

Recommendation: **REFUSE PERMISSION**

- 3.1 Demolition of the single storey shop, two-storey office building and outbuildings associated with the boatyard and the construction of a terrace of 4no. dwellings fronting onto Queen Street and a 3-storey apartment building comprising 5no. flats to the rear of the site fronting onto the Mill Pond with a semi- basement car park.
- 3.2 The terrace development would comprise 4no. dwellings (each with 3no. bedrooms) fronting onto Queen Street. The two closest dwellings to the Lord Raglan PH would comprise 2 1/2 storeys with dormer windows in the roof space. The other two would be full height , three-storey dwellings. The smaller pair would be constructed of red brick, flint work with brick detailing, timber sash windows and a hipped clay roof with lead

clad dormers. The taller pair would be similar but would not include flint work or dormer windows. The habitable accommodation has been set above 4.80m AOD due to flood risk mitigation. The ground floor of each dwelling would therefore comprise a utility room / bike store and a covered parking area with two spaces per dwelling, and a further two spaces in front of this, accessed from the rear of the terrace. The front elevation to each pair of dwellings includes steps up to the front entrance doors which are enclosed by a front brick wall and railings. The entrance door accesses the downstairs parking area, with internal stairs leading up to the living accommodation. At the rear of the terrace, each property would have a first floor external decked area of amenity space. This would be enclosed by a glass balustrade. The additional parking spaces would be beneath the decked areas. Each dwelling would include cycle parking. There would be a bin store to serve all properties located on the west elevation.

- 3.3 The east elevation terrace would be located 5.5m from the west elevation of the Lord Raglan PH. The vehicular access into the site would be located in between the two buildings. To the west of the terrace there would be a public seating area and some landscaping accessible from Queen Street. The distance between the rear of the decked areas of the terrace housing, to the front building line of the rear building of 8.5m at the closest point.
- 3.4 The building at the rear of the site would comprise three storeys of living accommodation with a semi-basement car park beneath. The style would be more contemporary compared to the terrace development on the front of the site and would include a flat roof and more glazing. The palette of materials would include red brick, modern clad flint protruding bays, off white render, grey windows and glass balconies with steel handrails.
- 3.5 The building would comprise 4 x 2no. bedroom units and one 3no. bedroom unit on the top floor. Each apartment would have a decked external balcony area facing out towards the harbour. As with the terraced units, the finished floor level of the apartments has been set at 4.8m AOD. This building also includes a basement car park accessed from the north elevation of the building which provides 7no. parking spaces and cycle storage. There would be a further three spaces located in front of the north west corner of the building.
- 3.6 The proposal also includes the upgrading of the existing pontoons and their retention for commercial rental purposes. As well as the vehicular access, the pedestrian access to the site by way of a footpath down the eastern edge of the site to the mooring has been retained with one stepped access and one ramped access. As the site is located within a FRZ3, The application also proposes a new sea defence wall of 900mm in height along western boundary of the site.

4 Policy Considerations

National Policies

NPPF

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)

CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)
DM3	(Protection of Existing Employment and Tourism Sites)

Allocations Plan

DM20 (Historic Assets)

DM24 (Recreational Disturbance to Special Protected Areas from residential development)

DM25 (Managing Flood Risk in Emsworth)

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 **Statutory and Non Statutory Consultations**

Economic Development:

- The application does not adequately address the issue of loss of employment use on the site, given the importance of the marine sector to the area. Also, there is no evidence to suggest that other employment opportunities have been explored. Therefore, loss of employment use on the site can not be justified.
- The applicant provides inadequate information to suggest that the site has been effectively marketed. The applicant should provide a timeline for marketing, evidence of marketing and the prices at which the property was marketed.
- The applicant provides inadequate information and lacks evidence to demonstrate the economic viability of the site. The proposal for re-development for housing is based on the argument for viability and therefore, the applicant should provide a financial viability appraisal. The appraisal should be tested by an independent valuer at the applicant's expense.
- Section 1 para 6 states ... "**Following a period of marketing**" it is not clear how long this was for, when, where and how the marketing was conducted. Economic Development assumes that the marketing was for the retail unit and therefore, this statement would not apply to the office and workshop units.
- We assume that the survey report (Survey Report dated 28 November 2011) only covers the Antiques Centre (31-33 Queen Street) as per letter dated 14th November 2011. There is inadequate evidence to suggest that Building 2 (Office) and Building 3 (Workshop) have been surveyed and assessed for continued use for employment.
- The survey, although limited in nature, does not highlight any major issues with the property. Paras 5 point .02 and .03 summarise the findings with regard to the condition of the property. This is in contrast to the Marketing Report

Section 5 para 2.

Mitigation for loss of employment use on the site

•The applicant does not make any provision to offset loss of employment use on the site despite the proposal leading to a loss of employment use and resulting jobs on the site.

- NPPF seeks to achieve a net gain across all strands of sustainable development including economic strand (NPPF para 8). The NPPF also seeks to promote economic growth through the planning system (NPPF para 19).
- Therefore Economic Development seeks that, should the planning authority be minded to grant planning permission, the applicant makes a financial contribution to mitigate for the loss of employment use on the site.
- The contribution to mitigate for loss of employment on the site will go towards local employment and training schemes, job brokerage services or business support initiatives.
- The economic contribution is in accordance with NPPF Para 152 which states that ... *Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adverse mitigation measures are not possible, compensatory measures may be appropriate.*

Environment Agency:

The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission granted:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by OPUS International Consultants (UK) Ltd, dated 11 May 2014 and the following mitigation measures detailed within the FRA:

1. No habitable use of the development to occur below 4.8mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the proposed development and its occupants remain safe over its lifetime.

The local planning authority (LPA) must be aware that the ground floor levels of the proposed development could be exposed to internal flood depths of up to 0.9m and must be satisfied that buildings will be able to withstand this.

The development is at risk of flooding during extreme tidal flood events, during which

safe access and egress may not be possible. The applicant is proposing to rely on a flood warning and escape plan. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the NPPF (Paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

The applicant proposes to construct defences initially to the 2054 flood levels that have the capacity to be adapted to 2115 flood levels. Whilst we welcome the proposed improvement it is not clear when the wall will be raised, or where the responsibility for this will sit.

