carry out further consideration of this, please can you provide the potential sales figures of the properties on the site? From this we can work out what the likely cost of the affordable housing contribution would be. If it is possible to accept the provision of the flood defences in lieu of the AH provision/contribution, then it is likely that this will need to be secured within a s106 agreement with regards to the delivery of the works. However before this position is accepted I consider that further evidence will need to be supplied demonstrating that the sea wall will deliver more than just on-site benefits.

Ecology:

Generally there are few ecological issues on this site. However, the County Ecologist has advised that for any future application, the results of the previous assessment are revisited and any updating surveys completed.

From the 30th June 2014, the Council introduced the Solent Recreation Mitigation Partnership (SRMP). The SRMP was introduced with the advice of Natural England and they have advised that a contribution of £176 per dwelling will be required to mitigate against the effects of additional recreational disturbance on the Solent Special Protection Area (SPA). This contribution will need to be secured via a S106 legal obligation as the development is for 6no. dwellings.

Developer Contributions/Community Infrastructure Levy:

The proposed development would be subject to the Community Infrastructure Levy details of which are available on the Council's website:

<http://www.havant.gov.uk/planning-policy-design/community-infrastructure-levy>

The relevant contribution level for this site would be £100 per square metre of new residential floorspace. CIL Liability is subject to indexation, based on the BCIS index. If planning permission were issued this year it would be indexed linked to 2016 from a base year of 2013 and an increase of approximately 20.04% will apply. This is payable on the commencement of development.

If a Sustainable Urban Drainage system is proposed then the details of, and future

management of that system, would need to form part of a S106 agreement along with any general future maintenance and management of the common parts of the site. The details of the affordable housing provision would also form part of the legal agreement.

Conclusion

Overall the revised scheme has addressed several areas of concern which existed with the previous application in terms of design and the marketing of the site. There is still some work required with regards to further design amendments to secure a suitably high quality of design in respect of the rear units, which is considered essential in this highly sensitive location. The revised scheme will also require the drafting of a legal agreement and securing the necessary financial contributions however, subject to this, I would welcome the submission of a revised application.

Please do not hesitate to contact me if you would like to discuss the response in more detail.

Please note that the above comments are the opinion of an individual Planning Officer and are in no way binding upon the Council when determining an application for planning permission and nor will they prejudice the outcome of any application submitted.

This advice also only relates to planning matters, and does not relate to any other application that may be required under the 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 023 9244 6571.

Yours sincerely

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Development Management
Our Ref: GEN/16/00311