

APP/23/01078: Fowley Cottage

I object to this Proposal on the following grounds:

1. Overwhelming and Overlooking
2. Plans show incorrect footprint of adjoining property and misleading boundary
3. Building Design, External Materials and Features not Characteristic of the Locality and do not Integrate with the Surrounding Area
4. The Proposal does not Create Beautiful Buildings of a High Quality, Contributing to a Strong Sense of Place
5. Flats are out of keeping with the locality and the Emsworth area south of the Havant Road
6. Lack of Integration of the Built Form with its Surrounding Area
7. Inadequate On-site Parking
8. Absence of Open Space
9. Site Density
10. Affordable Housing
11. D&A is Misleading on Planted Roofs and Uninterrupted Views over to the Sea, Large Balustraded Roof Terraces are Uncharacteristic & Floor Plans are Contradictory
12. Public Access to the Footpath to the Waterfront Ambiguous
13. Absence of Local Consultation
14. Provision of a Public, Green Waterfront Amenity Area
15. Ecological Impact Assessment Out of Date and Incomplete
16. Missing Arboricultural Impact Assessment
17. Noise and Amenity Impact on Adjoining Properties
18. Maintenance of the Common Areas
19. Availability of Adequate Electricity Capacity

Detailed reasons for these objections are set out below.

The following abbreviations are used:

NPPF: *National Planning Policy Framework (NPPF), December 2023 edition*

Core Strategy: *Havant Borough Core Strategy 2011*

Design Guide: *Havant BC Design Guide*

LCA 25: *Havant Borough Townscape, Landscape and Seascape Character Assessment February 2007, LCA 25: Emsworth – western suburbs*

Emsworth NP: *Emsworth Neighbourhood Plan*

Design Checklist: *Emsworth Neighbourhood Plan, Design Checklist*

D&A: *Design and Access Statement*

Site: *Fowley Cottage site, the subject of the Proposal*

No. 44: *No. 44 Warblington Road*

Overwhelming and Overlooking

1. The block of four flats is situated along, and very close to, the boundary with no. 44 Warblington Road. Whilst the frontage of the block observes the established Warblington Road building line, the rear does not maintain the same separation from no. 44 as between the rear of the other houses in Warblington Rd and the rear of those in Beacon Square.
2. In this position, because of insufficient separation, it is considered it will overwhelm no. 44 and, in particular, its garden, to the detriment of its occupiers' amenity.
3. Core Strategy, CS16 'High Quality Design', at 1. e) requires proposals to demonstrate that *"The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking"*.
4. The Design Guide states, para. 5.03 *"It is important that applications for new development consider the impact of the development on existing residents."*
5. Para. 5.05 states *"Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation"*.
It is noted the 4 bedroom windows of the flat block are all within 20 metres of the built structure of no. 44, including its main bedroom and kitchen/living room.
6. Para. 5.05 also states *"Garden length should normally allow 10 metres between the dwelling and the boundary."* The flats are significantly less than 10 metres from the boundary between the site and no. 44.
7. The Design Checklist, para. 44 states *"New buildings should be ... located where they will not overwhelm their surroundings."*
8. The Planning Statement refers, in para. 4.14, to development conditions for the site in the withdrawn draft Havant BC Local Plan 2021. The Plan's Draft Policy H13, c, iv states *"Avoids unacceptable harm to the amenity of neighbouring residents through loss of privacy, noise, outlook and overlooking"*.

Plans show misleading boundary and incorrect footprint of adjoining property

9. Both the Location Plan and Proposed Site Plan show a small triangular wedge, fronting Warblington Road, between the site and the adjoining property no. 44 and appearing to separate the frontages of no. 44 & the site. This wedge is an integral part of no. 44 and occupied by part of its built structure.

10. Both plans show a misleading footprint for the built property at no. 44. Importantly, it should be appreciated the built structure of no. 44 abuts the red boundary line with the site. Hence the proposed block of four flats will lie in close proximity and it is considered will overwhelm no. 44.
11. The Council's online map shows the correct footprint of the built structure at no. 44.