The applicant has stated that they will contribute to, and facilitate as far as he is reasonably able to, the construction and delivery of the offsite elements of the Queen Street coastal defence scheme. Therefore, the proposed development offers a valuable opportunity to facilitate delivery of a flood defence scheme that would reduce tidal flood risk to an existing community that may not receive sufficient central government funding to meet its full cost. The LPA should be aware that whilst this intended contribution is welcomed, detailed discussions are still required to confirm this and no legal agreements are currently in place. At this stage there is still a risk that despite the potential contribution it is not possible to unlock sufficient central government funding to guarantee the implementation of the wider flood defence scheme.

Flood Defence Consent

Under the terms of the Water Resources Act 1991, and the Southern Region Land Drainage and Sea Defence Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 15 metres on the landward side of any sea defence. This consent is in addition to planning permission.

Coastal Partnership:

The Coastal Partnership has no objection to the proposed development as submitted and recommends inclusion of conditions on any permission granted to ensure delivery of flood risk management commitments.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Opus International Consultants (UK) Ltd reference EF1286 FRA/APT issue 1 dated 11 May 2014 and the following mitigation measures detailed within the FRA:

- All dwellings to have **habitable uses** with finished floor levels above 4.8m AOD
- Provision of a specified contribution, secured through a S106 agreement, to facilitate delivery of the necessary off site flood defence scheme

The mitigation measures shall be fully implemented prior to occupation or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development approved by this planning permission shall take place until such time as a scheme to detail the following has been submitted to, and approved in writing by, the local planning authority.

- Details of the proposed on site flood defence design and construction with particular reference to the points at which the on site defences would tie in to the off site defences.
- Details of how the onsite flood defences will be delivered, maintained and operated over the lifetime of the development including assurances that owners and operators are aware of their responsibilities

Reason

To ensure that the proposed onsite flood defences are constructed and maintained over the lifetime of the development to ensure the safety of the development and future occupants.

Condition 3

No occupation of the residential dwellings shall occur until the on site tidal flood defences have been completed (are ready for service) to the satisfaction of the Local Planning Authority

Reason:

To reduce the risk of flooding to the proposed development and future occupants

Conservation Officer:

The site has been subject of pre-application consultation. The submitted scheme varies slightly from what was considered at that stage, but in essence the quantum of development and general approach appear very similar. I raised strong objection to the original proposals and see no reason to differ from this view. The scheme is seriously flawed which I will expand on below.

Appraisal

The present site contains a hotch potch of buildings and general paraphernalia typically associated with a boat repair yard. Up until very recently it was a fully working functional site . – the buildings and structures reflect this. None of the buildings have significant architectural or historic interest. This includes the former shop directly fronting Queen Street. Nevertheless the use and past activity added positively to the character of the conservation area is appropriate to the marine environment.

The present buildings are of modest scale and are largely engulfed by the boats in the estuary and on shore. Seen close to and from afar the buildings on the site are visually insignificant. The visible interconnection between Queen Street and waterfront

is a strong positive visual component of the conservation area and setting of the listed buildings..

The character of the area in the immediate vicinity of the site is generally two storey domestic scale buildings. Leigh's Mill (Old Flour Mill) stands out as a landmark building being substantially larger than its immediate neighbours and of distinct architectural character. It currently enjoys open views to and from the harbour.

There is a distinct transition in scale west and east of Dolphin Quay. To the west the white rendered Dolphin House (29 Queen Street) provides a strong visual anchor (bookend) to the mainly C18 mixed terrace of high quality architectural buildings (all listed) leading up to High Street. East of Dolphin Quay the scale of the buildings diminishes considerably with the Lord Raglan being typical of the domestic scale.

To the east of the site Chequers Quay, a relatively recent housing development maintains this modest scale, while accommodating the flood risk requirements pertinent at the time of its construction. Viewed from the harbour the buildings in Queen Street provide a delightful backdrop to the maritime activity. Typical to many historic towns and villages the buildings have developed over time and contain a variety of styles, which nevertheless combine to form a much loved quintessentially English townscape. Of the buildings, the former flour mill stands out due to its height and scale. While it is a distinctive building (a function of its scale and former use) the use of brick enables it to knit into its surroundings.

A cursory assessment using map regression shows the current strongly linear pattern of development in Queen Street to have changed little over the last 150 years.

Policy

In terms of Heritage issues proposals for this site fall to be determined under national guidance set out in the NPPF, extant Practice Guidance to PPS.5 and recently published Planning Practice Guidance issued by the DCLG. At local level Policy CS11 of the adopted local plan applies. These policies are supplemented at national and local level by supplementary guidance. Most pertinent to the current application are:-

- The Setting of Heritage Assets (English Heritage) 2011.
- Seeing the History in the View (English Heritage) 2011
- Adopted Emsworth Conservation Area & Character Appraisal 2010

Proposals

General

1. The proposals are submitted with a Heritage Statement, Design & Access Statement & Planning Statement as required. The Planning Statement is inaccurate. The applicant's were left in no doubt that the scheme presented at pre-app was unsatisfactory and required radical revision. The views that I conveyed were mirrored in many ways by those articulated by the local Design Panel. It is unclear how there can be any room for misunderstanding, or the applicant's could conceive the scheme, as amended, responds to the criticisms I raised.
2. I appreciate that this is a complex and constrained site with technical difficulties to overcome in terms of flood defence. This does not negate the requirement for a high quality, well considered design appropriate to its local context. I was critical of the lack of analysis which had been presented to illustrate what had informed the design approach – scale, mass, rhythm, setting, morphology, close-to and more distant views etc. It is a challenging

site, conservation area, AONB, setting of listed buildings. Apart from the broader context referred to, there is no evidence of an in-depth assessment of the constraints and opportunities the site provides or analysis of the local context. These are essential, basic components, necessary to evolve an appropriate development for the site. The local context requires an understanding of the prevailing local character shaped by the scale, form, mass and arrangement of buildings, apart from their detailed design. The site is prominent is a wide range of views including Queen Street, three public footpaths and from the harbour itself.

3. While some very modest improvement has been made - cutting back the development so that it does not completely cut off view of the creek; the scale of development and its relationship to its immediate surroundings seriously impairs the quality and character of the resulting environment. Here I am thinking particularly, but not exclusively, of the 4-storey development at the rear of the site, its relationship to the harbour, creek, adjacent listed buildings and views afforded of them.

I have set out in my appraisal (above) some of the pertinent considerations which I would expect to have been applied. Adopting this approach I fail to see how one could conclude other than the proposed development would seriously impair the setting of the listed buildings and conservation area.

