Use of Land for the Siting of a Moveable Café (Class E) with Customer Seating Area and Cycle Parking for

At

Land at Dolphin Quay, Queen Street, Emsworth, Hants, PO10 7BU

Planning Statement

Figure 1 Application Site Viewed from the North-West

Applicant:
Dolphin Quay Cafe Ltd

Matthew R. Pickup

Pickup Town Planning

25th February 2022

Final Issue

Pickup Town Planning

1.0 Introduction

1.1 This application seeks a grant of planning permission for the use of the land for the siting of a moveable café (Class E) together with the provision of customer seating and cycle parking facilities. The land forming the application site is to the north-west of the recent Dolphin Quay residential development that was granted planning permission under APP/16/00921.

1.2 The moveable café structure has been designed in a style that would mimic the appearance of the recently constructed contemporary detached houses on Dolphin Quay. The structure would not be of permanent construction but would be sited on the land, resting on adjustable struts – similar to a mobile home. The application site, which is in the foreground of the new houses when viewed from Queen Street (please refer to Fig.5), was shown on the approved drawings for APP/16/00921 as a 'public seating area'. The land would remain accessible to the public with the proposed use recognising the sites' location on the periphery of the Emsworth District Centre.

1.3 In order to ensure the business would not adversely affect the residential amenities of the occupiers of nearby property it is proposed that the café would only operate between 08.00 hrs and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day; additionally, no cooking would take place on the site with any hot food only being heated up. Customer seating and tables provided by the business would be stored away within the café when it was closed.

1.4 The site is within Emsworth Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty. The sites frontage onto Queen Street also appears to fall within the designated Emsworth District Centre. The site is also located within Flood Zones 2 & 3 as shown on the Environment Agency's flood risk maps and it is understood that a drainage culvert runs underneath the western part of the site.

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

2.0 Application Site Description

2.1 The application site comprise a small piece of land located on the south side of Queen Street in Emsworth between the Queen Street footway (to the north) and a channel which forms part of Dolphin Quay, to the south. To the east of the site is the recently constructed residential development of Dolphin Quay which comprises terrace of 4 townhouses, facing Queen Street, and two detached contemporary style dwellings, which are oriented to face south with an outlook over the water. To the west of the site is the Grade II listed 29 Queen Street; on the opposite side of the road, to the north, is the Grade II listed "The Old Flour Mill".

2.2 The site is of an irregular shape with a maximum depth and width of some 8.7m and 11.0m respectively. The sites southern boundary is defined by a 1.1m high 'dog-legged' section of sea wall which is clad in dark stained horizontal timber boarding. The sites western boundary follows the line of a concrete post and rail fence with the northern boundary running alongside the back edge of the Queen Street footway. The sites eastern boundary runs adjacent the vehicular crossover allowing vehicles of the Dolphin Quay residential development access from Queen Street. The application site is surfaced in buff coloured concrete paving slabs.

Figure 2 Application Site Viewed from Queen Street to the North

2.3 As has been stated the site is within Emsworth Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty. The sites frontage onto Queen Street also appears to fall within the designated Emsworth District Centre (its eastern extremity). The site is located within Flood Zones 2 & 3 as shown on the Environment Agency's flood risk maps and it is understood that a drainage culvert runs underneath the western part of the site.

Figure 3 View West Across the Application Site – 29 Queen Street in Background

Figure 4 View North from Footpath Running Alongside Dolphin Quay Channel

3.0 Relevant Planning History

3.1 Planning permission was granted on 13th December 2018 for the "Demolition of the single storey shop, two-storey office building and associated outbuildings. Erection of 4No. houses (3x 3No. bedrooms and 1x 2No. bedrooms) fronting onto Queen Street and associated parking and erection of 2No. detached dwellings (4No. bedrooms) fronting onto to the Mill Pond with associated parking and access from Queen Street." (LPA Ref: APP/16/00921). This decision was the subject of a S106 Planning agreement which required the developer to provide financial contributions towards affordable housing and the Solent Recreation Mitigation Project. Additionally, a clause in the agreement required the provision of "all the permissive paths and unadopted rights of way" across the site was discharged by the LPA on 9th January 2020.