Building Design, External Materials and Features not Characteristic of the Locality and do not Integrate with the Surrounding Area

12. LCA 25 states *"The special character of the streetscape of Warblington Road should be preserved and maintained."*
13. All 15 dwellings are of the same bland design, constructed with the same external building materials and in the same colours. This is not characteristic of Warblington Road or the local area, where there is a variety of designs with each property individual. In addition, a variety of external building materials in varying colours can be seen in the locality, contributing to its character. Furthermore, the proposal's 'contemporary design' is not in keeping with properties in the locality, which are of traditional design. In consequence, the proposal is not regarded as integrating with the surrounding area.
14. The D&A (p.14) declares the *"design proposals are contemporary"* whilst failing to acknowledge contemporary design is not characteristic of the locality.
15. The D&A acknowledges (p.15) the variety of design in the vicinity: *"Architectural styling in the vicinity of the application site varies in both materiality and age creating a varied character with no discernible coherency which is identified as being important to retain and enhance."*
16. The D&A acknowledges (p.24) that *"the immediate locality comprises a broad and ranging mix of architectural styles"*. It acknowledges (p.23) that in contrast, in respect of the proposal *"The semi-detached homes at the north of the site are a collection of repeated house types"*.
17. *"Visual interest"* from *"sliding and offsetting"* (D&A p.23) does little to compensate for the absence of variety in house design.
18. Building design is said to have been influenced by an aim to preserve views and minimise massing. However, this is not relevant in the northern part of the site, which can neither be seen from the foreshore and National Landscape area and where views towards the sea are blocked by the existing houses in Warblington Road.
19. Whilst the D&A claims (p. 24) the brickwork provides "warmth", it is considered grey brickwork and silver grey timber boarding is drab and not typical of the

locality, where there is a preponderance, and variety, of warm coloured building materials.

20. Features, such as timber boarding, grey brickwork, silver grey boarding, flat roofs and stark gable ends (when viewed from Warblington Road) are not features characteristic of the locality. Nor are purpose-built flats, there being none in the local area where all dwellings are detached houses.
21. Whilst the D&A (p.18) states *"The expressed, pitched gable is aligned with the established line of neighbouring homes along the road"*, it should be appreciated that there are no other gable ended properties in the near vicinity in Warblington Road.
22. In respect of 'Materials & Detailing', the Design Guide states (at para. 4.33) *It is also important that new developments make the most of opportunities to create visual attractiveness and diversity through detailing. The choice of materials should be informed by an analysis of the site and its context, this is particularly important in more sensitive areas of the Borough, such as conservation areas and Chichester Harbour AONB. Materials that are common in the Borough include brick; render, clay roof tiles, slate and in places, flint.*
23. The site is adjacent to Chichester Harbour AONB and untreated timber boarding is not a material listed as common.
24. There is only one building in the locality that has timber cladding – no. 38 Warblington Road – and the cladding to its upper storey is horizontal, not vertical.
25. Timber boarding to the second storeys is an inappropriate material that is untypical of the area and does not enhance the character of the area.
26. In this respect it is inconsistent with Emsworth NP Policy D2, a) – see below. Nor is timber boarding regarded as meeting the following criteria in the Design Checklist:
27. Para. 38. *"Use of good quality materials, preferably local, which respect the neighbouring properties, mellow with age and can be easily maintained will be encouraged."*
28. Para. 49. *"New buildings are to use local construction materials, and reflect local building traditions, with materials obtained from local sustainable sources."*
29. Flat roofs are out of character; the only flat roofs in the locality are occasionally over garages. Whilst there are some balconies on waterfront properties, balustraded roof terraces on ground floor flat roofs are uncharacteristic of the local area.

