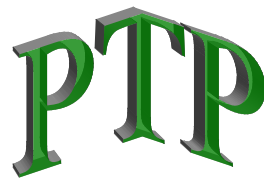


Planning Statement

**Demolition of Existing Building and Redevelopment of Site to
Provide a Terrace of Four Houses (3 x 3 Bed; 1 x 2 Bed) Fronting
onto Queen Street and 2 Detached Houses on Land to the Rear**

Land at Dolphin Quay, 31 Queen Street, Emsworth

By Wilson House Limited



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September 2016

1.0 Introduction and Background

1.1 Planning permission is sought for the redevelopment of land and buildings at Dolphin Quay, Queens Street, Emsworth to provide a new development of 4 terraced houses together with 2 detached houses on the land to the rear. The existing site comprises three principal structures (a large building, most recently used for the sale of antiques; a two storey office and; concrete portal framed former boat workshop) together with a limited amount of external space. In the past few years the site has flooded during prolonged periods of heavy rain combined with high tides. Consequently, despite being marketed by a local agent, the current owners have been unsuccessful in finding new tenants.

1.2 The site is located within the Emsworth Conservation Area, is adjacent a Grade II listed building (Lord Raglan Public House) and is within a Flood Zone 3 area. The site does not fall within an area designated Primary and Secondary Shopping Frontages.

1.3 The submission of this application follows the refusal of a scheme in 2014 (LPA Ref: APP/14/00510) which sought consent for a terrace of 4 houses with a frontage onto Queen Street, together with a block of 5 flats to the rear. The earlier application was refused as it was considered by the Local Planning Authority (LPA) that the proposal: -

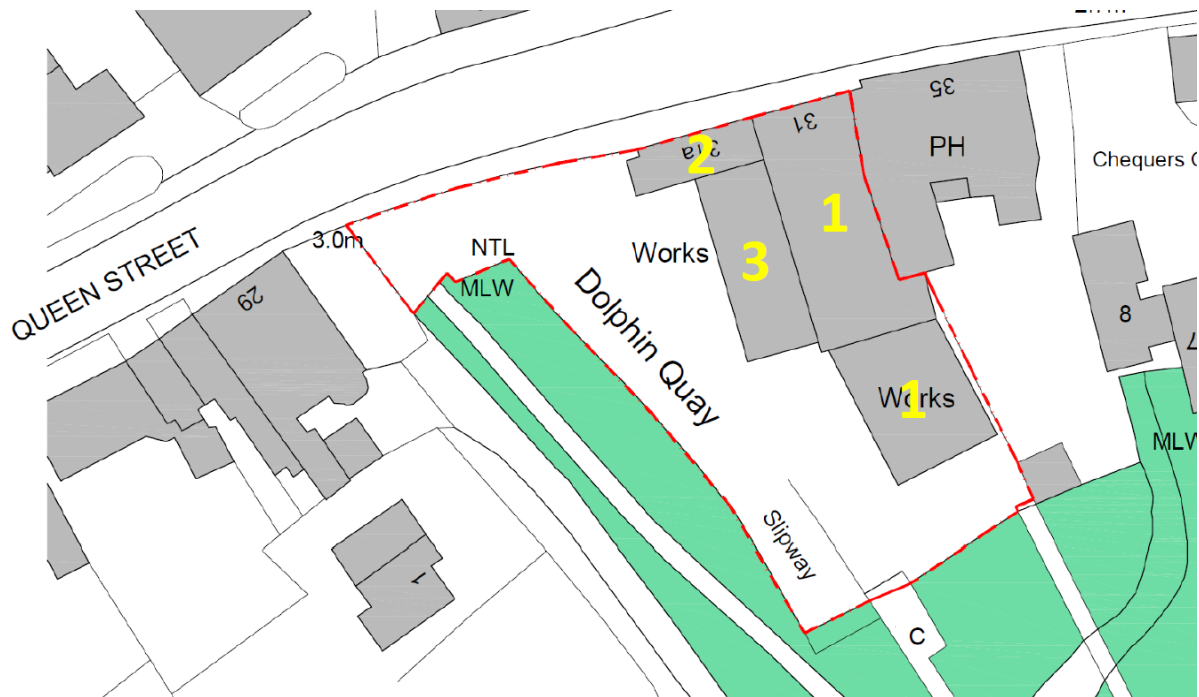
- (1) Would have had an adverse impact upon the surrounding area which is designated as a conservation area and an Area of Outstanding Natural Beauty;
- (2) Was not accompanied by evidence that a comprehensive marketing exercise had been undertaken;
- (3) Had not made provision for adequate flood defences to be put in place;
- (4) Did not make provision for a financial contribution towards the Solent Disturbance Mitigation Project (SDMP), and ;
- (5) That no binding arrangements had been put in place for the provision of 'affordable housing'.