3.2 Several planning conditions were imposed on the development by the LPA which have subsequently been discharged. These related to the following:

Cond. No.	Issue
3	Finished Floor Levels;
4	Foul & Surface Water Drainage;
6	Soft Landscaping;
7	Boundary Treatments/Sea Wall;
10	Contractors parking, Storage & Road Cleaning;
13	Construction Environmental management Plan;

15 Meter Boxes and;

17 External Lighting.

3.3 Furthermore, application APP/19/00865 was approved on 23rd December 2019 for a *"… non-material change to Planning Permission APP/16/00921 relating to locally reducing seawall adjacent to seating area to allow for a 2.4m wide flood gate to serve a potential future slipway and 2no. trees within raised planting bed to be omitted as they are not able to be relocated without clashing with the culvert to the left of the site"*.

3.4 Lastly, an application was submitted to vary Condition 2 of APP/16/00921 in order to amend the finishing materials of the sea wall from brick to timber cladding. This application was permitted on 19th November 2020.

Pre-Application Enquiry - GEN/21/00356

3.5 Prior to the submission of the current application the applicants made a pre-application enquiry to the LPA (LPA Ref: GEN/21/00356) which is attached as Appendix I. A summary of the LPAs response is as follows:

Principle of Development

*"*With regard to the principle of development the site is located in the urban area where new development is considered acceptable in principle under policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014…*"*

*"*The site lies outside of the 'Retail, High Street & Food/Drink Uses' area identified in Policy C2 of the Emsworth Neighbourhood Plan. Any proposal would have to justify the use of the site as a cafe with a takeaway option in this location…*"*

"… a Section 106 agreement dated 10/12/2018 under reference APP/16/00921, to provide permissive paths and unadopted rights of way across the land, to remain open and accessible to the public in perpetuity…*"*

Impact on Emsworth Conservation Area and Chichester Harbour AONB – Conservation Officer

*"*I can see the positives in providing a different solution for the parcel of land which still provides a public amenity benefit. However, the CGI images show the structure in the context of the modern buildings at the rear and not within the context of the more traditional buildings which it would sit directly adjacent to. It would be closer to two heritage assets – the Flour Mill and Dolphin House and is certainly more modern in appearance. That in itself does not necessarily mean that it would not be supported but I am keen to see how it would work in the context of the listed building / traditional style new buildings, rather than the modern buildings at the rear of the site…*"*

Impact on Neighbouring Properties

"… food will not be prepared on the premises, which should help with problems such as smells and odours.

There is residential development on either side of the site and opposite and the use may give rise to noise and disturbance. If permission was forthcoming, hours of operation would likely be imposed via a condition, to protect residential amenity…*"*

Parking

*"…*Havant's Car Parking SDP, sets out the level of parking/cycle standards required for eating and drinking establishments…*"*

Flooding

"The site is located within Flood Zone 2 and 3…. a Flood Risk Assessment would be required as part of any application, due to the site falling within Flood Zone 2 and 3…"

Drainage

"It is noted that the structure would be sited over a culvert - hence the intention to be able to move it, if required…"

4.0 Proposed Development

4.1 This application proposes the use of land for the siting of a moveable café (Class E) with customer seating area and cycle parking.

Figure 5 Computer Generated Image of Moveable Café

4.2 The proposed development would result in the provision of a portable structure measuring some 5.0m long and 4.1m wide. The café would be manufactured with gabled elevations and positioned within the eastern portion of the application site with its ridge oriented north to south. The structure would measure approximately 2.7m and 4.2m to its eaves and ridge respectively.

4.3 The café would be constructed with clear glazing to its west and south facing elevations with a timber panel to its eastern façade. The structures front (north) elevation would be constructed with 50 % clear glazing and 50 % timber panelling. The structures roof would be constructed of graphite grey coloured seamed panelling. The structure would be supported on adjustable struts which would allow for the provision of a level interior floor area. The struts would be hidden behind a decorative timber plinth. The frame of the café would be graphite grey in colour to match the appearance of the two contemporary dwellings to the south east.

4.4 Internally, the café would accommodate a kitchen/counter/servery together with a small customer seating area comprising approximately three tables and a counter with stools. A staff/customer w.c. would also be provided within the north-east corner of the café. Externally, the site would utilise the adjacent public space to the west as a customer seating area. The indicative details submitted with this application show the provision of 5 tables. Additionally, space would be set aside adjacent the timber clad sea wall for the secure storage of three bicycles.