30. Although there are some gabled ended properties in the area, the predominant style is hipped roofs, with some hipped gables. The roofscapes of many Warblington Road houses are softened by small hipped protrusions and extensions, creating variety and interest. Combined with their bland slab-sided 'barn-like' design, the proposed gable ends appear stark viewed from the north.
31. NPPF para.140 has been extended in the latest edition to emphasise the need to ensure the use of high-quality design and high-quality materials. It is thought the design is bland, stark and lacks charm, the colours drab and lacking in warmth and the materials are not all of high quality. The proposal is neither characteristic of the local area nor enhances the character of the area and its design does not integrate the development into the local area. It is considered the building materials and features of the proposed properties are inconsistent with the characteristics of the local area and do not create either variety or interest.
32. In these respects the proposal is inconsistent with the following Policies, Design Guide and Character Assessments:
33. Core Strategy 2011, CS16 'High Quality Design'
 1. b) requires proposals to demonstrate that their design "*.... applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest*",
 1. c) *Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors.*
34. Emsworth NP, D2 Height, Mass & Materials, a) ***All new buildings should enhance the character of the area and be appropriate in height, mass and materials. In most cases, this will mean buildings constructed or clad in materials typical for the area with any pitched roofs being of slate or tile.*** (emphasis added)
35. Emsworth NP, D5, Integration & Strong Connections, b) ***Developments should create welcoming and inclusive neighbourhoods, promote active travel, enable the successful integration of the built form within its surrounding area, and deliver wider benefits to residents, such as access to shared amenity space and high-quality public realm.*** (emphasis added) This policy is reinforced by para.6 of the Design checklist – see below.
36. Emsworth NP, D1, General Design Policy, c) *Development proposals should have regard to the Design Checklist in this plan. Applicants should use their Design & Access Statement to demonstrate how the checklist has influenced the proposal.*

37. Design Checklist - relevant paragraphs include:

Layout and integration, para.06 - *New buildings should be well-integrated and become part of a unified and interrelated composition, both with other buildings on site and with existing buildings adjacent to the site. This is particularly important in mixed-use developments that combine living and working.*

Construction, materials and build quality, para. 36 - *The build quality of new developments, and the materials selected as part of the construction process, should ensure a high standard of appearance over time.*

Construction, materials and build quality, para. 38 - *Use of good quality materials, preferably local, which respect the neighbouring properties, mellow with age and can be easily maintained will be encouraged.*

Rooflines and skylines, para. 42 - *Flat roofs can create maintenance issues and are considered to be out of character in Emsworth and should be avoided.*

Resource efficiency, para.49 - *New buildings are to use local construction materials, and reflect local building traditions, with materials obtained from local sustainable sources.*

38. The proposal is regarded as being inconsistent with the following local character assessments:

LCA 25:

Historic and built environment (p. 260): *The majority of this pre-war development lies to the south of the main Havant Road, and, with the architectural detailing of the houses generally aiming at originality; it gives the area a spacious and varied character. Materials are predominantly brick and stucco, with tile or slate roofs, and occasional hung tile*

Built form and development (p. 263): *The special character of the streetscape of Warblington Road should be preserved and maintained.*

The Residential Character Area description in the Emsworth NP for area 5. South of Havant Road is *"A variety of mainly individually designed 19th and 20th century houses with some infilling. Extending westwards there are more recent estates of buildings of more uniform design. There are several "colonial" villas set back in large plots of land, particularly on the western side of Beach Road at the southern end. These are of architectural interest and contribute to the character of the area."*

The Proposal does not Create Beautiful Buildings of a High Quality, Contributing to a Strong Sense of Place

39. It is considered the proposal is for an identikit estate – 15 buildings of the same design, building materials and colours. Similarly, this bland design, together with its cold drab colours and timber cladding, does not result in beautiful buildings of

a high quality or contribute to a strong sense of place as now required by the NPPF.