1.4 This revised application has been the subject of an extensive pre-application publicity which has involved discussions with the Council's Planning and Conservation Officers together with a well-attended public consultation event at Dolphin Quay (28th June 2016) and a presentation to the Emsworth Residents Association (11th July 2016). Additionally, the applicants have undertaken an extensive marketing exercise which has revealed that there is little, if any, prospect of the site being utilised once again for its current lawful purposes. The application will also make provision for wide ranging flood mitigation measures which will benefit not only the proposed development but many other properties at the eastern end of Queen Street which are currently at risk of flooding. Finally, the application will ensure that the requisite financial contributions are made towards the SDMP and consider the provision of affordable housing.

1.5 This statement describes our Client's proposal and places it in context with relevant national and development plan policy, guidance and advice. It will be concluded that our Client's application proposal should receive support and be granted planning permission.

2.0 The Application Site and Surroundings

2.1 The application site comprises a complex of buildings originally used for the construction and repair of small boats. Building 1 is the largest unit and has been most recently used as an antiques centre. This is single storey at its Queen Street frontage, however, increases in height to the rear with a large vaulted ceiling. Building 2 is a two storey brick office building, located in a corner position. The 3rd building is situated to the rear of the two storey office and comprises a concrete portal framed structure which has been used for boat building and repair. This use has also utilised the external space surrounding the building on the harbour edge.



2.2 The site is located on the south side of Queen Street and to the north of moorings within the Mill Pond. Running adjacent to the sites eastern boundary is the Lord Raglan Public House which is a Grade II Listed Building, together with its beer garden to the rear.



Above: View from East along Queen Street towards the Site



Above: View from North-West along Queen Street towards the Site



Above: View from South towards the Site from Pontoon on Dolphin Quay

2.3 Adjacent the site to the west is Dolphin House (29 Queen Street) also a Grade II listed building. Opposite the site on the north side of Queen Street is a petrol filling station/vehicle repair garage, a terrace of two storey houses and 'The Old Flour Mill' a four storey high, red brick Grade II listed building.

2.4 As has been stated the site falls within the boundaries of the Emsworth Conservation Area and is also an area considered to be at risk of flooding (identified as Flood Zone 3). The site is not identified as falling within either a Primary or Secondary Shopping Frontage.

3.0 Relevant Planning History

3.1 Historically, the collection of buildings occupying the site were used in relation to timber boat construction and repair. In recent years a combination of factors have resulted in the demand for the use of the site as a boat yard to decline. Methods of boat construction have changed over time with less timber and more fibreglass boats being built. It is apparent that the existing buildings are neither large enough to accommodate many modern boats or suited to modern boat building techniques. Since the early 1990s the site has been used for a range of uses including A2 offices, and as an antique shop. The western part of the site operated as a timber boat yard until this also closed in 2012.

91/51798/003	Change of use from retail shop (class A1) to private car hire office
92/51798/004	Continued use of premises as yacht brokers (Class A2)
96/51798/005	Change of use from boatyard to retail (antiques and crafts) for a three year period – Temporary Permission for 3 Years issued 10 th December 1996.

This permission was renewed in 1999 (99/51798/006), 2002 (02/51798/007) and 2005 (05/51798/008). The personal occupancy condition was removed from this last grant of permission.

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.
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The application was validated by the LPA on 27th May 2014 and was refused a grant of planning permission on 22nd July 2014 for the following reasons: -

1. The application site is within the Emsworth Conservation Area, it occupies an important and prominent location and forms an important part of the setting of several listed buildings in the vicinity and is within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The proposal, by reason of its scale, mass and design is considered to be excessive and inadequately related to the scale, character and design of surrounding development. It would 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 King Street, including the setting of the former Flour Mill building to the north, and the Harbour. As such it is contrary to national and local planning policies for the area, in particular the National Planning Policy Framework 2012 and Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011. These policies are further amplified in English Heritage Guidance: The Setting of Heritage Assets (2011) and the adopted Supplementary Planning Document: Havant Borough Design Guide (2011) and the related Conservation Area Character Appraisal and Management plan for Emsworth (2010), also in the extant Practice Guidance to the former National Planning Policy Statement PPS5: 'Planning for

the Historic Environment' and National Planning Practice Guidance (2014), including: 'Conserving and Enhancing the Historic Environment' and 'Natural Environment'.