4.5 The café would operate between 08.00 hrs and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day; additionally, no cooking would take place on the site with any hot food being heated by using a microwave oven, a small conventional oven, panini grill and toaster. Customer tables and chairs provided by the business would be stored away within the café when it was closed, as would any associated refuse bins.

4.6 The café structure would be transported to and assembled on the application site. It is to be manufactured with adjustable struts which could, at times of emergency be 'jacked up' to a height above the predicted flood level. Additionally, should it be necessary for maintenance to be carried out to the adjacent culvert, the café is to be built with 'lifting eyes' in order that it could be moved from the site by transporter vehicle.

5.0 Planning Policy

5.1 The relevant planning policy documents in respect of this application are the National Planning Policy Framework, revised July 2021, (NPPF) and the Development Plan which comprises the Havant Borough Core Strategy, 1st March 2011, the Havant Borough Local Plan (Allocations), Adopted 23rd July 2014 together with relevant Supplementary Planning Documents relating to Design and Parking. Additionally, there are several adopted Supplementary Planning Documents which are relevant to the proposed development.

National Planning Policy Framework

5.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 24th July 2018. This document was revised further on 19th February 2019 with the latest iteration published in July 2021.

5.2 Paragraph 7 of the Framework states that "...The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs..." The document promotes planning principles which include making effective use of land.

Environment

5.3 The NPPF states (at para.8) that "... Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways...' The economic objective is described as helping to "...build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure"; The social objective requires planning to support "...strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being..." The environmental objective relates to the protection and enhancement of "...our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently,

minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy…"

5.4 Paragraph 10 of the NPPF states "So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development…"

5.5 Paragraph 38 of the NPPF encourages Local Planning Authorities to "…approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available … and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible…" Additionally, para. 47 opines "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise…"

Building a Strong Economy

5.6 With regards to NPPF section 6, "Building a strong, competitive economy", paragraph 81 states "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future…." Paragraph 82 explains that planning policies should "d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances."

Highways

5.7 With particular regard to transportation and highways matters paragraph 111 of the revised NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Effective Use of Land

5.8 Section 11 of the NPPF relates to "Making effective use of land". The Government advocates that "…decisions should promote an effective use of land in meeting the need for homes and other uses…" (para. 119). In particular at para.120 the Government advises that:

"Planning policies and decisions should:

…

d) promote and support the development of under-utilised land and buildings …"

Design

5.9 Section 12 of the NPPF relates to 'Achieving well-designed places'. Paragraph 126 states "…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…" Para. 130 requires LPAs, when making decisions, to ensure that developments:

"a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Flood Risk

5.10 With regards to flooding for minor developments paragraph 168 of the NPPF states "Applications for some minor development and changes of use [56] should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55." Footnotes 55 & 56 are copied below.

Footnote 55

"A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use."

Footnote 56

"This includes householder development, small non-residential extensions (with a footprint of less than 250m2) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate."

Conservation

5.11 When making decisions paragraph 197 advises LPAs "...should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness..."

5.12 At paragraph 199 the NPPF advises *"…When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance…"* Paragraph 200 continues *"…Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification…"* Paragraph 202 sets out that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use…"*

Local Plan Policy Context

Havant Borough Local Plan (Core Strategy)

CS4 Town, District and Local Centres

*"*Planning permission will be granted for appropriate town centre development proposals that:…

4. Support small and independent businesses.
5. Encourage high quality, mixed-use development in designated centres that retain active ground floor frontages."

CS5 Tourism

*"*Planning permission will be granted for appropriate development proposals around the borough that:

1. Provide sustainable and small scale recreational opportunities…
4. Improve existing tourist facilities."

CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

*"*This policy seeks to protect and where appropriate enhance the borough's statutory and nonstatutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings…;"

CS12 Chichester Harbour Area of Outstanding Natural Beauty (AONB)

*"*Development will be permitted where it:

1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.
2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.
3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).
4. Meets the policy aims of the Chichester Harbour AONB Management Plan and
5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal."