40. Since the Core Strategy 2011, the NPPF has been revised several times. Launching the latest version of the NPPF last December, the Secretary of State, Dept. for Levelling Up, Housing and Communities said it has been informed by the 5 principles of beauty, infrastructure, democracy, the environment and neighbourhood. Para. 20 states that policies should “*ensure outcomes support beauty and placemaking*”. In particular, Chapter 12 deals with ‘*Achieving well-designed and beautiful places*’.
41. That chapter’s new first paragraph (para. 131) states “*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*”.
42. It is noted that where the Planning Statement (para. 4.12) quotes this Chapter of the NPPF it only refers to ‘high-quality’ and omits ‘beautiful’. Creating beautiful buildings is now a fundamental objective of the NPPF. Whilst the Planning Statement concludes, in para. 4.13, that the proposal is supported by the strong direction of the NPPF and so should carry significant weight, it is considered the Planning Statement overlooks the latest NPPF revisions. The proposal is not considered to be supported by the current NPPF.
43. NPPF Para. 135. advises: *Planning policies and decisions should ensure that developments: d) **establish or maintain a strong sense of place**, using the arrangement of streets, spaces, **building types and materials** to create attractive, welcoming and distinctive places to live, work and visit.* (emphasis added)
44. NPPF Para.140 has been extended in the latest edition to emphasise the need to ensure the use of high-quality materials and high-quality design.
45. It is considered the stark design, lack of building material variety and use of untreated timber boarding, with drab grey and silver grey, slab-sided, gable ended buildings does not meet the new NPPF standards for beautiful buildings to create a sense of place, particularly those in NPPF paras. 131, 135 and 140.
46. For these reasons, it is judged that the proposal does not meet the standards in NPPF Chapter 12.
47. NPPF Para. 139 states, simply and clearly, that “*Development that is not well designed should be refused*”.

48. The proposal is also inconsistent with the following Emsworth NP policies:

Emsworth NP, D1, General Design Policy,

- a) *All new developments and redevelopment proposals across the neighbourhood area should be of high quality, in accordance with the other policies and the other provisions contained within this neighbourhood plan.*
- c) *Development proposals should have regard to the Design Checklist in this plan. Applicants should use their Design & Access Statement to demonstrate how the checklist has influenced the proposal.*

Design Checklist relevant paragraphs include:

Evolution and Character, para. 01 - *Emsworth should evolve gradually and should not experience rapid large-scale development. All development proposals are required to demonstrate how they will contribute to this positive evolution.*

An estate of 15 dwellings all of a similar building design is judged to be inconsistent with a gradual evolution.

Construction, materials and build quality, para. 36 - *The build quality of new developments, and the materials selected as part of the construction process, should ensure a high standard of appearance over time.*

Construction, materials and build quality, para. 38 - *Use of good quality materials, preferably local, which respect the neighbouring properties, mellow with age and can be easily maintained will be encouraged.*

Cladding the upper storeys with untreated timber boarding is not regarded as contributing to a high-quality building.

Flats are out of keeping with the locality and the Emsworth area south of the Havant Road

49. There are no purpose-built flats within this area and flats would be out of keeping with the character of the area.

Lack of Integration of the Built Form with its Surrounding Area

50. Emsworth NP Policy D5, b) states “***Developments should create welcoming and inclusive neighbourhoods, promote active travel, enable the successful integration of the built form within its surrounding area, and deliver wider benefits to residents, such as access to shared amenity space and high-quality public realm.***” (emphasis added).

51. Emsworth NP Design Checklist para. 6 states “*New buildings should be well-integrated and become part of a unified and interrelated composition, both with other buildings on site and with existing buildings adjacent to the site.*”

52. It is considered the proposals do not achieve this emphasised objective due to the inclusion of flats, out of keeping uniformity of design and uniformity of external building materials, stark design and drab coloured building materials, upper storey timber cladding and flat roof terraces.