2. On the basis of the information submitted, the Local Planning Authority is not satisfied that it has been demonstrated that the site is no longer fit or is unsuitable or financially unviable for employment uses and the use of a shop; the Authority is not satisfied that a suitable comprehensive marketing exercise has been carried. Therefore the proposal is contrary to policies DM2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
3. On the basis of the information submitted, the Local Planning Authority is not satisfied that clear arrangements and responsibilities would be in place to ensure that adequate defences against flood risk would be put in place as part of the proposed development. Therefore the proposal is contrary to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
4. In the absence of binding arrangements to secure a contribution towards the Solent Disturbance Mitigation project, the proposal would not ensure that provision is made for mitigation of significant effects of development upon nearby designated area for nature conservation: Special Protection Area (SPA). The proposal is therefore contrary to the policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM24 of the Havant Borough Local Plan (Allocations) Submission Document (2013) and the National Planning Policy Framework 2012.
5. In the absence of binding arrangements for the provision of 'affordable housing', the proposed development is contrary to policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4.0 Proposed Development

4.1 The application seeks a grant of planning permission for the demolition of the sites existing buildings and the construction of a terrace of 4 houses fronting onto Queen Street, together with two three storey detached dwellings on land to the rear facing the Mill Pond and River Ems. The proposal would also maintain and retain the existing pontoons for commercial rental purposes.

4.2 The proposed development would also incorporate significant flood defence measures within the site as well as making a financial contribution to facilitate the provision of off-site flood mitigation measures which would help protect the wider area from flooding.

4.3 As is explained in the Design and Access Statement which accompanies this application the four houses would be arranged in a two/three storey high terrace that would front onto Queen Street. Access to the 2 detached houses would be via a drive that would be created adjacent at the western end of the terrace of 4 houses; access to the quay (wide enough to allow dinghy trailers to pass) would be provided between the terrace's eastern elevation and the Lord Raglan PH. Each of the houses would be provided with garage car parking for two vehicles, together with 1 or 2 additional spaces in front of each garage. To the south of the terrace of houses would be the 2 three storey dwellings. The detached dwellings within Plots 1 and 2 would be provided with 3 and 2 parking spaces respectively.



North Elevation

4.4 The terrace of four houses is designed in a manner which reflects and complements the traditional architectural vernacular of existing buildings in Queen Street. The terrace would be 'stepped' in order to respond the change in scale of buildings along the Queen Street frontage between the 2 storey high Lord Raglan PH and the 4 storey 'Flour Mill'. The end of terrace dwelling immediately adjacent the Lord Raglan PH would be constructed with a flint north elevation, complemented with brick quoining, together with red facing brickwork to its east and south elevations. The two central 3 storey dwellings would be built with red brick elevations; the dwelling at the west end of the terrace would be constructed with white rendered elevations together with complementary quoin detailing. The two end of terrace houses would sit beneath clay tiled, hipped roofs; the taller central two dwellings would have a contrasting slate roof. All of the proposed terraced dwellings would be built with timber sash windows with the two end of terraced units accommodating lead clad dormers to facilitate the provision of habitable floorspace in the roof areas.

4.5 The two detached houses facing the Mill Pond have been designed in a contemporary style, however, reflect through their shape and use of timber materials, the past use of the site as a boat building yard. The dwellings would be constructed with wrapping metal facades (west and east

elevations) with timber cladding (north and south elevations). These principal materials would be complemented by grey facing brickwork, grey windows and glass balconies with stainless steel handrails. The Design and Access Statement explains that “Antiglare and solar glass would be used on south facing windows to reduce any glare and avoid overheating.”



South Elevation

4.6 In order to ensure that the habitable accommodation was not at risk of flooding the finished ground floor level of both the houses would be set at 4.8m AOD. A schedule of the proposed development is provided below.

4 Terraced Houses

- 1 no. 3 bed house: (122.5 sqm)
- 2 no. 3 bed houses: (117.6 sqm)
- 1 no. 2 bed house: (95.7 sqm)

2 Detached Houses

- 2 no. 4 bed houses: (149 sqm)

21 car parking spaces [inc. 6 garages] refuse bins and cycle stores

5.0 Planning Policy

National Planning Policy

5.1 The National Planning Policy Framework (NPPF) was published by the Government on 27th March 2012. The NPPF cancels and replaces all earlier Planning Policy Guidance Notes and Statements.

5.2 Paragraph 13 of the Framework sets out the presumption in favour of sustainable development. The Government states that *'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking....'* The document promotes planning principles which include making effective use of land, promoting mixed use developments that create more vibrant places, and encouraging multiple benefits from the use of land in urban and rural areas. Furthermore, the document requires Local Planning Authorities to approach development management decisions positively (i.e. to look for solutions rather than problems so that applications can be approved wherever it is practical to do so).