Detail

- Notwithstanding policy considerations, the boatyard provided a vibrant use which contributes positively to the conservation area. Less than two year's ago it was an active well established business operation looking to remain on site as part of a mixed use redevelopment.
- Nos 31 & 31a have a neutral impact on the conservation area. They are of appropriate scale and form and sit comfortably within the street scene. Their loss could be justified with an exemplary set of replacement building's which preserve and enhance the conservation area, which does not apply to the proposed development. Although slightly modified I maintain my concerns regarding the scale, form and detail of development fronting Queen Street. It is a poor veery compromised design.
- The new development has to be set on a higher ground slab to accommodate the flood risk. This restricts the achievable accommodation due to the resulting increased scale and mass. It also poses challenges in achieving an attractive street frontage. This has not been successfully addressed in the proposals.
- The rear block has no context to its surroundings. It straddles pretty much the whole of the width of the site and will be overpowering against its immediate neighbours. It will have a marked negative impact on the setting of the listed pub. No attempt has been taken to show its visual impact, from the Harbour and Queen Street.

Conclusion

The proposed development represents significant overdevelopment of the site. In heritage terms this creates fundamental problems by:-

- (1) creating an incongruous and strident development at odds with the present townscape as viewed from the Harbour. – see earlier analysis/appraisal.
- (2) cutting off the view and visual connection between the former Flour Mill and the Harbour – which makes an important contribution to its setting.
- (3) by virtue of the scale, form and proximity of the development seriously impairing the setting provided for the Lord Raglan PH.

- (4) by failing to have regard to the established character of the area and factors that contribute to – development pattern, scale mass, inter-connection between the Street and harbour, it fails the basic test of “preserving or enhancing” the character and appearance of the conservation area.

RECOMMEDATION - REFUSE

Reason.

The proposed development is disproportionate in scale and mass and contrary to the established character for this critical site, and the context within which it is set. It forms part of the AONB, Emsworth Conservation Area and forms an important component of the setting to a number of key listed buildings in the close vicinity. The development would seriously detract from the character and appearance of the conservation area and harm the setting of the nearby listed buildings. As such it is contrary to the established national and local planning policies for the area. In particular the National Planning Policy Framework (Design and Heritage policies), , extant Practice Guidance to PPS.5 and recently published Planning Practice Guidance issued by the DCLG. At local level Policy CS11 of the adopted local plan applies. These policies are further amplified at national and local level by supplementary guidance. In particular English Heritage guidance on the “setting of Heritage Assets” (2011) and the adopted Conservation area Character Appraisal and Management plan for Emsworth (2010)

Chichester District Council (CDC):

CDC wishes to raise an objection to:

1. Full loss of marine business use without sufficient justification:

Firstly on the matter of principle, the proposal involves the loss of all marine uses on the site. In evaluating this aspect of the proposal, CDC requests that consideration is given to the Chichester Harbour AONB Management Plan 2014-2019 and the Chichester Harbour Marine Business Evaluation Phase 1 Report 2013. The Marine Business report includes a specific assessment of Dolphin Quay, and suggests that the site has continued value for marine business. The management plan identifies wider harbour management issues including increasing pressure for the redevelopment of existing or historic marine business sites with residential development, leading to a loss of character and the erosion of traditional industry and local employment. Policy EG4 of the AONB Management Plan supports and encourages marine-related businesses through safeguarding marine sites and employment uses. Saved Local Plan policy C7 and emerging Local Plan policies 3, 26 and 44 would apply. CDC requests that the impact of the full loss of marine business use from the site is assessed for its implications both in relation to the site and the wider Chichester Harbour area, the majority of which lies within Chichester District. CDC recommend a robust approach is taken to safeguarding marine economy uses, a resource which is important to the local economy and communities and for which sites are limited. If a full marine use is not viable, and sufficient justification and evidence is provided to Havant Borough Council to demonstrate this, CDC advise a mixed use proposal, retaining some (marine) business floorspace on the site.

2. Scale, height, mass and bulk of built form, specifically the apartments which will have a significant detrimental effect on the character and amenity of the Mill Pond, adjacent and nearby listed buildings and their sensitive historic setting:

Turning to the merits of the proposal, the site is in a highly sensitive location and development would be prominent on the harbour frontage. Further to the constraints within Havant Borough set out in the planning application documents and consultee responses, the site is also adjacent to the Slipper Mill Pond and Peter Pond SNCI, and forms part of the wider setting of Grade II listed Slipper House that lies to the north east corner of the Mill Pond. The site is visible from the public highways including the A259 and Slipper Road, and public footpaths including the Sussex Border Path. The site is part of the Chichester Harbour Area of Outstanding Natural Beauty and lies north of Chichester Harbour, designated as a SSSI, SAC, SPA and Ramsar site. The existing development is low level and unobtrusive; the present view across to the application site is dominated by mature trees and boats, with traditional development to the north and a more consistent modern but uninspiring built frontage to the south.

In response to the above, the scale of the proposal is of particular concern, most notably within CDC's remit, the height, bulk and massing of the apartments which front the water. Proportionally, the scale of development is substantially greater than the existing and historic built form and would be unacceptably overbearing over the Lord Raglan PH and detract from the prominence and setting of the Old Flour Mill, obscuring these buildings from some viewpoints. The flood defence works exacerbate the overall height of the built form. Additionally, there is concern about the extent of glass particularly at the higher level, and the impact of both reflections and light emissions on the locality. Should the redevelopment of this site proceed, CDC advise that the built form is more restrained in design, and of a significantly reduced scale.

Chichester Harbour Conservancy:

The Conservancy objects in principle to the loss of a marine related employment site and is not convinced that sufficient effort has been made to market the site to a boat builder/repairer.

The Conservancy is mindful of the letter from the former tenant, sent to Havant Borough Council and his observations regarding the marketing report prepared by Borland and Borland.

No 'open book' financial appraisal of the cost of flood defences set against commercial rental yield has been put forward and no explanation is offered in hydrological terms as to where such flood waters would be displaced to.

Were such evidence on viability be properly set out, the Conservancy's Planning Guideline D1b then requires mixed use of the site to be investigated. No such appraisal has been undertaken/documentated.

Whilst Members had no objection to the general appearance of the housing as it fronted the street, serious misgivings were expressed of the rear flatted block, which was considered to be one storey too high, contain too much glazing and not being in keeping with the surrounding architectural context, particularly adversely affecting the setting of the Old Flour Mill Listed Building.

