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05 July 2024

Fowley Cottage, 46 Warblington Road, Emsworth, PO10 7HH

Application Ref. APP/23/01078

We are instructed [REDACTED] to submit a further **OBJECTION** to the above-referenced planning application.

As you are aware, we raised a number of objections in a letter dated 07 March 2024.

Before providing further comments regarding the proposed amendments, we would like to reiterate our overriding concern regarding the density of the proposed development. Our previous comments highlight the detrimental impact on the character of the area and these concerns still stand as the density has not been altered through the proposed amendments.

As noted in our original letter, the Council's approach to density on this and other sites appears to be dictated by the housing land supply shortfall that currently exists and the need to deliver housing at all costs. Housing land supply is a fluid matter, and the current shortfall is only a consequence of the Council's position in the plan-making cycle. As the adopted Local Plan is out of date, the requirement for housing land supply purposes defaults to the Standard Method. When the emerging Local Plan is adopted, the housing requirement will be adjusted down to reflect the legitimate constraints to housing delivery in the Borough, and this will resolve the shortfall.

The current proposal seeks to squeeze as much development as possible out of the site. In this regard it aligns with the Council's current objective of maximising development for housing land supply purposes. Whilst this proposal would contribute towards a temporary housing land supply shortfall, this is an extremely nominal contribution - 0.75% of the current shortfall, whereas the associated impact on the character of the area is significant and permanent.

The revised NPPF (December 2023) supports a more character/context-led approach to density and as such there is a strong policy basis to resist overdevelopment despite then housing land supply shortfall. As noted in our original comments, the Emsworth Neighbourhood Plan is the only local Development Plan document that is up-to-date and Policy D3 'Layout, Form and Density' is consistent with the revised NPPF as it advocates a context-led approach to deriving an appropriate density. It seeks to 'optimise' densities in this way as opposed to prescribing minimum densities.

With these considerations in mind, we strongly encourage the Council to reassess the density of the proposed development

Further Objections

Access & Parking

We have reviewed the updated consultation response from the Highway Authority dated 10 June 2024 and note concerns regarding the tight arrangement of the proposed refuse tracking as shown on Drawing Ref. 5970/206 Rev A. The applicant has submitted updated refuse tracking (Drawing Ref.

5970/206 Rev B) to address these concerns, including increased clearance from parking to the west of the site access. However, the manoeuvre as shown at Figure 1 below leaves no margin between the body of the vehicle and the footway on Warblington Road. with very limited margin to parking bays and no margin to boundary features. We note that the applicant has resisted the Highway Authority's request for an independent Road Safety Audit (RSA) as these internal areas are private (unadopted). Highway safety is a relevant planning consideration regardless of legal status of highway. Having requested an RSA, clearly the Highway Authority have concerns and in the absence of an RSA the Council cannot be certain that the internal access arrangement is safe for all road users in accordance with 115 of the NPPF.