5.3 The NPPF states (at para.7) that there are *'... three dimensions to sustainable development: economic, social and environmental.'* The social dimension of sustainable development is described in the NPPF as *'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being'.*

5.4 Amongst the Core Planning Principles described at paragraph 17 the NPPF states that planning should *'proactively drive and support sustainable economic development to deliver the homes... that the country needs. Every effort should be made objectively to identify and then meet the housing... development needs of an area, and respond positively to wider opportunities for growth.'* Two further planning principles are to *'... take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs...'* and *'.....conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...'* With regards to flooding this paragraph states that the planning system should take *'...full account of flood risk and coastal change...'*

5.5 With regards to residential development, at para. 49 the NPPF states that *'Housing applications should be considered in the context of the presumption in favour of sustainable development'*. Furthermore paragraph 50 comments *'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...'*

5.6 With regards to design the NPPF states at par. 57 *'...It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...'* In respect of architectural design the statement comments (para. 60) that *'...Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...'*

5.7 Paragraph 61 refers to the connection between people and places. It states *'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment....'*

5.8 At paragraph 94 the NPPF states ‘...Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations...’ Paragraph 100 of the NPPF identifies that where development is necessary it should be ‘safe without increasing flood risk elsewhere’. This is supported by NPPF paragraph 99 ‘when development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaption measures’.

5.9 Paragraph 132 of the NPPF advises that ‘*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...*’

5.10 Paragraph 134 advises on the assessment of development that is considered to cause ‘less than substantial harm’ to a heritage asset. It is stated that ‘*...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use...*’

5.11 Paragraph 196 of the Framework confirms that the NPPF is a material consideration in planning decisions. Paragraph 197 states, furthermore, that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Havant Borough Local Development Framework

5.12 The Havant Borough Core Strategy was formerly adopted on 1st March 2011. It is the principal document in the Council's Development Plan and sets out the spatial planning strategy for the area up to 2026. The relevant policies are as follows:

CS2	Employment ...Planning permission will be granted for development proposals that: 5. Safeguard existing employment sites and allocations that are fit for purpose from development proposals for non-employment uses... 7. Protect marine businesses located on waterfront locations from non-marine related employment and other uses.
CS4	Town, District and Local Centres – encouragement of new comparison goods retail floorspace within identified centres;
CS6	Regeneration of the Borough - Planning permission will be granted for development which positively contributes by type of use and design and by its comprehensive approach to the social, economic and/or physical regeneration of the whole borough...;
CS9	Housing – requires new residential development to provide a mix of dwelling types that ‘help meet local housing need...’ – This policy goes on to state that housing proposals will: - ‘Deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more and secure a suitable contribution, or on-site provision, equivalent to on average 30-40% on smaller housing developments between 5 and 14 dwellings (gross), unless a lesser requirement has been transparently justified on viability grounds...’
CS11	Protecting and Enhancing the Special Environment and Heritage of Havant Borough – this policy seeks to protect and where appropriate enhance the borough’s statutory and nonstatutory heritage designations by

	appropriately managing development in or adjacent to conservation areas, listed buildings;
CS14	Efficient use of Resources; <i>(requires residential development to meet Level 3 of the Code for Sustainable Homes)</i>
CS15	Flood and Coastal Erosion Risk 'Development in areas at risk of flooding now and in the future as identified on the latest Environment Agency flood risk maps and Strategic Flood Risk Assessment climate change maps will only be permitted where: 1. It meets the sequential and exception test (where required) in relation to PPS25. 2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment. 3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site. 5. Appropriate flood warning and evacuation plans are in place. 6. New site drainage systems are designed taking account of events which exceed the normal design standard...'
CS16	High Quality Design;
CS20	Transport and Access Strategy.
DM2	Protection of Existing Community Facilities and Shops 'Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, including local shops ...- shall be retained unless it can be demonstrated via a marketing exercise that there is no longer a demand/need for that use;
DM3	Protection of Existing Employment and Tourism Sites – Sites last used for Class B employment purposes shall be protected unless it can be demonstrated they are no longer fit for purpose +/- financially unviable for continued Class B use;
DM12	Mitigating the Impacts of Travel "New developments will be required to mitigate their travel impact, including the environmental impacts of travel (such as noise, air and visual pollution) and impacts on amenity, health and climate change..."
DM13	Car and Cycle Parking on Residential Development This policy states that: - "Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision

Supplementary Planning Document Supplementary Planning
 Guidance/Documents.”

Havant Borough Local Plan (Allocations), Adopted 23rd July 2014

5.13 The Allocations Plan replaces the remaining saved policies for the Havant Borough District-Wide Local Plan and includes a number of policies in addition to those in the Core Strategy. Of relevance to this application are the following policies: -

- | | |
|-------------|--|
| Policy AL1 | <p>Presumption in Favour of Sustainable Development</p> <p>“...the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)...”</p> |
| Policy AL2 | <p>Urban Area Boundaries and Undeveloped Gaps between Settlements</p> <p>“...The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map...”</p> |
| Policy DM20 | <p>Historic Assets</p> <p>Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough. Applications that affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:</p> <ol style="list-style-type: none"> 1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal. 2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets. |
| Policy DM24 | <p>Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development</p> <p>Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in combination effect of net additional dwellings. This mitigation can be provided through:</p> <ol style="list-style-type: none"> a) A financial contribution. b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations. c) A combination of measures in (a) and (b) above. <p>Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.</p> |

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

Policy DM25 Managing Flood Risk in Emsworth

Planning permission will be granted for developments within the Emsworth urban area boundary that can demonstrate how post development runoff has been reduced by the greatest percentage rates and volumes that are possible in the context of cost, technical feasibility and viability. Extensions to existing houses and change of use are exempt from the requirements of this policy.