In conclusion, Chichester Harbour Conservancy objects to the application, as it considers insufficient efforts have been made to retain, or even partially retain the site in marine employment use, this being the remaining boat building infrastructure in

Emsworth with direct access to water and use of a slipway. Also that the scale mass and appearance of the rear, flatted block is considered out of keeping with its surroundings and detrimental to the historic views of adjoining Listed Buildings, particularly the 'Old Flour Mill'. Furthermore, the rear jettied roof balcony/terraces to the front block of town houses are considered to be an alien feature detracting from the character and appearance of the Emsworth Conservation Area. In combination, these design flaws are considered to be symptomatic of an inappropriate overdevelopment of the site.

If a revised application is to be made, the Conservancy considers a more modest scheme be proposed with every effort to be made to retain the site for marine related industrial purposes. If this were to be shown to be unviable a mixed use should be considered with the southern part of the site favoured for marine use and related to the retained moorings (which ought to be part of the application site) to provide access and facilities such as shower/toilet and workshop/stores for boating paraphernalia to allow owners to undertake modest running repairs. The slipway or a slipway ought to also be retained and vehicular access possible to it.

Hampshire County Council Ecology:

Thank you for consulting me on this application. Please accept my apologies for the delay in responding to you. In summary, I do not consider there to be any overriding ecological issues although the applicant will need to provide reassurance that sufficient financial contribution will be made towards the measures Havant Borough Council has in place to address the issue of recreational disturbance to European designated sites.

The only remaining potential ecological issue is therefore the site's proximity to nearby national and European designated nature conservation sites, namely Chichester Harbour Site of Special Scientific Interest (SSSI) and Portsmouth Harbour Special Protection Area (SPA). Whilst there are unlikely to be any direct impacts associated with this proposal – the SSSI/SPA is over 200m to the south – there will be substantial construction works within very close proximity of water (Emsworth Mill Pond) which is contiguous with the SSSI/SPA. As such there is a very real risk of potential pollution incidents e.g. with construction run-off (fuels, inorganic substances) entering the water during the works. I would expect the applicant to provide a Construction Environment Management Plan (CEMP) to the Local Planning Authority, detailing the measures to be put in place to control any potential sources of pollution and detailing who is responsible for the implementation of any agreed CEMP.

A second issue is that of recreational disturbance. As detailed within the consultation letter from Natural England, dated 17th June 2014, there will be an increase in residential units within close proximity to the SPA and as such there is a default 'likely significant effect'. It is the opinion of Natural England that any residential development within 5.6km of the SPA will (either alone or in combination with other sites in the Borough) result in a 'likely significant effect' on the SPA. It is not unreasonable to assume that a proportion of residents from this application site will travel to other sites to recreate, especially coastal sites. Dog walking is one example of an activity for which people will travel some distance and the coast is a significant draw. This proposal has, either alone, or in combination with others, potential to result in likely significant effect, and therefore mitigation measures are required. The recently-published SDMP Phase III contains a range of options for appropriate

mitigation measures. I understand that Havant Borough Council, in common with other coastal authorities, now has (or soon will have) in place standard mitigation framework to which developers can contribute financially rather than, as at present, be required to provide often complex site-specific mitigation.

Emsworth Design Review Panel:

Design – Units fronting onto Queen Street:

The reduction in scale is welcomed, as is the loss of the gated entry and previous development across the full width of the site. The hipped and more modest scale of the roofs are likewise welcome however the overall massing and layout continues to be at odds with the urban characteristics of the lower part of Queen Street. As noted in our previous advice, the double fronted mass of Dolphin House acts as a bookend to the tight knit southern street elevation of upper Queen Street, which is comprised with only one exception, of listed buildings. The buildings east of Dolphin House are all a maximum of 2 storeys in height with low roofs. What gives particular delight to the arrival at the foot of Queen Street is the contrast between the more dense urban grain of the hill, and the opening up of the views south across the boatyard to Dolphin Creek and Slipper Mill Pond. The proposed stepping of roof heights from the 3 storeys of Dolphin House to the low 2 storey eaves of the Lord Raglan would dilute the urban impact of Dolphin House as a bookend to a run of 16 listed buildings, and this can be clearly seen in the Wider Street Scene drawing. The Panel felt strongly that the height of the western 2 houses should be reduced to the lower eaves height of the 2 eastern houses.

Whilst the Panel understood the reasoning behind moving the development westwards away from the Lord Raglan, it results in an isolated standalone building which would weaken the existing character of jumbled terraces with the larger gaps between. It is also counterintuitive with regard to the layout of the quayside, where access would traditionally be directly from street to quay. The panel would encourage the applicant to explore relocating the vehicular access to the west and moving the building close to the Lord Raglan, with the previous alley way next to the Lord Raglan providing access to a relocated bin store. This would have the following benefits:

1. The cheek by jowl character of the Raglan plus adjoining buildings would be maintained
2. Views down Dolphin Creek and beyond would be maximised
3. The layout of the western end house could be changed so that the front door faces onto the creek, thereby allowing more diversity in the current somewhat predictable street elevation. The proposed west elevation facing the listed Dolphin House will be highly visible when approached from the west, and as currently shown, with the bin stores at ground floor level, would not make a positive contribution to the street scene. Relocating the entrance of the western house could achieve a far more distinctive elevation.
4. The public seating area could be better linked in with the overall landscaping of the wider development whilst the provision of more doors and windows overlooking it would reduce the potential for anti social behaviour.

There were mixed views as to whether the flintwork would improve the street scene. All were agreed that the detailing was too fussy, and on a broader note, felt that a greater vertical articulation and distinction could be made between each house, so that they read as 4 separate cottages rather than 2 larger units shown. The brick walls and associated piers which hide the raised front doors were also felt to be uncharacteristic and detract from the elevation and should be replaced with railings as seen elsewhere in Queen Street.

Design – Rear Units facing South

The panel previously felt that the *“siting and massing of the more contemporary style rear block overlooking Dolphin Creek was also considered to be unacceptable”* and despite the changes that the rear block has undergone, this view prevails. The panel acknowledges that the current proposal for this rear block is an improvement on what was previously submitted at pre application, but feel that the massing and execution still result in a form completely at odds with its context, and that the original conceptual premise for this rear block should be re-examined. The accompanying Design & Access Statement sheds no light on why such an overtly “modern” style of architecture is thought suitable for this location, and whilst its balconied horizontal appearance is typical of an inner city canal side development of derelict industrial wasteland, it is wholly inappropriate for this key site. The photomontaged view from the Slipper Mill Pond clearly demonstrates its unsympathetic massing and appearance and also the impact it has on the setting of the grade II listed Flour Mill. Currently the mill stands confidently at the head of the creek, and its relationship with Dolphin Quay basin can be viewed from much of the foot path . The proposed new building by virtue of its massing and location, would for the most part obscure these views of the Flour Mill, transforming its visual role from that of principal building to merely insignificant background.