Inadequate On-site Parking

53. Due to their proximity to the waterside and also to Emsworth Sailing Club, the 15 properties will be of attraction to, and most likely be lived in by, boat owners. The illustrations on pages 1, 22 & 23 D&A show boats stored on-site. A large proportion of properties in the area typically have boats kept or stored on-site, be they sailing dinghies, RIBs, small motor boats, rowing dinghies, kayaks, paddle boards or boat trailers. The proposal makes no provision for boat or trailer storage, leaving residents to use the car parking spaces because it will be impracticable and undesirable to park them in their gardens.
54. The proposal states that parking provision meets Havant BC's parking standards. However, it does not demonstrate how the provision of a mixture of allocated and unallocated spaces meet the standards. It is thought this needs to be demonstrated by the applicant.
55. It is considered provision for vehicle and boat/trailer parking is inadequate.

UNDERPROVISION OF PARKING SPACES				
	3 x 4-bed Houses	8 x 3-bed Houses	4 x 2-bed Flats	TOTAL
Parking standard - allocated spaces	9	16	8	33
Allocated space provision	9	14	0	23
Shortfall in allocated provision	0	2	8	10
Shortfall in allocated provision in terms of unallocated spaces	0	1.9	5.2	7.1
Visitor parking standard in terms of unallocated spaces	1.8	3.18	1.04	6.02
Total unallocated spaces required to meet standard	1.8	5.08	6.24	13.12
Total unallocated spaces provided (residents + visitors)	2	5	5	12
Under provision of parking spaces	-0.2	0.08	1.24	1.12
One boat or boat trailer per property	3	8	4	15
TOTAL UNDERPROVISION OF PARKING SPACES	2.8	8.08	5.24	16.12

56. The Swept Path Analysis in the Transport Statement (Appendix 7) shows that any additional parking on the internal roadway would likely prevent full access by a fire tender. Overflow parking on the verges of Curlew Close would block access by fire tenders and by refuse collection vehicles. Overflow parking in the wider entrance to Curlew Close would prevent entering and exiting vehicles from passing.
57. It is considered that vehicle and boat parking provision is inadequate and the consequence will be on-road parking in Warblington Road. However, extremely limited opportunities for on-road parking outside the site exist. In the 55 metres between the junctions of Warblington Road with Clovelly Road and with Curlew Close there are 4 access drives in addition to the proposed entrance to the site.

58. Warblington Road already suffers from visitor parking, particularly in the summer, due to its proximity to the foreshore. This had resulted in the section closest to the foreshore recently being double yellow-lined. The result of this has been to move the visitor parking further from the foreshore, where it now starts in the vicinity of the entrance to Fowley Cottage. This will be exacerbated by overflow parking from Fowley Cottage, to the annoyance of Warblington Road residents.
59. Havant BC Parking Standards state in para. 1.01 *"Parking in proposed developments should not create undue impact on street congestion or create tensions within a community"*.

Absence of Open Space

60. At more than 10 dwellings, the proposal is a major development. It is noted that there is no communal open space in the locality, yet the 'Proposed Site Plan' does not show any communal open space for residents of the site.

Site Density

61. The site design results in insufficient parking provision, small room sizes and an unattractive building design to facilitate views, with a block of flats overwhelming its adjacent neighbour and an absence of communal open space. This unsatisfactory design, uncharacteristic of the locality, is said to have been heavily influenced by the refusal of the two previous applications.
62. The D&A demonstrates that due to site constraints the developable area is 0.37 Ha. Fifteen dwellings represents a density of 40.5 dph. This is more than double the density of the previous application, which at 9 houses in an assessed developable area of 0.5 Ha. before further climate change was recognised, represented a density of 18 dph. The shortcomings in parking provision and the various aspects of design cannot be overcome without reducing site density.
63. The Housing Delivery Position Statement, March 2022, in para. 15, lists Fowley Cottage as a site previously allocated in the withdrawn Local Plan 2016 and gives an indicative number of dwellings as 20. This figure was based on a then assessed net developable area of 0.5 Ha. and 40 dph. Since March 2022, it has been recognised that climate change has increased the area of the site that is at flood risk some two and a half fold. The D&A demonstrates the net developable area is 0.37 Ha.