Planning permission will be granted for developments within the Emsworth urban area boundary of greater than 1 hectare and in Flood Zones 2 and 3 that are supported by onsite sustainable drainage systems.

New developments that fall within the Emsworth urban area boundary; and/or has an impact on the flood risk of the areas within the Emsworth urban area boundary may be required to make a contribution towards the Emsworth Flood Alleviation Scheme (FAS)

Residential Parking and Cycle Provision SPD

5.14 This document sets out Havant Borough Council's off-street parking standards relating to new development in the Borough. Applications for planning permission will be assessed against the guidance set out in this document.

5.15 The vehicle and cycle parking requirements for this application have been calculated in compliance with this draft SPD

Borough Design Guide SPD, Adopted 14th December 2011

5.16 The Borough Council adopted its "Borough Design Guide Supplementary Planning Document" on 14th December 2011.

5.17 The aim of the Havant Borough Council Design Guide Supplementary Planning Document (SPD) is to provide detailed information that supplements Policy CS16 of the Havant Borough Core Strategy, to raise the standard of design across the Borough and set out what the Council expects developers to deliver in terms of the design of new developments and how the distinctive character and qualities of the Borough should be respectfully improved and enhanced through development.

5.18 This document provides detailed guidance concerning Character, Movement, Legibility, Continuity and Enclosure, Public Realm, Diversity and Detailing and Adaptability and Sustainability. It also provides "Specific Guidance on Residential Developments."

5.19 The above policies are considered to be in general conformity with the NPPF and are, therefore, relevant to the determination of this application.

6.0 Pre-Application Consultation and Community Involvement

6.1 This planning application is a revised proposal following the refusal of application APP/14/00510 on 22nd July 2014. The earlier scheme sought consent for a terrace of 4 houses with a frontage onto Queen Street, together with a block of 5 flats to the rear. The LPA considered that this earlier redevelopment of Dolphin Quay: -

- (1) Would have had an adverse impact upon the surrounding area which is designated as a conservation area and an Area of Outstanding Natural Beauty;
- (2) Was not accompanied by evidence that a comprehensive marketing exercise had been undertaken;
- (3) Had not made provision for adequate flood defences to be put in place;
- (4) Did not make provision for a financial contribution towards the Solent Disturbance Mitigation Project, and;
- (5) That no binding arrangements had been put in place for the provision of 'affordable housing'.

6.2 The applicants have considered, very carefully, the LPAs reasons for refusal and have both reduced the number of dwellings from 9 to 6 and have also redesigned the proposed houses. The applicants have also undertaken a robust marketing exercise of the site in order to demonstrate that there is little, if any, likelihood of it being reoccupied for retail, office and boat building purposes. Furthermore, the applicants have thoroughly assessed the development in relation to Flood Risk and propose, with this application, to undertake onsite flood mitigation works as well as provide a financial contribution to improve flood defences around the eastern end of Queen Street which would benefit the wider community.

6.3 On 14th March 2016 the applicants submitted a pre-application enquiry to the LPA which included drawings of a radically redesigned proposal together with a draft Marketing Report by commercial agents Holloway, Illife and Mitchell. The applicants and their agents met with the Council's Planning and Conservation Officers on 13th April 2016 to discuss the amended scheme. A written response was received from Officers on 17th May 2016 (attached as **Appendix I**).

6.4 Officers provided advice in relation to the: principle of development; loss of employment space, retail unit and marine based business space; flood risk; design and other matters. In summary, with regards to the 'principle of development' the Councils Officers outlined current relevant planning policy relating to the delivery of sustainable development.

6.5 Having assessed the draft **Marketing** Report Officers commented "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."

6.6 With regards to **Flood Risk** the LPA advised "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... 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..." On this matter the LPA concluded "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)."

6.7 With regards to **Design** the Council's Officers were largely supportive of the concepts adopted by the pre-application scheme. Concerning the terrace of four dwellings at the front of the

site Officers commented “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.” Officers stated furthermore “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.”

6.8 Detailed comments were also made with regards to the proposed fenestration of the two houses to the rear of the site, fronting the harbour. Consequently, additional revisions have been proposed which indicate a better ‘balance’ and provision of a more ‘vertical’ emphasis to the fenestration.

6.9 Officers also confirmed that the proposals were acceptable from a **Highways** perspective and that the earlier **Ecological** appraisal of the site should be updated.