The panel was also concerned at the lack of any relationship between the units facing Queen Street and those to the rear, and the quality of the space between. In this respect the Panel would reiterate its previous comments;

“The panel was also concerned with the application of radically differing styles for the street and rear developments. These lack any relationship, coherence or even the suggestion of an architectural conservation between the two buildings. The loss of usable slipways was a further issue.”

The Panel would encourage the applicant to explore an alternative siting of the apartments, by turning them through 90° so that they face west rather than south, and are worked up as a longer thinner lower mass running north/south and placed closer to the eastern boundary, possibly even merging with the street units to create an L shaped development This would bring the following benefits:

1. Views of the Flour Mill from the footpath would be retained
2. The existing western slip could be retained, maintaining the ability to launch from the site (public access?)
3. The sites historic use as a boatyard would be respected by the siting of the new buildings
4. The hardstanding required for vehicular access would now front the creek and would have the qualities of an attractive square, bounded on 2 sides by buildings and open to the creek on the west and south.
- 5.

Conclusion

The panel's view is that the scheme represents an improvement on the initial pre application, which we felt to be *“speculative and ill thought out”*. We are however, most disappointed that some of the more fundamental concerns regarding massing and siting of the rear units remain unaddressed, and that a more comprehensive reassessment of the scheme has not been undertaken.

Natural England Government Team:

It appears that this development would increase the number of dwellings within the

5.6km zone. No information appears to have been put forward by the applicant to assess or guard against there being a significant effect on the SPA(s). Thus our advice at this stage is that it is likely to have a significant effect on the SPA(s). If your authority accepts this advice, then other than in the exceptional circumstances prescribed by the Habitats Regulations¹, it is obliged before granting permission to either:

- undertake an Appropriate Assessment and ascertain that there will not be an Adverse Effect on the Integrity of the aforementioned designated site(s);
- put in place measures which remove the likelihood of significant effect.

Open Space Society:

No response received.

Landscape Team:

The proposal would appear to be contrary to policy CS11.1 & CS11.4 - The site is within Havant LCA area 24: I have extracted the most relevant sections and highlighted sections where I feel the proposal does not conserve, enhance or protect the public realm in relation to the evidence base of the LCA.

This mostly relates to the large contemporary building at the rear, where I would also echo many of the Conservation Officers views regarding detracting in the street scene - that it would collectively impair the setting of the listed buildings and conservation area. The rear Contemporary building is obtrusive to the harbour setting, rather over structured, bulky and over large compared to the adjacent buildings especially in its position so close to the waterside.

I would take the Conservation Officers lead on the main streetscene issues on the Queen street frontage - the departure from the existing ground levels-though required due to flood risk issues does cause a distinct change - older developments have steps but are smaller scale buildings and newer developments have also done this successfully but they are smaller scale buildings overall. It is the combination of the set back, steps and overall height that do not seem as coherent to the existing streetscene.

The scheme offers little improvement in public realm - the higher buildings set back with stepped frontage (essential due to flood risk) are a departure from the resonant style of the street-see previous comments. The maintained view from the Old Flour Mill is welcomed, however the seating area which sits within it would have to be privately maintained unless the land was dedicated to adopted highway - its proximity to the public realm means detailed proposals for materials and planting would be required to ensure they are suitable to the sensitive setting.

Traffic Management Team:

The development of this site in its proposed form, would lead to the removal of valuable of 7 free limited wait car parking spaces close to the centre of the town in order to accommodate the visibility splay required when exiting the development. The Council has recently implemented a Traffic Regulation Order in Emsworth to increase the free on street parking, thereby increasing the economic viability of Emsworth. The removal of these bays would be detrimental to this and to the availability of the residential parking that occurs in this location after the restricted times.

Should the planning permission be granted then a revision to the existing traffic order would be required.

West Sussex County Council:

WSSCC are unable to provide Highways comments for the above application as we require a dimension plan providing details of the new access and the visibility splays that can be achieved. We would expect Manual for Streets guidance to be considered at this location and visibility should be set back 2.4m from the centre of the carriageway at the proposed access and be 43m in both directions for a 30mph road.

If refuse collection is intended to operate outside on the highway swept path diagrams would not be required. Otherwise swept path diagrams showing the turning movements of a refuse vehicle entering and exiting from the highway need to be shown.

Car parking plans have been checked against WSSCC car parking calculator and are in line with expected demand. The site proposed to provide 25 car parking spaces and includes some visitor parking. This is based on 2/3 spaces per dwelling. The site is considered to be sustainable and in line with NPPF guidance for sustainable development located close to local amenities, and public transport.

Rights of Way Officer:

No response received.

County Minerals:

No response received.

Building Control, (Fire Access Consultation)

No response received.

Southern Water:

-No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

-No new soakaways should be located within 5 metres of a public sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwaterco.uk.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Development Engineer:

Garage sizes, a double garage must meet HBC standards, 6m x 6m internal for double garages 6m x 3m for single, anything in-between is only considered as a single! when scaled these garages seem less than 6m x 6m therefore can only be counted as single. I recommend that they provide dimensions for these measurements, (there is no scale drawn on the plan) If the garages are less than the standard then there will be less than HBC standard for parking.

The alteration of access causes a reduction in on street parking, this may cause an economic impact for the remaining businesses, however this does not cause a highway problem as the road is covered by a TRO (Although there would be a knock on effect if parking within the site is reduced to below HBC standard and could cause a safety problem as well as an amenity problem in the nearby area).

The developer will need to pay for a TRO (alteration of existing).
The existing vehicle crossing will need to be reinstated. (licence from HCC)
Where how is the refuse collected? if its from site this will need to be tracked.

Crime Prevention:

The proposal creates a building with multiple occupants, to provide for the safety and security of residents and visitors I recommend:

1. Communal access doors are certificated to LPS1175 SR2
2. Individual apartment front doors are certificated to PAS24:2012
3. An audio visual access control system is installed

Public Spaces Development Manager:

No real open space implications here but the developer should be aware that the Council would not take ownership of the public seating area. Arrangements for its inspection and maintenance would therefore have to be put in place.