Relevant Policies

64. Whilst 40 dph may still be an aspiration for a new local plan, it is not supported by relevant policies in the Development Plan on the basis of which the proposal needs to be decided. It is understood there are no material considerations that indicate otherwise.

65. Although NPPF para. 129.a) advises density standards in plans should represent a significant uplift, this is subject to para. 130. Para. 130 makes clear that *“significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area.”*
66. The relevant policy, therefore, is Core Strategy CS9, supplemented by guidance in:
 - Paragraph 6.23 of the Core Strategy
 - Section 4 of the Design Guide
 - LCA 25, &
 - Para. 43 of the Design Checklist.
67. Core Strategy CS9, Housing, Criteria 4 states **“Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.”** (emphasis added)
68. Paragraph 6.23 of the Core Strategy acknowledges *“It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of the land and reflecting surrounding built character and the amenity of neighbouring residents.”*
69. The Design Guide, in the introduction to Section 4, Density and Mix, states *“The density of new development should be driven by the density in the neighbouring area.”*
70. LCA 25 emphasises *“The special character of the streetscape of Warblington Road should be preserved and maintained.”*
71. The Design Checklist, para. 43 states *“The density of new development should be in character with the local surrounding area, and outside of the town centre should be designed to give an impression of spaciousness with opportunity for green landscape between buildings”.*
72. In summary, policy intention concerning density of built form, in addition to making efficient use of land, is to respect the surrounding landscape, character and built form and amenity of neighbouring residents.
73. The dwellings surrounding the site in the neighbouring area of Warblington Road, Curlew Close, Beacon Square and Clovelly Road are typically large detached houses, often in sizeable grounds. A density in the low to mid 20s dph would respect this density and *“give an impression of spaciousness with opportunity for green landscape between buildings”* in line with the Design Checklist. It is understood the neighbourhood has a density of 18 dph and 23 dph would represent an increase of 28%.

Affordable Housing

74. It is acknowledged that this proposal must make provision for affordable housing, although it is not clear why this is 5 units (30%) when NPPF para. 65 states this

should be reduced for brownfield sites where an existing building is being redeveloped.

75. Nevertheless, the site lies close to the foreshore in a highly sought after part of Emsworth. Consequently, property prices in the locality are at a premium over other parts of Emsworth and the borough. Providing affordable housing in the form of four 2-bed flats at a discount of 20% below their local market value in this locality will not assist those for whom affordable housing is intended. It is considered that off-site provision or an appropriate financial contribution in lieu, as permitted by NPPF para. 64. a), would better meet the needs of those for whom affordable housing is intended to assist.
76. The redevelopment of the Fowley Cottage site provides an opportunity to seek a financial contribution that can be utilised to provide much needed affordable housing in areas of the borough where local market values are lower, thus assisting those seeking affordable housing.

D&A is Misleading on Planted Roofs and Uninterrupted Views over to the Sea, Large Balustraded Roof Terraces are Uncharacteristic & Floor Plans are Contradictory

77. The D&A misleadingly states on pages 9, 14 & 24 that the single storey accommodation will have planted roofs, the last under the title “Green Roofs”. It shows several illustrations of the houses with planted roofs – pages 1, 14, 22, 23, 24, 25 & 26. Claims that single lounges enable views through the site are not wholly correct. It is noted that, contrary to this, the elevations on p. 29 & 30 show that half the roof areas will comprise a roof terrace accessible from within the building. The eight individual drawings for the 4-bed elevations, 1st floor & sections and 3-bed elevations & sections, south site elevation and cross-site sections all show that half the single storey flat roof area of all 11 houses will comprise a balustraded roof terrace.
78. These roof terraces are accessed by doors from the first floor bedrooms, with the three 4-bed houses each having 2 bedrooms with roof access. These terraces will likely be occupied by occupants’ various paraphernalia, e.g. tables, chairs, parasol umbrellas, BBQs, childrens’ play pens, impeding the intended views through the site which are the objective of the ‘barn-like’ building design.
79. Roof terraces on ground floor flat roofs are out of character with, and (apart from on waterfront properties) not typical of, the local area. They do not enhance the character of the area.
80. Emsworth NP Policy D2, a) states “***All new buildings should enhance the character of the area and be appropriate in height, mass and materials. In most cases, this will mean buildings constructed or clad in materials typical for the area with any pitched roofs being of slate or tile.***” (emphasis added)