CS15 Flood and Erosion Risk

*"*Development in areas at risk of flooding now and in the future as identified on the latest Environment Agency flood risk maps and Strategic Flood Risk Assessment climate change maps will only be permitted where:

1. It meets the sequential and exception test (where required) in relation to PPS25.
2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.
3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.
5. Appropriate flood warning and evacuation plans are in place.
6. New site drainage systems are designed taking account of events which exceed the normal design standard…"

CS16 High Quality Design

"Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax…"

Havant Borough Local Plan (Allocations)

AL1 Presumption in Favour of Sustainable Development

"…the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)…"

AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements

"…The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map…"

AL3 Town, District and Local Centres

"Planning permission will be granted for development proposals that:

1. Provide main town centre uses in the town, district and local centres as defined on the Policies Map, and so contribute to their vitality and viability…
5. Generate pedestrian activity within the primary shopping area by being open during the day to visiting members of the public."

DM20 Historic Assets

"Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough."

Emsworth Neighbourhood Plan 2019 - 2036

C2 Retail, High Street & Food / Drink Uses

"a) Insofar as planning permission is required proposals for commercial, business and service uses (class E), and pubs or other drinking establishments on High Street, St Peters Square, North Street and South Street will be supported.

b) Hot food takeaways will not be supported in these key retail frontages.

c) Where two or more commercial units in the town centre are combined into a single larger retail unit, proposals for any new shop fronts should reflect the character of the buildings concerned, and, where necessary, respect the scale, nature and composition of the host buildings in general, and their elevations in particular."

H1 Design & Heritage

"Any new development or alteration to an existing structure that affects, or has the potential to affect a heritage asset, will be required in its design, scale and materials to conserve or enhance the setting of heritage assets, whether designated or undesignated, and the historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan."

H2 Heritage Appraisals

"a) Any application for new development or alteration to an existing structure that affects, or has the potential to affect, a heritage asset must include an appraisal of the site and its surroundings, with drawings showing its relationship to heritage assets, whether designated or undesignated, including roofscapes and views.

b) Any application for new development or alteration to an existing structure must include an appraisal of the impact of construction work and traffic on heritage assets, whether designated or undesignated.

C) The application must clearly explain how the development proposals have taken account of the findings of such an appraisal."

<u>Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, Adopted Havant Borough Council on 19th July 2017</u>

This document provides guidance for development proposals in the Chichester Harbour Area of Outstanding Natural Beauty (AONB), within Chichester District and Havant Borough. This SPD will be a material consideration when assessing planning applications or appeals and will be reviewed and updated periodically as necessary.

The following sections are considered relevant to the application proposal:

13 Materials and finishes

16 Colour and appearance

30 Dark Skies

35 Lower Coastal Plain: Emsworth Historic Cores

5.13 Havant Borough Council has also produced a number of Supplementary Planning Documents. Those relevant to this application are: - Parking Supplementary Planning Document (SPD) (27th July 2016) - with section 3 being updated on 25th September 2019. This document sets out guidelines for the number of on-site car parking, short stay and long stay cycle parking spaces to be provided with new development. The document has not been updated to reflect the revised Use Classes Order that came into force on 1st September 2021. Given the nature of the proposed development the parking standards are calculated on the basis of the "A1 Shops (Food Retail)" standards category rather than those for a traditional pub or restaurant that would be covered by the "Eating and Drinking Establishments" category. The standards are as follow:

<u>Car Parking</u>

1 space per 20 sqm covered areas

Cycle Parking

Long Stay - 1 space per 6 staff or 1 space per 300sqm

Short Stay - 1 stand per 200sqm

6.0 Planning Considerations

6.1 This application, in summary, proposes the siting of a moveable café on land located to the north-west of the new Dolphin Quay residential development. As has been described, the proposed moveable café would be of a contemporary design, reflecting the architecture of the recently constructed detached houses on Dolphin Quay. The café would operate between 08.00 hrs and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day; no cooking would take place on the site with any hot food being heated by using a microwave oven, a small conventional oven, panini grill and toaster. Customer tables and chairs provided by the business would be stored away within the café when it was closed, as would any associated refuse bins. The café structure would be transported to and assembled on the application site.

6.2 The site falls within the Emsworth Conservation Area and also the Chichester Harbour AONB. The site is located to the east of 29 Queen Street and is opposite the Old Flour Mill which are both Grade II listed buildings. Additionally, parts of the site fall within Flood Risk Zones 2 & 3.