Planning Policy:

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).

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 23

Number of site notices: 4 x site notices were erected

Statutory advertisement: 13/06/2014

Number of representations received: A total of 65 objections were received against the

application. The main points raised are summarised below and grouped into separate areas of concern:

Design of the proposed buildings

1. The design of the rear block is inappropriate, too dominating, incongruous, too modern, ugly, out of context, overbearing, out of scale
2. The rear block will obscure views of the Mill Pond and the Old Flour Mill and dominate the Lord Raglan PH
3. The terrace facing onto Queen Street is too large and would dominate the Lord Raglan.
4. The design should take heed from Chequers Quay which appropriate for its location.
5. The character of the development does not preserve the historic character of the conservation area
6. Development is contrary to paragraphs 56 and 58 of the NPPF
7. The height of the rear building is excessive and will restrict views from the rear of the properties in Queen Street.

Loss of the boatyard

1. The loss of the boatyard is not supported
2. The advertisement of the site was not visible during the marketing exercise.
3. The boatyard is an important local resource and source of local employment
4. The slipway should be preserved to allow the site to have a credible role in the future as a boatyard
5. The site would be better suited to single storey artisan's workshops or small retail outlets.
6. A purely residential scheme would upset the unique balance of independent economic viability in Emsworth as a waterside site presents more commercial and community alternatives to just residential .
7. Contrary to the marketing report, the previous tenant was forced to leave after being a tenant for 16 years.
8. Contrary to the marketing report, trading from Dolphin Quay was not difficult and a crane was operated from the site
9. Flooding was never an issue for the previous tenant as it was known when the tide would be high and plans were made accordingly.

Flood Risk

1. The underground car park would flood as the whole site and Queen Street floods regularly.
2. There would be a risk of pollutants from flooded cars
3. The plans show a new wall at the site of Lilywhites Garage but no discussions have taken place./
4. Sewer drains, the two rivers and ground flood risk will also need to be considered
5. The FRA is inadequate as it does not differentiate between FRZ3a and FRZ3b. If it is in FRZ3b, it should be refused as would be unsafe.
6. It is not a necessity to enable other flood defence schemes in Emsworth.
7. There is no evidence to suggest the development is viable enough to contribute to the flood risk scheme
8. It is not made clear what level of financial commitment Wilson development Ltd would contribute.

Other concerns

1. The development does not propose any affordable housing which would not help the housing shortage in Emsworth
2. The flats would end up as holiday flats and not be available for long term residents
3. The loss of the seven parking spaces outside of the site on Queen Street would mean less parking spaces for shoppers and visitors.
4. A new roundabout on the A259 / Queen Street junction should be provided.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Loss of the boatyard and employment space
- (iii) Provision of housing
- (iv) Design approach
- (v) Effect on the neighbouring properties
- (vi) Effect on the character of the Emsworth Conservation Area and AONB
- (vii) Highways and access
- (viii) Flood Risk and drainage
- (ix) Ecological considerations
- (x) Developer contributions

(i) Principle of development

- 7.2 The National Planning Policy Framework (NPPF) was adopted by National Government on the 27th March 2012, replacing all previous National Policy Documents, including all Planning Policy Statements and Planning Policy Guidance Notes. The primary objective of the NPPF 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.
- 7.3 Specifically to this application, the National Planning Policy Framework (NPPF), Paragraph 61 advises that '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'.
- 7.4 At paragraph 94, it states that 'Local Planning authorities should adopt pro active strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'. Paragraph 132 of the NPPF advises that 'when considered the impact of a proposed development on a heritage asset, great weight should be given to the assets's conservation'.
- 7.5 The Council adopted its LDF Core Strategy, in March 2011. The Core Strategy sets out a series of strategic planning policies which are intended to guide the future of development in the Borough to 2026. The Council is currently at an advanced stage

towards final approval of the Local Plan (Allocations) document which has allocated housing sites to meet the requirement through a comprehensive process of Borough-wide public consultation and involvement. Relevant policies in this document include; DM20 (Historic Assets), DM24 (Recreational Disturbance to Special Protected Areas from residential development) and DM25 (Managing Flood Risk in Emsworth).

(ii) Loss of the boatyard and employment space

- 7.6 Although it is currently vacant, the existing boatyard constitutes an opportunity for a marine based business, identified in Policy CS2 as forming a niche industry within the area given its coastal location. The proposal for residential development would result in the loss of this opportunity, along with the loss of Class A1 retail space and Class B1 use office space.
- 7.7 Local plan policies DM2 and DM3 advise 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 must have been marketed for at least six months and at least twelve months for the employment use. The marketing exercise should include the following:
- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
 - ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.
 - iii) An enquiry log, how it was followed up and why it was unsuccessful.
 - iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six month period).
 - vi) Evidence of marketing via the internet.
- 7.8 In the case of this application, a marketing report has been provided. It concludes that following a period of unsuccessful marketing that the site is not viable for commercial use. The reasons for this are suggested as being regular flooding, lack of insurability, inappropriateness for use as a modern boatyard, that all the buildings are in poor conditions and are unlettable. It advises that the previous tenant found trading difficult and decided to relocate to alternative premises. It claims there is insufficient space at the site for a permanent crane to be sited at the boatyard and this has proved difficult in attracting tenants. The retail and office premises have been vacant since late 2010 and retaining the site with a new commercial redevelopment is not a viable consideration due to the major investment required for flood protection. It concludes that it is only a residential scheme retaining the commercial moorings, which is the most viable proposition.
- 7.9 However, several concerns have been raised from members of the public and statutory and non-statutory consultees with regards to the marketing of the site and the general loss of the site as a boatyard. Comments are that the boatyard forms an important local resource and source of employment and that it contributes to part of Emsworth's heritage and should not be lost to residential development. It is claimed that the advertisement of the site was not visible during the marketing exercise and therefore did not provide the opportunity for suitable tenants or buyers to come forward. The previous tenant claims that contrary to the marketing report, their business was trading successfully and that they were forced to leave the site. They

advise that flooding was not an issue as they knew when the tide would be high and planned accordingly.