6.10 Finally, with regards to the provision of **Affordable Housing** Officers confirmed that they would consider off setting any financial contribution generated by the development towards the provision of off site affordable housing against the costs of delivering off site flood mitigation works. Officers confirmed “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.”

6.11 In conclusion Officers stated “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.”

6.12 Section 17 of the submitted **Design and Access Statement** (DAS) provides a detailed review of the Public Consultation and Community Engagement undertaken by the applicants in relation to this proposed development. A Public Consultation event was undertaken at Dolphin Quay on Wednesday 22nd June 2016. The DAS states that “Overall it was a positive consultation with a general consensus that the scheme was a vast improvement on the previous proposals.”

6.13 On 11th July 2016 the schemes Architects attended and made a presentation to the Emsworth Residents Association. The DAS summarises the response of the Residents Association as:

-

- Overall the meeting was very positive and a lot of residents were supportive of the scheme and the contemporary style on the rear that the scheme presented was a vast improvement on the previous proposals.
- The houses fronting onto Queen Street did not cause much debate with the majority of residents supportive of the style of design and materials proposed.
- The general consensus was again that the scheme presented was a vast improvement on the previous proposals.

7.0 Planning Considerations

7.1 Since submitting the original planning application for the provision of 9 dwelling at Dolphin Quay in 2014 the applicants have undertaken a significant amount of additional work. As has been described already the development proposed by the original application was considered: -

- To have an adverse impact upon the surrounding area (which is both an AONB and Conservation Area);
- Not to have been marketed in a robust manner;
- Had not made provision for adequate flood defences to be put in place;
- Did not make provision for a financial contribution towards the Solent Disturbance Mitigation Project, and;
- Had not provided “binding arrangements” for the provision of affordable housing.

7.2 Each of these issues will now be considered in the context of the proposed development.

Design and Impact Upon the Surrounding Environment

7.3 The application proposals have been reconsidered in great detail since the submission of the original application in 2014. The major changes are as follows: -

- The external design, massing, siting, finish and appearance of the of 4 terraced houses fronting onto Queen street as has been revised to respond to the surrounding sensitive environment;
- The scale and context of the development to the rear of the site has been significantly redesigned with the two contemporary houses reflecting the historic use of the site by marine related industries.

7.4 As can be seen from the two images below the proposed frontage development has been redesigned so as to better reflect the context of the surrounding historic environment. Whilst the proposals would still result in the provision of 4 terraced houses on the sites Queen Street frontage the houses would now be provided within a terrace that steps up down at its east and west ends. Additionally, a wider palette of materials is proposed which responds to the appearance of several historic buildings in the locality.

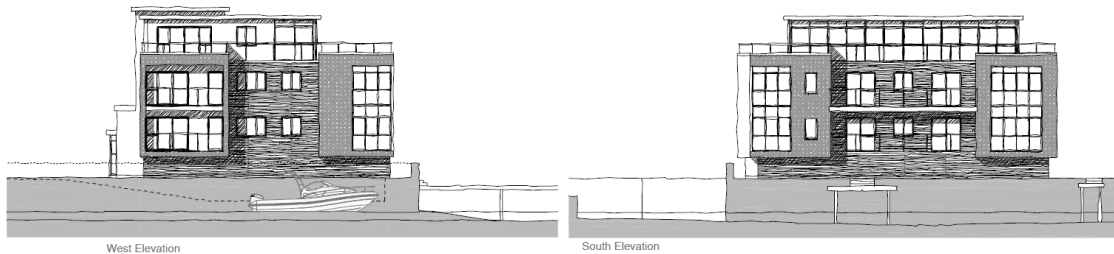


Refused 2014 Application APP/14/00510

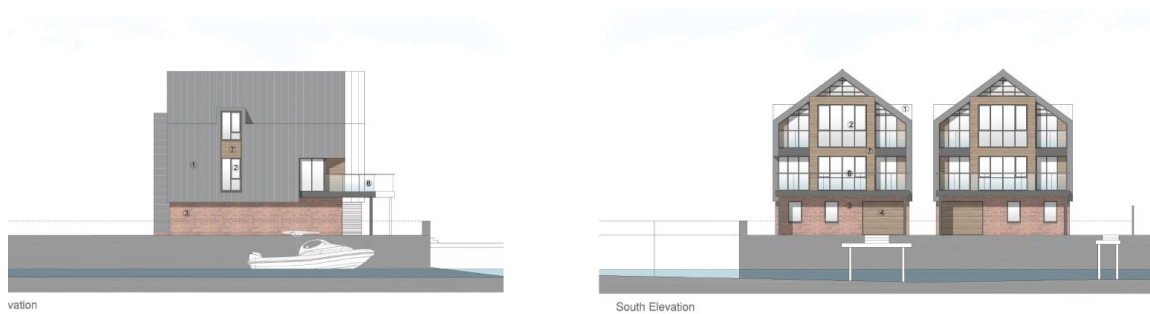


Current Proposal

7.5 The proposed development to the rear of the site has also been radically redesigned following the refusal of the planning application in 2014. The previously proposed block of 5 flats has been amended to show the provision of two, contemporary styled, detached houses.