6.3 The application site was shown on the drawings approved under APP/16/00921 as a 'public seating area'. In addition to the constraints identified above the S106 Planning Agreement, completed as part of the development approved under APP/16/00921, required the provision of *"... permissive paths and unadopted rights of way across the land, to remain open and accessible to the public in perpetuity..."*

6.4 The application proposal was the subject of a pre-application enquiry in the summer of 2021. The LPAs response was received on 1st June 2021. This provided advice in relation to the following issues:

Principle of development
Impact on the character and appearance of the Emsworth Conservation Area and the Chichester Area of Outstanding Natural Beauty
Impact on neighbouring properties
Highways
Parking
Flooding
Drainage

6.5 Each of these issues will now be considered.

Principle of Development

6.6 As is confirmed by the by the pre-application response the principle of the proposed development is considered acceptable under policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014. The pre-application response also advised that *"...the site lies outside of the 'Retail, High Street & Food/Drink Uses' area identified in Policy C2 of the Emsworth Neighbourhood Plan. Any proposal would have to justify the use of the site as a cafe with a takeaway option in this location..."*

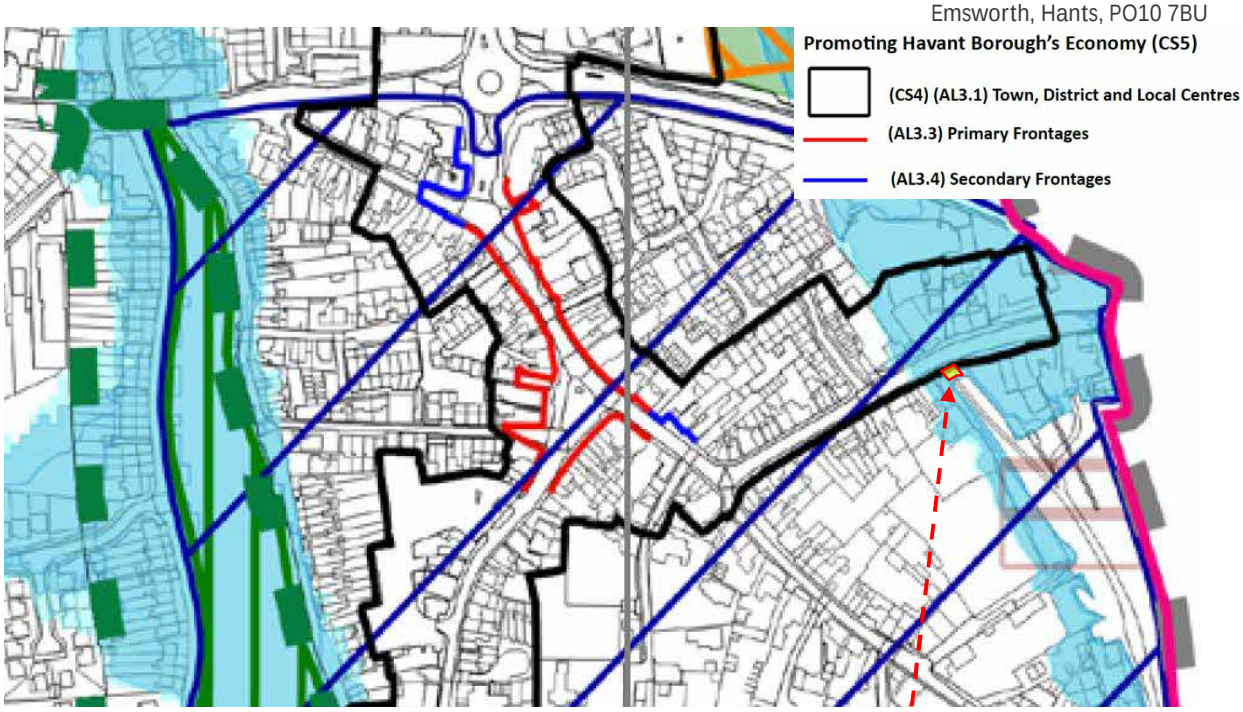

Figure 6 Extract of Emsworth Town Centre Map 8 - Application Site Yellow & Outlined Red