- 7.10 The findings of the marketing report has also raised concerns from several consultees including Planning Policy, Chichester District Council, Chichester Harbour Conservancy and Economic Development. The main concern is that the report lacks specific justification for the loss of the marine based business on the site, as this is unique to the coastal location. In particular the following points are raised:

- i. The report does not contain evidence in the form of an enquiry log, copies of press advertisements or specific evidence of marketing via the internet.
- ii. No record of which commercial developers were approached and why they did not decide to proceed
- iii. No evidence to suggest that retaining the site as a commercial proposition is not a viable investment due to the regular flooding
- iv. The report admits the premises could've 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.
- v. There is no evidence to suggest that other employment opportunities have been explored.
- vi. There is no financial viability report provided to prove the site is not viable for commercial development
- vii. There is inadequate evidence to suggest that Building 2 (Office) and Building 3 (Workshop) have been surveyed and assessed for continued use for employment.
- viii. No 'open book' financial appraisal of the cost of flood defences set against commercial rental yield has been put forward and no explanation is offered in hydrological terms as to where such flood waters would be displaced to.

- 7.11 Chichester District Council (CDC) advises that consideration should be given to the Chichester Harbour AONB Management Plan 2014-2019 and the Chichester Harbour Marine Business Evaluation Phase 1 Report 2013. The reason being that the Marine Business report includes a specific assessment of Dolphin Quay, and suggests that contrary to the marketing report, the site has continued value for marine business. The management plan identifies wider harbour management issues including increasing pressure for the redevelopment of existing or historic marine business sites with residential development, leading to a loss of character and the erosion of traditional industry and local employment.

- 7.12 Based on the large number of concerns raised and the clear lack of evidence in the marketing report required to fully justify the loss of the site as a marine based business, the application would be contrary to local plan policies DM2 and DM3.

(iii) Provision of housing

- 7.13 Notwithstanding the issues outlined above with regards to the loss of the boatyard, the proposal for residential development does comply with the requirement in Policy CS9 of the local plan as it would contribute to new housing within the Borough. However it does not meet several other requirements of the policy including the provision for affordable housing units on the site, or a contribution towards affordable housing in lieu of the on site provision. A total of approximately 3 units should be provided as

affordable housing however, this is not proposed within the application.

(iv) Design approach

- 7.14 The proposed development is outlined in Section 3 of the report. A number of concerns have been raised with regards to the design approach of the two elements of the proposal which are summarised in Section 7. As the proposal would include two separate areas of development, the design approach to each one will be considered individually below.

Terrace fronting onto Queen Street:

- 7.15 Concerns have been raised that whilst a more traditional design approach, including more 'heritage' style materials and fenestration in this location has some merit, the scale and massing on the terrace are excessive as a result of the terrace having to be built on a higher ground slab to accommodate the flood risk. The Emsworth Design Review Panel (EDRP) advised that the massing and layout is at odds with the lower part of Queen Street as the buildings east of the site are a maximum of two -storeys with low ridge heights. The pair of dwellings closest to Dolphin House have been designed as three-storey however, Dolphin House forms a strong book end to a run of similar height properties in Queen Street and given the gap between that site and the west elevation of the terrace, the three storey dwellings would appear out of context and would dilute the visual impact of Dolphin House adjacent to what is currently a wide open frontage.
- 7.16 With regards to the impact on the Lord Raglan, the streetscene elevation shows that the lower height properties within the terrace would be more comparable in terms of scale and the two properties would be separated by the access into the application site. However the EDRP have advised that this may result in the terrace appearing as a standalone building in the streetscene which would weaken the existing character of jumbled terraces with the larger gaps in between. There is also concern over the front brick walls and railings which are not evident on other properties on the south side of Queen Street and would appear contrived. Overall, the design approach of this terrace would be out of context with the existing development in Queen Street and would have a harmful impact on the visual amenity of the streetscene and character of the conservation area, both of which are contrary to local plan policies CS11 and CS16.

Contemporary building at rear:

- 7.17 This element of the proposed has raised many concerns, not necessarily for its contemporary style but for its quality and execution. Concerns include that the building is inappropriate for its context, too dominating on the shoreline, too modern for its setting, out of context, overbearing in scale and would block views of the Mill Pond and from the other direction, the historic shoreline of Emsworth obscuring the Old Flour Mill. The Conservation Officer has advised that the rear block, by reason of its flat roof design, scale, horizontal massing and flat roof would be out of context with its surroundings and would be overpowering in scale to its immediate neighbours. The EDRP advises that the balconied horizontal appearance of the building is wholly inappropriate for the site as it demonstrates unsympathetic massing and appearance and the impact it has on the setting of the surrounding listed buildings, the views of which it would obscure from the view of the shoreline.
- 7.18 The concerns about this building are further echoed by CDC and CHC. CDC advise that the scale of development is substantially greater than the existing and historic

built form and would be unacceptably overbearing over the Lord Raglan PH and detract from the prominence and setting of the Old Flour Mill, obscuring these buildings from some viewpoints. The flood defence works exacerbate the overall height of the built form. Additionally, there is concern about the extent of glass particularly at the higher level, and the impact of both reflections and light emissions on the locality.

- 7.19 Overall it is considered that given the concerns outlined about both elements of the proposal above, the application does not accord with Policy CS16 or Policy CS11 of the Local Plan, or Policy DM20 of the emerging Allocations Plan.

(v) Effect on the neighbouring properties

- 7.20 There would be a distance of approximately 25m between the west elevation (and therefore balconies) of the rear apartment building to the front elevations the properties to the rear of Dolphin House which front onto the application site. It is considered at this distance and that the views would be onto the front elevations, that no adverse levels of overlooking would occur. The rear building would be located about 2.5m off the shared boundary with the Lord Raglan PH and would introduce a square block of approximately 10m in height and 15m in depth along the shared boundary. It would therefore be highly visible when sitting in the public garden at the rear and significantly overbearing to the amenity of the garden which forms the historic setting of a Grade II listed building. In comparison, No. 8 Chequers Quay also sits along the other shared boundary of the pub garden however, this property is of a more reduced scale with a low ridge height and therefore its impact is greatly reduced. It is considered that overall the building would have an adverse impact on the amenity of the neighbouring property and would therefore be contrary to Policy CS16 of the Local Plan.
- 7.21 Due to its siting within the streetscene and neighbouring properties, it is considered that the front terrace would not have an adverse impact in terms of overlooking. The back to front distance between the two buildings on site would be approximately 17m which is considered acceptable in the Borough's Design Guidelines.