81. It is thought the flat roofs do not meet the criteria in the Emsworth NP, Design Checklist:
82. Roofs and Skylines, Para. 42 “***Flat roofs can create maintenance issues and are considered to be out of character in Emsworth and should be avoided.***”
83. It is noted that, like the flat roof differences, the individual floor plans for the 4-bed and 3-bed houses differ from those in the D&A. The 1st floor layout on the plan for 4-bed on p. 30 D&A differs markedly from the layout on the separate drawing 911. The former also shows only one bedroom has a door onto the roof terrace, whereas the separate drawing 911 shows two bedrooms have doors onto the roof terrace. Similarly, the separate ground floor plan differs from that in the D&A.

Public Access to the Footpath to the Waterfront Ambiguous

84. The proposal gives no firm indication whether it is intended the internal roadway through the site be adopted by the Highways Authority after completion. However, it is portrayed in the D&A as having the characteristics of a private roadway. Moreover, it appears it is intended the access from Warblington Road should continue to be ‘over the pavement’, as at present (albeit with wider splay), and the use of “*Resin bound gravel, loose gravel, low level shrubs and vegetation*” (D&A p.25) for the roadway give the impression of an intention it be a private internal road.
85. It is noted that the Havant BC Design Guide states (para. 5.32) that “*Where access roads exclusively serve five dwellings or more the access road will need to be of an adoptable standard as agreed by Hampshire County Council.*”
86. The proposal is ambiguous on public use of the footpath from the internal roadway to the waterfront. The Proposed Site Plan merely indicates a “*Footpath to waterfront*” without indicating if private for residents only or for the public. However, a site section across the southern part of the site refers to “*Public Access to Water*”. Whilst the D&A and drawings give the impression of an intended private footpath for residents, paragraph 3.11 of the accompanying ‘Planning Statement’, drafted by another organisation, states “*Public access through the site has been provided*”. It suggests this could be secured via a S.106 agreement.
87. The Planning Statement refers, in para. 4.14, to the withdrawn draft Havant BC Local Plan 2021. The Plan’s Draft Policy H13, c, vi states development conditions for the site include “*Provides a safe and convenient access to Havant Footpath 56 (Wayfarer’s Way) to the southern boundary of the site*”.
88. Core Strategy 2011, DM9 ‘Development in the Coastal Zone’, para. 4. requires development to ensure “*that public access is ... provided to connect existing paths along the waterfront where appropriate.*”

89. Emsworth NP, WF1, Public Enjoyment of the Waterfront, a) *“Proposals for new development at a waterfront site should provide public access to the waterfront where it is both appropriate and practicable to do so.”*
90. Emsworth NP, D5, Integration & Strong Connections, a) *“All redevelopment proposals need to demonstrate how they will relate to the wider Emsworth context, with specific reference to clear and convenient connections with the town centre, **the creation of public access leading to the waterfront** and with adjacent areas.”* (emphasis added)
91. If the Council is minded to approve the application, it is essential the public or private status of both the footpath and the internal roadway are clarified. It is suggested any approval should either be conditional on public use of the route through the site from Warblington Road to Havant Footpath 56 (Wayfarer’s Way) or this be achieved under a S.106 agreement.