Refused 2014 Application APP/14/00510



Current Proposal

7.6 The DAS explains that the dwellings “have been designed to reflect an industrial shed but utilised in a modern way to create a striking contrast against the neighbouring listed buildings. The proposed materials are a wrapping metal facade, with timber cladding features, grey facing brick, grey windows and glass balconies with stainless steel handrails. Antiglare and solar glass will be used on south facing windows to reduce any glare and avoid overheating. Plot one has further addressed the Quay side edge with a unique wrapping window. The rear of the bespoke houses have been sensitively designed so that no overlooking will occur with the amenity space of the proposed traditional houses, with windows mainly for en-suites and kitchens which can be frosted and a feature window for the stairwells which again could be frosted if required, although there is adequate separation distance with private rear spaces both facing towards the south instead of backing on to each other.”

7.7 The applicants are of the view, therefore, that their submitted scheme represents a high quality proposal which would enhance the special historic character of the surrounding conservation area.

7.8 Policy CS11 of the Core Strategy relates to the protecting the special environment of the Borough. When submitting the original planning application in 2014 the applicants sought the advice of a specialist Conservation Consultant. In his report the consultant noted: -

“The existing buildings on the site, as noted in the Local Planning Authority’s appraisal, have a negative impact on the character and appearance of the conservation area. Although Nos.31 and 31A (the frontage buildings on the site) retain a vestige of the nineteenth century buildings that once existed, there have been substantial alterations carried out to these buildings and consequently their heritage value is now insignificant. The later buildings at the rear of the site are all rudimentary in appearance and falling into a state of dilapidation. None of these structures have any architectural or historic interest. It follows, therefore, that the demolition of all the buildings and

structures on the site would, in principle, be beneficial provided the replacement buildings and spaces are of a high quality and sympathetic to the context in this part of the conservation area...”

7.9 The evolution of the scheme has responded positively to comments made by both Officers and members of the Local Community. As such the submitted scheme is considered to represent a form of development which is compliant with Sections 7 and 12 of the NPPF and also policy CS11, ‘Protecting and Enhancing the Special Environment and Heritage of Havant Borough’ of the Core Strategy.

Marketing

7.10 Submitted with this application is a detailed marketing report by commercial agents Holloway Iliffe & Mitchell. The report explains that the site has been actively marketed over a range of formats since February 2015. The report explains the way in which the site has been marketed and how it has been ‘priced’. The marketing report provides a detailed list of enquires – and provides a summary of those parties who have viewed the site. The report explains that “parties that have shown a general interest in potentially relocating their businesses to the site have found that the site is problematic, not just because of the flooding issue, but because the building is in such a state of disrepair that this has become an issue.” Several other expressions of interest have been received from developers looking to redevelop the site together with a charity.

7.11 The report concludes by stating that “The dilemma has been that for any Landlord to invest heavily in the refurbishment of this building would mean a substantial lease term is entered into to make this viable and the types of businesses that have been interested are mainly young, small companies who cannot commit to such a deal and therefore the Landlord cannot invest heavily in the building without this sort of commitment and therefore it all becomes unviable.”

7.12 The report submitted with the application is updated with an Addendum Letter from the commercial agents which reviews the marketing activity since the report was written until 22nd August 2016.

7.13 The LPAs second reason for refusing planning application APP/14/00510 on 22nd July 2014 was as follows: -

“On the basis of the information submitted, the Local Planning Authority is not satisfied that it has been demonstrated that the site is no longer fit or is unsuitable or financially unviable for employment uses and the use of a shop; the Authority is not satisfied that a suitable comprehensive marketing exercise has been carried. Therefore the proposal is contrary to policies DM2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012”

Flood risk

7.14 As has been highlighted earlier in this statement the site is located within a Flood Zone 3 area. In order to better understand and establish whether the application site was capable of being redeveloped for housing the applicants commissioned Opus International Consultants (UK) Ltd to undertake a Flood Risk Assessment. The FRA acknowledges that (para.11.2) ‘Coastal defences on the site frontage to be designed for 4.8m AOD tidal level and constructed initially to a minimum crest level 4.05m AOD...’ Consequently, when considering the development proposal the report states at para.11.4 ‘No habitable uses are proposed below 4.8m AOD. Uses below this are restricted to courtyard, garden and amenity space for parking, recreation, cycle storage and utility rooms. Resilient forms of construction in accordance with DCLG guidance document ‘Improving the Flood Performance of New Buildings-Flood Resilient Construction’ will be used.’