6.7 The applicant has considered this comment in the context of both the specific wording of Neighbourhood Plan policy C2 (Retail, High Street & Food / Drink Uses) and the designated Town Centre Map for Emsworth (see Fig. 6 – page 12). Neighbourhood Plan policy C2 does not appear to be supported by a town centre map within the NP so it must be taken that the town centre boundaries it refers to are those shown on the Emsworth Town Centre Map 8 which forms part of policy CS4 (Town, District and Local Centres) of the Havant Borough Local Plan (Core Strategy) as well as the Emsworth District Centre map. It is considered that the application site's frontage possibly falls just within the designated boundary, although this is difficult to ascertain due to the low resolution of Map 8. If the northern edge of the application site is considered to fall outside the designated town centre boundary it is clear that the site is very well related to it (i.e. being located immediately to the south of this boundary).

6.8 NP policy C2 states that applications for "a)...commercial, business and service uses (class E), and pubs or other drinking establishments on High Street, St Peters Square, North Street and South Street will be supported." It goes on to state that "b) Hot food takeaways will not be supported in these key retail frontages... " Furthermore part c) of this policy states "Where two or more commercial units in the town centre are combined into a single larger retail unit, proposals for any new shop fronts should reflect the character of the buildings concerned, and, where necessary, respect the scale, nature and composition of the host buildings in general, and their elevations in particular." It is apparent that NP policy C2 does not support hot food takeaways within the town centres 'key' retail frontages. As such, the inference is that, in some instances, such uses may be considered to be appropriate outside the town centre's primary and secondary shopping frontages. Policy C2 also does not state that café type developments will not be supported outside of the areas covered by the policy. Consequently, it is considered that the acceptability of the proposed café in this location should be treated on its individual planning merits.

6.9 With regards to sites that fall within Town Centre boundaries, Core Strategy policy CS4 states "Planning permission will be granted for appropriate town centre development proposals that:... 4. Support small and independent businesses..." It is likely that the northern edge of the site falls within the designated Emsworth Town Centre boundary. Given that the proposed development would be a small and independent business employing local people it is considered that it would be appropriate development in accordance with Cores Strategy policy CS4.

Impact on the character and appearance of the Emsworth Conservation Area and the Chichester Area of Outstanding Natural Beauty

6.10 The proposed structure would be located within the Emsworth Conservation Area and would also be adjacent to a couple of listed buildings. In order to aid the consideration of the proposed structure in terms of its impacts on the surrounding historic environment the applicant appointed John Pike, MRTPI IHBC, to provide a Heritage Statement. This document accompanies the application submission. It concludes by stating:

> "This is a well-designed kiosk that should be regarded as a positive intervention in the conservation area. The contemporary styling better suits the locality than a pastiche. Certainly, there are precedents for the proposed design nearby.
>
> It is not considered that any harm, substantial or otherwise, would be caused to the significance of the heritage assets that are the nearby listed buildings and conservation area.
>
> The setting of nearby listed buildings would not be affected in a negative way because of the minor nature of the proposed development, the good design of the structure, the varied built context and separation distances.
>
> The proposed kiosk would bring animation and visual interest to the locality resulting in the enhancement of this part of the conservation area."

6.11 As such, it is considered that the proposed development would be compliant with the NPPF guidance on the Historic Environment as well as policy CS11 of the Core Strategy which seeks to "protect and where appropriate enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings." Additionally, it is considered that the proposed development would also be compliant with policies H1 and H2 of the NP. Policy H1 (Design & Heritage) requires new development in a conservation area " in its design, scale and materials to conserve or enhance the setting of heritage assets... and the historic character of Emsworth..." Furthermore, the proposed development is also considered to accord with NP policy H2 (Heritage Appraisals) which requires applications affecting a heritage asset to be the subject of an appraisal.

6.12 It is also considered that the proposed development would have little, if any impacts upon the Chichester Harbour AONB. Policy CS12 of the Core Strategy states that permission will be granted for developments which have carefully assessed its impacts; that "is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area; Conserves and enhances the special qualities of the Chichester Harbour AONB" and "Meets the policy aims of the Chichester Harbour AONB Management Plan". The proposal should also provide mitigation for any detrimental impacts.