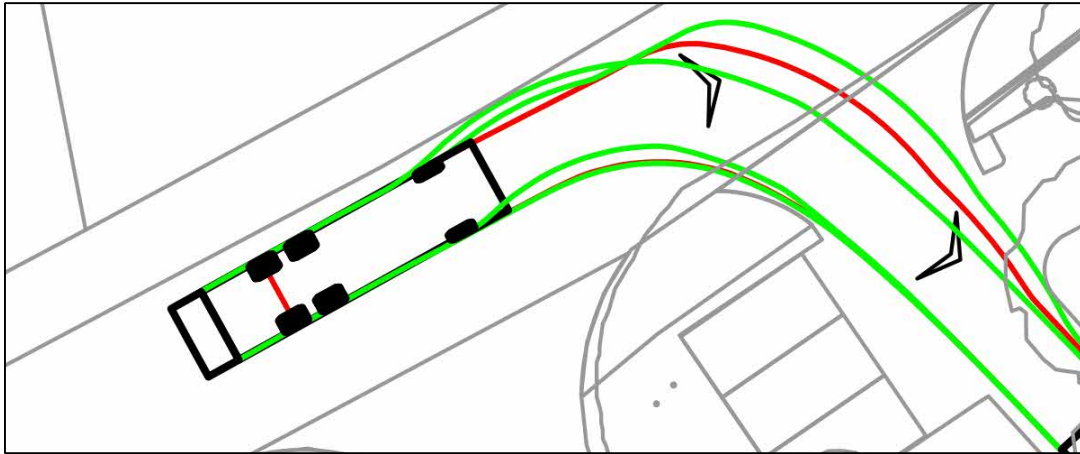


Figure 1 – Tight manoeuvre for refuse vehicle

The refuse tracking for the internal access arrangement is similarly constrained. The extract at Figure 2 below clearly demonstrates that refuse vehicles & fire tenders cannot reach the southernmost dwellings without a significant distance which is unsafe given the tight nature of the internal access. The Council need to consult the refuse collection and fire services to confirm the acceptability of this approach and this issue reinforces the need for an independent RSA of the internal access.



Figure 2 – Reversing manoeuvre in red

The various design changes have not addressed our concerns regarding the applicant's approach to allocated and unallocated parking. The flats have unallocated parking, which is common for this type of accommodation. This is denoted by a green dashed outline. Most of the proposed houses have allocated on-plot parking, as you would expect in this location. This is denoted by a red dashed outline. However, two of the 3-bedroom houses have combined allocated and unallocated on-plot parking – an example is shown at Figure 3 below.

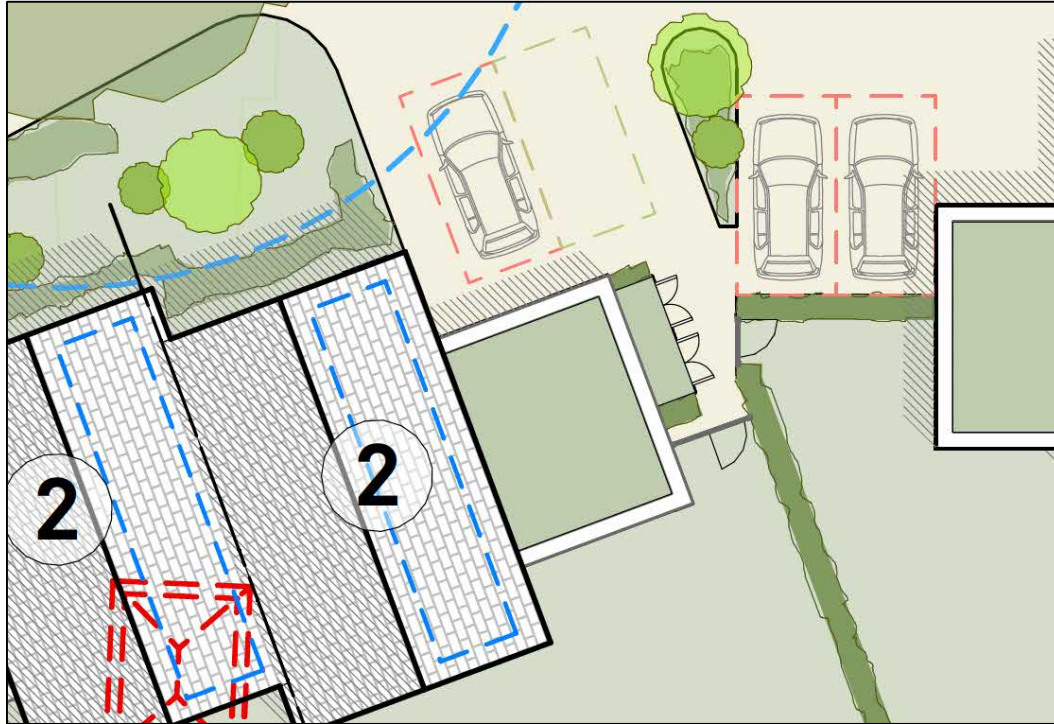


Figure 3 – allocated/unallocated on plot parking arrangement

This arrangement is completely impractical as the unallocated spaces on these plots will not be available for other residents of the site – inevitably these spaces will be used as allocated spaces for the two plots they relate to. This being the case, the proposal does not provide sufficient parking. The unallocated parking demand for the flats is 5.2 spaces and the guidance confirms that this should be rounded up to 6 spaces. The allocated parking demand for the houses is 25 spaces. The visitor demand at 20% of the total compliant parking provision (31 spaces) is 7 spaces (rounded up from 6.2 spaces). Therefore, the total parking demand for the site is 38no. spaces and the current provision remains 1no. spaces short of this requirement. Given the tight nature of the internal access arrangement, there is no space for informal overflow parking to make up this shortfall and any overflow parking on Warblington Road will make the site inaccessible to refuse vehicles. Furthermore the deficiency in on-site parking provision will be exacerbated by the use of parking spaces to store boats, kayaks, boat trailers and recreational vehicles, for which no separate provision is made (apart from in gardens). Those living in this area generally are likely to have this equipment due to the proximity to the foreshore.