7.15 In their report Opus note, at paragraph 12.1, that ‘The site (undefended at present) is classified as FZ3. Whilst in an undefended condition the site is at an unacceptable risk of flooding.’ However, the report goes on to state that ‘...ESCP [Eastern Solent Coastal Partnership] /HBC

acknowledge that development on the site is needed to enable delivery of Queen Street coastal defence scheme and this accords with local Flood and Coastal Erosion Resilience Partnership Funding policy...’ In other words the redevelopment of the application site would enable the provision of significant flood protection works around Dolphin Quay which would ‘...facilitate a reduction in flood risk to 0.5% AEP +300mm freeboard for the following:

- Residences at 1-8 at Chequers Court
- Residences at 1-3 Spinnaker Place
- Residences at 26, 28, 30, 31, 32 & 34 Queen Street
- Commercial business at Lillywhites Garage
- Commercial business at The Lord Raglan PH
- Several commercial businesses at Queen Street Mill Business Park
- Public access to the above along Queen Street...(para.14.1)

7.16 The report also states that ‘Properties owners shall initially be provided with and shall thereafter maintain and update a Flood Warning and Escape Plan.’ (Para.11.5) If officers are minded to grant permission this aspect of the proposal could be required via a planning condition.

7.17 It is noted that the pre-application response letter from HBC explains that the Environment Agency were consulted and requested that “Sequential and Exception Tests should be undertaken.” Section 12 of the Opus report explains that the proposals accord with these tests.

7.18 The application proposals would make provision for a wider raft of measures to be carried out to flood defences. These improvements, some of which are off site, would be secured via a S106 agreement.

7.19 Given that the proposal would result in the future occupiers of the proposed dwellings being adequately protected from the risk of flooding, as well as those occupying both existing residential and commercial buildings identified above, it is considered that the development would be compliant with the relevant paragraphs of the NPPF and policy CS15 of the Havant Borough Core Strategy.

Affordable Housing

7.20 Core Strategy policy CS9 states that housing proposals will: - ‘Deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more and secure a suitable contribution, or on-site provision, equivalent to on average 30-40% on smaller housing developments between 5 and 14 dwellings (gross), unless a lesser requirement has been transparently justified on viability grounds...’

7.21 As has been explained above the proposed development will enable the delivery of both onsite and off site flood mitigation measures that will benefit the wider community. The applicant is currently in the process of finalising the development costs of the site. It is anticipated, however, that the development may well not be financially viable if it had to provide contributions towards both off-site flood defences and affordable housing. These matters will be discussed during the course of the consideration of this application. The delivery of the agreed financial contribution will be secured via a S106 obligation. Providing that the applicant reaches an agreement with the LPA on this matter it is considered that the requirements of Core Strategy policy CS9 will have been met.

Solent Disturbance Mitigation Project (SDMP) and Ecology

7.22 As from the 30th June 2014, the Council has sought financial contributions towards the Solent Disturbance Mitigation Project (SDMP). Natural England has advised the Council that a contribution of £176 per dwelling is required to mitigate against the effects of recreational disturbance on the Solent Special Protection Area (SPA). The LPA seeks to secure such contributions,

for development of 1 or more dwellings, via Policy CS21 of the Local Plan (Core Strategy) 2011 and Policy DM24 of the Local Plan (Allocations), 23rd July 2014. The applicant will make the necessary contributions via a S106 planning obligation. As such, it is considered that the proposed development is compliant with policies CS21 and DM24.

8.0 Conclusions

8.1 This application proposes the redevelopment of the existing land with a high quality residential development. The site is on previously developed land and is also in a sustainable location close to Emsworth Town Centre.

8.2 It is apparent from the marketing exercise that has been undertaken that the site is now not viable for further commercial use. Recent flood events have discouraged interest in the use of the site for alternative commercial uses; the sites limited size and position next to often shallow water has also discouraged interest from the boat building sector.

8.3 The proposed design solution would both mitigate current flood risk and would also enhance the character and appearance of the surrounding conservation area. Additionally, the proposal would also improve existing flood defenses and help protect a wider number of properties within the vicinity of the site. The National Planning Policy Framework states that there should be a presumption in favour of sustainable development. It is considered that this proposal represents sustainable development.

8.4 The Design and Access Statement submitted with the application sets out the extensive consultation exercise that has been carried out with both Havant Borough Council and the Local Community. This exercise has enabled the scale, design and layout of the proposal to evolve in a manner that reflected local concern. It is considered that the proposal, as such, has addressed several early concerns and now has the backing of some of the local community.

8.5 It is concluded that, in terms of current planning policy, the proposed development would be an example of 'sustainable development' and would, as such, be compliant with both the NPPF and the Havant Borough Core Strategy.

APPENDIX I

Officer Pre-Application Response 17th May 2016