Figure 7 Consecutive Views Towards Site from Slipper Road Mill Pond & Footpath to West

6.13 The three images at Fig.7 show the location of the application site from both long and closer distance views. Photo 1 was taken from the footbridge crossing the southern end of the Mill Pond. Photo 2 shows the application site from the south. This was taken from the southern end of the footpath running alongside the west side of the Mill Pond. Photo 3 shows a closer view from the same footpath - the site at this point is partially screened by the two new detached houses on Dolphin Quay. As such, given the relatively modest size and scale of the proposed structure, together with its back drop against much larger buildings, it is considered that the café would be barely noticeable from the public footpaths to the south.

6.14 When viewed in the context of policy CS12 it is considered that the proposed development would have an appropriate economic and social impact on the AONB, has been designed to both conserve the special qualities of the AONB and to meet the aims of the Chichester Harbour AONB Management Plan. In terms of mitigation it is proposed that the café would only operate between 08.00 hrs and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day so would not be in use from early evening or later to cause undue additional light pollution. The proposed development is, therefore, considered to be compliant with sections 13 (Materials and finishes), 16 (Colour and appearance), 30 (Dark Skies) and 35 (Lower Coastal Plain: Emsworth Historic Cores) of the Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, Adopted Havant Borough Council on 19th July 2017.

Impact on Neighbouring Properties

6.15 The proposal to use the existing piece of open space for the siting of a moveable café has also been considered in relation to its possible impacts on the residential amenities of the occupiers of the nearest dwellings (flats within No.29 Queen Street to the west and new terraced houses fronting Queen Street to the east). The potential impacts are considered to concern two issues: (i) cooking odours, and; (ii) noise.

6.16 To address the first issue, regarding the potential emission of cooking smells, the LPA can be assured that the proposed development would not involving the cooking of food from fresh or with raw ingredients. The only hot food that would be served from the cafe would have been prepared and cooked off-site; this food would then be heated up using either a microwave oven, a small conventional oven, panini grill or toaster. Secondly, in order to ensure the use of the open space as an external seating area by customers did not cause noise and disturbance, it is proposed that the café would operate only between 08.00 hrs and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day. It is considered that adherence to these restricted hours would ensure that any customer noise would be limited to the hours of the traditional working day – and would not disturb residents either during the very early hours or at late evening / night-time. As such, and given the sites location on the edge of the District Centre, it is considered likely that customer noise would be barely discernible above existing background noise levels.

Highways & Parking

6.17 This application is supported by a Transport statement by Paul Basham Associates Limited- please refer to this document for a detailed assessment of parking and highway conditions relating to the proposed development.

6.18 In summary, the proposed cafe would accommodate approximately 20sq.m. of internal floorspace. If applying the Council's parking standards there would be a need to provide 1 onsite parking space. However, it is considered that nil provision can be justified in this instance. It is thought highly likely that the cafés future customers will have already decided to visit Emsworth as part of a wider shopping trip (either by public transport or private car) or as part of a pre-planned walk around the harbour or as part of a cycle ride. As such, customers, if they have travelled by car, are likely to have already parked their vehicle elsewhere (i.e. South Street car park or available parking on-street – there are time restricted parking bays adjacent the site). It is considered unlikely, therefore, that the proposed use would generate a high demand for vehicle parking. With regards to cycle parking, it is proposed to provide 3 wall mounted secure cycle spaces on the timber clad sea wall. This is considered to be in compliance with the Council's Parking SPD which require the provision of 2 secure on-site cycle parking spaces (1 long stay; 1 short stay).

6.19 When considered in relation to current planning policy it is clear that para 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." It is considered that the proposed development would not adversely affect highway safety and, as such, is compliant with policy guidance both within the NPPF and the Council's Parking SPD.

Flooding & Drainage

6.20 As has been stated at paragraph 5.10 of this statement the proposed development, being a minor development, does not need to be the subject to the sequential or exceptions tests (NPPF para.168). In terms of flood risk the proposed development needs to be the subject of a site-specific flood risk assessment (FRA). This application is accompanied by a FRA by Hamill Davies Limited. This report concludes:

> "5.1 The proposal for a lightweight building with supports capable of being jacked up to give a finished floor level of 3.7m AOD in the event of a tidal flood protects the building fabric and allows water to pass under the building unhindered.
>
> 5.2 Increased risk of flooding or flood damage to the proposed building is under these proposals eliminated."