(vi) Effect on the character of the area

- 7.22 The site is located in a unique setting being located in the Emswroth Conservation Area and fronts the Mill Pond which forms part of the Chichester Area of Outstanding Natural Beauty (AONB). It is also surrounded by several listed buildings including the Lord Raglan public house, The Old Flour Mill, Dolphin House and several more along Queen Street. From Queen Street, the site is clearly visible and provides views out towards the Mill Pond. From afar, the site provides views of the Queen Street buildings and waterfront. Whilst none of the buildings on the site are of particular architectural merit, the presence and views provided to and from the site form a strong visual component of the conservation area and setting of the listed buildings and is appropriate to the marine environment.
- 7.23 The character of the area in the immediate vicinity of the site is generally two storey domestic scale buildings. The Old Flour Mill stands out as a landmark building being substantially larger than its immediate neighbours and of distinct architectural character. It currently enjoys open views to and from the harbour. There is a distinct transition in scale west and east of Dolphin Quay. To the west the white rendered Dolphin House (29 Queen Street) provides a strong visual anchor (bookend) to the mainly C18 mixed terrace of high quality architectural buildings (all listed) leading up to

High Street. East of Dolphin Quay the scale of the buildings diminishes considerably with the Lord Raglan being typical of the domestic scale. Following on from this is the Chequers Quay development which is a relatively recent housing development which maintains this modest scale, while accommodating the flood risk requirements pertinent at the time of its construction.

- 7.24 The Conservation Officer advises that the proposed development would have an adverse impact on the impact on the character of the area and the conservation area for the following reasons:

- i. creating an incongruous and strident development at odds with the present townscape as viewed from the Harbour.
- ii. cutting off the view and visual connection between the former Flour Mill and the Harbour – which makes an important contribution to its setting.
- iii. by virtue of the scale, form and proximity of the development seriously impairing the setting provided for the Lord Raglan PH.
- iv. by failing to have regard to the established character of the area and factors that contribute to: development pattern, scale mass, inter-connection between the Street and harbour, it fails the basic test of “preserving or enhancing” the character and appearance of the conservation area.

- 7.25 The Conservation Officer has recommended that the application is refused for the reason outlined in their consultee response in Section 5 of the report.

(vii) Highways and access

- 7.26 The site proposes 25no parking spaces which is in accordance with HBC adopted garage sizes, a double garage must meet HBC standards which is 6m x6m internal for double garages and 6m x 3m for single and that further information is required to prove these are the correct sizes, otherwise there may not be sufficient parking on site. The Highways Engineer has raised no objection to the access and turning on site but has advised that further information is required to show a refuse lorry could turn on site. They have also not advised that works are required to the wider highway network.

- 7.27 With regards to the access, this would result in a reduction in on street parking in Queen Street - a total of 7 spaces. However the road is covered by a Traffic Regulation Order. The Traffic Management Team have advised that the removal of the bays would be detrimental to the on street parking provision in Emsworth and that if approval is granted, a revision to the existing traffic order would be required.

(viii) Flood Risk and Drainage

- 7.28 As the site is located within a flood zone 3, a flood risk assessment (FRA) has been submitted with the application. This advises that the flood risk would be mitigated on the site by all residential accommodation being built above 4.8m AOD. It also proposes that the development would include a new sea defence wall and would contribute to, and facilitate as far as it is reasonably able to, the construction and delivery of the offsite elements of the Queen Street coastal defence scheme. This accords with the principle of emerging Policy DM25 of the Allocations Plan which is concerned with the Emsworth Flood Mitigation Scheme, although the detailed arrangements for making these provisions are unclear.

- 7.29 Concerns have been raised that the site and the wider Queen Street area floods regularly and that a basement car park for the rear building on the site would not work as the parked cars would be flooded. Concern has also been raised that the FRA is inadequate as it does not differentiate between FRZ3a and FRZ3b. If it is in FRZ3b, it should be refused as would be unsafe. It is also unclear as to whether the development is viable enough to pay for the flood risk scheme and also at what point in the development would be this be in place.
- 7.30 The Environment Agency (EA) has been consulted and has advised that the proposed development offers a valuable opportunity to facilitate the delivery of a flood defence scheme that would reduce tidal flood risk to an existing community that may not receive sufficient central government funding to meet its full cost. The LPA should be aware that whilst this intended contribution is welcomed, detailed discussions are still required to confirm this and no legal agreements are currently in place. At this stage there is still a risk that despite the potential contribution it is not possible to unlock sufficient central government funding to guarantee the implementation of the wider flood defence scheme.
- 7.31 As a result of other concerns with the application, negotiations into a legal agreement to secure the flood mitigation works and financial contribution have not been entered into. Therefore whilst the application appears to accord with the principle requirements of emerging policy DM25, further work is required if a revised application were to be submitted.

(ix) Ecological considerations

- 7.32 The Ecology Officer at Hampshire County Council (HCC) has been consulted and has advised that the site is located close to nearby national and European designated nature conservation sites, namely Chichester Harbour Site of Special Scientific Interest (SSSI) and Portsmouth Harbour Special Protection Area (SPA). They do not consider there to be any overriding ecological issues although the applicant will need to provide reassurance that sufficient financial contribution will be made towards the measures Havant Borough Council has in place to address the issue of recreational disturbance to European designated sites.
- 7.33 It is also noted that there would be an increase in residential units within close proximity to the SPA and as such there is a default 'likely significant effect'. It is the opinion of Natural England that any residential development within 5.6km of the SPA will (either alone or in combination with other sites in the Borough) result in a 'likely significant effect' on the SPA. It is not unreasonable to assume that a proportion of residents from this application site will travel to other sites to recreate, especially coastal sites. Dog walking is one example of an activity for which people will travel some distance and the coast is a significant draw. This proposal has, either alone, or in combination with others, potential to result in likely significant effect, and therefore mitigation measures are required. Emerging Policy DM24 outlines the requirements relating to the Solent Disturbance Mitigation project which requires a financial contribution of £172 per dwelling to offset any impact caused. The financial contribution for this project has not been provided as part of this application and a s106 has not been drafted to secure the payment.

(x) Developer contributions and legal agreement

- 7.34 The application would be liable for the Community Infrastructure Levy, as well as requiring payments towards the SDMP and the provision of affordable housing or a

contribution in lieu. It would also be required to enter into a s106 agreement to secure the provision of the flood mitigation scheme. However, the s106 has not been entered into following early concerns over the application and the subsequent recommendation to refuse.

8 Conclusion

- 8.1 For reasons relating to the unsuitable design approach, the adverse impact on the character of the conservation area, the lack of evidence in the marketing report, the absence of affordable housing provision and a contribution towards the SDMP, the application is to be recommended for refusal.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/14/00510 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 Queen 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.