

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/14/00510
Site Address:	Dolphin Quay, Queen Street, Emsworth
Development:	Demolition of single storey shop, two storey office building and associated outbuildings within boatyard. Erection of 1 No. 3 storey building containing 3 No. 3 bed apartments and 1 No. 3 bed and 4 No. 2 bed apartments and undercroft parking.
Case Officer:	Rachael McMurray
Comments by:	Richard Nash
Date of Comments:	17 June 2014

EMERGING POLICY STATUS:

The Local Plan (Allocations) was submitted to the Secretary of State in December 2013 and Examination Hearings have been held. Although the Plan has not yet been adopted it is at an advanced stage in preparation and therefore carries weight in decision making. Paragraph 216 of the National Planning Policy Framework outlines the weight to be given to emerging plans:

From the day of publication, decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In addition to this the Council have also published an Interim Planning Policy Statement (October 2013). This explains the ability of the Council to choose to allow allocated sites in the emerging plan to come forward in advance of adoption of the Plan.

In this case, the flood defence elements of the proposal should be assessed against the criteria of Local Plan (Allocations) Policy DM25 (Managing Flood Risk in Emsworth). It is likely a decision would be made on the application after the Inspector's Report on the Examination of the emerging Plan has been published. I would therefore suggest that it might be appropriate for Planning Policy to provide additional comments at a later date.

HOUSING:

In principle, Core Strategy Policies CS9 (Housing) and CS17 (Concentration and Distribution of Development within the Urban Areas) are supportive of the proposed redevelopment of the site.

LOSS OF CURRENT USES:

It appears that the site as a whole has most recently had a mixed use comprising a shop, offices and a boatyard. Core Strategy Policies DM2 and DM3 are broadly similar in their approach to the protection of such uses, in terms of the type and amount of marketing that should be carried out to demonstrate their ongoing viability status.

In this case a marketing report has been provided, and it would appear that the site has been marketed for a lengthy period without success. The reasons for this are suggested as being regular flooding, lack of insurability and inappropriateness for use as a modern boatyard.

This reasoning appears credible, but the report is somewhat lacking in sufficient detail to satisfy the relevant policy criteria. In particular, the report does not contain an enquiry log, copies of press advertisements or specific evidence of marketing via the internet.

The report suggests that 'commercial developers were approached on a by invitation only basis but none considered the site to be a viable proposition for commercial use when refurbishment/rebuild costs were taken into account'. However, no record is provided as to who was approached and why, individually, they decided not to proceed. It is claimed to be 'evident that retaining the site as a commercial proposition was not a viable investment due to the regular flooding issues' but, given the lack of evidence provided, the Council is not in a position to judge whether this is the case.

The report accepts that 'the existing premises could have been marketed more widely utilizing additional media outlets to generate more interest' but considers it 'evident that this would have been a futile exercise given the nature of the premises the site and the previous history'. However, this theory has not been properly tested. Without further evidence being provided, the Council cannot establish whether the targeted marketing of the site to 'commercial developers' has been truly comprehensive enough (in terms of its scope and scale) to have tested its viability.

This is of particular importance in this case given the sensitivities of the partial maritime use of the site and its location. It is noted that existing moorings would be retained for commercial rental purposes, but it is considered this would not in itself compensate for the loss of the boatyard. The Chichester Harbour Conservancy will no doubt wish to comment on the current application and I would suggest that the incomplete nature of the marketing evidence might have a bearing on how the proposal is considered against Policy CS12 (Chichester Harbour Area of Outstanding Natural Beauty).

Principle of development:

More Information Required.