Drainage

The original consultation response from the Lead Local Flood Authority (LLFA) highlighted a number of unsubstantiated assumptions relating to the proposed surface water drainage proposals. The most significant comment from the LLFA related to the applicant's proposal to discharge surface water to the existing Southern Water sewer despite no evidence of Southern Water agreement and confirmation of capacity in the sewer. Our previous objection also highlighted that the drainage proposal, moving from infiltration directly to a sewer connection, does not engage in the hierarchy required by Part H of Building Regulation and the NPPG.

The applicant's response letter (Bellamy Roberts) dated 08 May 2024 states that a connection "can" be permitted and references a response from Southern Water which is appended to the letter. However, the Southern Water response does not confirm that a connection "is" permitted, which is surely required for the proposal to represent a credible drainage solution. Furthermore, the Southern Water response raises questions around capacity in the sewer and restrictions on flow rates depending on capacity – this is important as we know that there are existing capacity issues in the catchment. The LLFA's most recent consultation response (undated but posted to the HBC online application file 30 May 2024) states as follows (my underlining for emphasis):

"There is sufficient evidence to allow for us to recommend conditions, as we are confident that a drainage solution is available even if it differs from the one proposed. As such, the following conditions are recommended:

"No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the drainage strategy, has been submitted and approved in writing by the Local Planning Authority."

In summary, the applicant has confirmed that infiltration is not viable for this site and as such the only surface water drainage solution available is a connection to a Southern Water Sewer where Southern Water have not confirmed that this is permitted. The LLFA recommend a condition that openly acknowledges the lack of any reliable surface water drainage proposal at this stage (as per the underlined text above).

How can it be reasonable and sensible for the LLFA to proceed on this basis given the issues that currently exist in the area regarding sewage capacity and unplanned discharges by Southern Water into the Chichester harbour. If connection to the existing Southern Water sewer is not permitted, then a new surface water sewer will be required. As noted in our initial objection this would not be deliverable within the current application site boundary as the red line does not extend to the foreshore where the new sewer and outfall would be provided. Also, accommodating this infrastructure and associated easements could fundamentally alter the layout of the proposal and its associated impacts, for example impact on root protection areas.

The application should not be permitted unless and until a credible surface water drainage proposal has been presented to the Local Planning Authority.

Arboricultural Impacts

Despite revisions to the proposed layout, the extent of tree removal remains significant and where retention is proposed, this is both contrived and impractical.

Whilst existing trees on the Warblington Road frontage may have limited arboricultural value, their removal will have a significant impact on the character and appearance of the area when considering the density of development and the massing of the proposed flatted building. Currently, the existing trees and vegetation provide a soft and verdant frontage, whilst screening an existing density of development that is spacious and in keeping with the surrounding area. The impacts of the tree removal here is twofold – 1) the verdant character of the site is lost forever and 2) the inappropriate density of development proposed becomes more visible – this includes a dense arrangement of built form with limited separation between buildings (including a flatted form of development that is alien to the character of the area) and the extensive engineering operations that are required to service the site (bell mouth radii and parking provision with limited or no landscape relief to the highway edge).

The proposed development requires extensive engineering works within the RPAs of retained trees. The Arboricultural Impact Assessment (AIA) and Method Statement outlines a series of very contrived measures to present a case that retention is possible. The AIA indicates that the existing gravel is to be removed, and 'Geoweb' or 'Cellweb' to be laid and covered with resin bound gravel to form the internal road surface. It is unclear whether the weight bearing capacity of 'Geoweb' or 'Cellweb' will be adequate for the large refuse vehicles, particularly where the roadway runs over the RPAs of protected trees. **In reality, the extent of works is likely to undermine their long-term health of**

these trees. Similarly, the proposed layout sees a number of the retained trees in shallow private gardens where they would be at immediate risk of unauthorised works and/or removal. These impacts are symptomatic of overdevelopment.