Absence of Local Consultation

92. Paras. 137 & 131 NPPF point out the importance of early discussion of design and style with the local community. This can ensure designs and styles are in line with the characteristics of the local area. In formulating this proposal for a major development, the local community has not been consulted.

Provision of a Public, Green Waterfront Amenity Area

93. The site design omits a big opportunity for this site fronting the waterfront to utilise at least part of the undeveloped flood risk area adjoining the foreshore and Wayfarers Walk for an open public amenity area, with e.g. wooden benches, open onto Wayfarers Walk.
94. The proposal does not address Emsworth NP WF1 or include an appraisal of options for the provision of public spaces and leisure amenities and explain how the proposal has taken account of such an appraisal, as required by Emsworth NP WF1, c).
95. Emsworth NP, WF1, Public Enjoyment of the Waterfront
- a) *Proposals for new development at a waterfront site should provide public access to the waterfront where it is both appropriate and practicable to do so.*
 - c) *Applications for new development on waterfront sites should include an appraisal of options for the provision of public spaces and leisure amenities, including slipways and moorings, and must explain clearly how the proposals have taken account of this appraisal.*
 - d) *Development proposals that contribute towards the delivery and enhancement of Natural England’s England Coastal Path project* will be supported.*

96. This omission also fails to enhance the quality of the landscape setting and the open coastal plain features in accordance with the Emsworth NP, Design Checklist:

Strategic Landscapes, Para. 17, The quality and character of Emsworth's landscape setting and associated views from within Emsworth and the Harbour are a further important characteristic and should be preserved and enhanced through new development proposals.

Strategic Landscapes, Para. 16, The characteristic landscape features of Emsworth, including wooded shoreline, open coastal plain, broadleaved woodland and small hedgerow-bound fields are to be preserved and enhanced.

97. Further policy support for a waterside public amenity area is provided by the Core Strategy 2011, CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough, CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB) and CS13 Green Infrastructure.
98. If the Council is minded to approve the application, a public, green waterfront amenity area should be secured via a S. 106 agreement.

Ecological Impact Assessment Out of Date and Incomplete

99. This assessment, states (on p.2) it is only valid for 18 months after the site visit. The initial site visit was on 6 December 2021 with specific follow-up work up to July 2022. The Assessment is also stated to be a draft. A valid, final assessment is required to assess the proposal.
100. In addition, appendices B, C & D, including Figures 1, 2, 3 & 4, to the Assessment are missing from the Council's website. This prevents comment on their contents and on how they may have influenced site layout

Missing Arboricultural Impact Assessment

101. The D&A states (on p.8) that an Arboricultural Impact Assessment is included in the application. The Planning Statement states (para. 1.2, p.4) that an Arboricultural Report is included. However, all that is displayed on Havant BC's website is a Tree Survey Schedule.
102. It is regretted that consequentially it has not been possible to ascertain, or comment on, how an arboricultural assessment has influenced the layout and density.

Noise and Amenity Impact on Adjoining Properties

103. The Planning Statement refers, in para. 4.14, to the withdrawn draft Havant BC Local Plan 2021. The Plan's Draft Policy H13, a, iv & vii anticipated this proposal would include a Noise Impact Assessment, Arboricultural Assessment

and a Landscape and Visual Impact Assessment. It is noted that these are not included. In consequence, the noise and visual impact of the proposals on residents of Beacon Square, Curlew Close and Warblington Road have not been considered.

Maintenance of the Common Areas

104. The proposal does not indicate any arrangements, such as a residents management company, to ensure that, if approved, the development will be maintained to a standard commensurate with the surrounding area. This might be achieved via a S.106 agreement.

Availability of Adequate Electricity Capacity

105. The proposal does not address the available capacity of the existing sub-station in Warblington Road to supply adequate electricity for the needs of an additional 15 homes, their EV charging and exterior site pillar lighting without adversely impacting the adequacy of the supply to existing properties. It is suggested a S.106 agreement may be necessary to provide for upgrading infrastructure.
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