The **need to deliver housing in the area is acknowledged but this cannot be at the expense of high-quality trees that are prominent, well-established and highly valuable landscape features in the area.** There is no compelling justification to warrant the level of impact from this site and any development proposal for the site should be designed around the retention of the existing trees. This approach would also address other issues around density.

The Tree Officer has made further comments (undated but referencing the David Archer Technical Note from May 20224 and posted to the HBC online application file 07 June 2024) which raise a number of additional queries, including queries regarding the implication of proposed drainage works as referenced above. **We note that a revised AIA has been submitted by the applicant and a further consultation with the HBC Tree Officer is required to ascertain whether the latest AIA has addressed previous concerns and those highlighted in this letter.**

Design & Appearance

All of the concerns cited in our original objection remain unaddressed in the subsequent design iterations.

The uniformity of the contemporary architecture is completely at odds with the existing context, which is defined by a variety of traditional architecture. This uniformity, coupled with use of excessive fenestration, results in stark and jarring intervention.

The lack of landscaping is a significant departure from the verdant character of the area, and further emphasises the impacts associated with the architectural approach. This is particularly damaging at the site's frontage to Warblington Road where the inclusion of 4no. parallel parking bays adjacent to the proposed flats a 3no. perpendicular parking bays adjacent to Curlew Close eliminates any opportunities for successful screening.

For these reasons, the proposed design approach remains contrary to Policy D1 of the Emsworth Neighbourhood Plan (including the design checklist) and the NPPF (Section 12).

Amenity Issues

The amenity issues identified in our initial objection have not been addressed. We note that the revised design retains balconies for each of the proposed flats despite our previous comments highlighting that the provision of balconies in such a dense and overdeveloped layout results in direct overlooking to the proposed dwellings and their associated private gardens. Given the extent of overshadowing by retained trees, there will be future pressure to remove trees within gardens and this overlooking issue will become more pronounced and detrimental.

[REDACTED] The northern elevation of the proposed flats extends along the majority of the boundary where the resultant scale, bulk and massing results in an oppressive and overbearing relationship. This has not been improved by the revised design.

Consequently, the proposal results in unacceptable impacts on private amenity, both to neighbouring residents and internally. The application should be refused on this basis.

Affordable Housing

We note that the proposal will generate an affordable housing requirement and the application refers to on-site provision in the form of 4no. flats and 1no. house. Assuming 70% of the provision will be rented tenure, this equates to 3.5 units. In our experience it is

extremely difficult to secure interest from Registered Providers when the affordable housing offer falls below 10 dwellings. Registered Providers are keen to secure larger clusters for practical (management and servicing) and economic reasons. It is highly unlikely that a Registered Provider will take on the provision from this site and a financial contribution in lieu of on-site provision would represent a more appropriate approach for this development.

Summary and Conclusion

In summary, the proposed changes have not addressed the concerns cited in our initial objection.

As noted in our original letter, the Council's approach to density on this and other sites appears to be dictated by a housing land supply issue that are temporary. The detrimental impact on the character is a permanent issue and it is certainly not outweighed by the nominal contribution this development will make to the Council's current shortfall.

The current proposal needs to be considered in the context of the recently revised NPPF, which seeks to provide a balance between making efficient use of land and safeguarding the character of an area. The proposed development is cramped and out of keeping with the local context and character. It is overdevelopment. The use of contemporary architecture would significantly detract from the traditional character and appearance of the surrounding area.

As noted in our initial objection, the neighbouring residents are not opposed to additional development on this site and accept that this can be achieved. However, the layout, form and appearance of the development needs to be more appropriate to its setting.

There are also unresolved issues relating to highways, drainage and trees, which call into question the deliverability of the proposed development.

With these considerations in mind, we respectfully request that the application be refused planning permission.

As set out in our initial comments, if the Council is minded to grant planning permission, the residents are seeking the following planning conditions on a without prejudice basis.

- Requirement for the applicant to secure a Traffic Regulation Order to secure parking restrictions on the surrounding road network
- Construction Environmental Management Plan (including measures to control access for labour and deliveries and site noise levels) to protect neighbour amenity.
- Restriction on working hours to protect neighbour amenity.
- Requirement for pre-development and post development survey of surrounding residential road network leading to the A259, to ensure that any damage resulting from development is made good.

██████████ also seek that any s106 obligation relating to affordable housing be a financial contribution rather than on-site provision.

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