6.21 As such, it is considered that the proposed development is compliant with guidance within the NPPF concerning flood risk and would also accord with Core Strategy policy CS15 (Flood and Erosion Risk). The FRA demonstrates that the mitigation proposed to make the development safe is appropriate and that the proposal would not increase flood risk elsewhere (parts 3 & 4 of CS15). If granted permission the applicants would be happy for a flood warning and evacuation plan to be secured via the LPA by condition.

6.22 With regards to drainage, the proposed café would make connections to existing fresh water supply and foul drainage systems already available on-site.

6.23 It is also recognised that the proposed café structure would be sited close to a culvert. As such, should it be necessary for maintenance to be carried out to the culvert, the café (which would be constructed with fixings allowing for it to be moved) would be taken from the site by transporter vehicle. The café structure would be transported back to the site following the completion of the maintenance works to the culvert.

Movement Across the Site

6.24 The applicant understands that the application site is the subject of a s106 legal agreement which requires that all "permissive paths and unadopted rights of way" through the site are provided before the first occupation of any of the new dwellings constructed under APP/16/00921 and that that these shall "remain open and accessible to the public in perpetuity unless adopted by Hampshire County Council as highway authority."

6.25 The submitted application seeks consent for the siting of a lightweight moveable café structure together with customer seating. The café structure could be moved, if necessary, and is not a building of permanent construction that would prevent access across the site in perpetuity. Similarly, the external customer seating area would comprise of portable tables and chairs which would be which put out each day and then stored in the café over night when the business was closed. It is the applicants view that the proposed development, given its light weight and moveable nature would not be in conflict with the requirements of the s106 legal agreement.

7.0 Conclusions

7.1 This application seeks a grant of planning permission for the use of the land for the siting of a moveable café (Class E) together with the provision of customer seating and cycle parking facilities. The land forming the application site is to the north-west of the recent Dolphin Quay residential development that was granted planning permission under APP/16/00921.

7.2 The moveable café has been designed as a lightweight structure (similar to a mobile home) but in a style that would mimic the appearance of the recently constructed contemporary detached houses on Dolphin Quay. As such, the structure would not be of permanent construction but would be sited on the land, resting on adjustable struts. The application site would remain accessible to the public with the proposed use recognising the sites' location on the periphery of the Emsworth District Centre.

7.3 The proposed development has been assessed in relation to compliance with both national and local planning policy. The site is located within the urban area and on the very edge of the Emsworth Town Centre. As such, the principle of providing a small independent moveable café on this site would appear to be acceptable in policy terms.

7.4 In recognition of the site's location within a conservation area the application submission is accompanied by a Heritage Statement. This concludes that no harm would be caused to Emsworth Conservation area or to nearby listed buildings.

7.5 This Planning Statement also assesses the proposed development in terms of its visual impact on the surrounding Chichester Harbour AONB. It has been concluded that the combination of; (i) restricted hours of operation of the business (to between 08.00 and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day which would address concerns over night-time light pollution, together with; (ii) the siting of the relatively small structure against a backdrop of much larger buildings, would effectively mitigate any potential landscape harm. As such, it is concluded that no harm would be caused by the application proposal to Chichester Harbour AONB.

7.6 The proposed development has also been considered in relation to its potential impacts on the amenities of the occupiers of adjacent residential property. In order to ensure the business would not adversely affect local residents it is proposed that the café would only operate between 08.00 hrs and 16.00hrs (extended by 2 hours to 18.00hrs between 1st April and 30th September) each day; additionally, no cooking would take place on the site with any hot food being heated up only. Customer seating and tables provided by the business would be stored away within the café when it was closed. Given that the business would operate during traditional working hours each day, and not late into the evening, it is considered that the proposed development would not cause harm to the residential amenities of the occupiers of nearby homes through unacceptable increased levels of noise and disturbance.

7.7 The application site is located within Flood Zones 2 & 3 as shown on the Environment Agency's flood risk maps. Paragraph 168 of the NPPF states that minor developments, such as the application proposal, do not have to undertake sequential or exceptions tests. The guidance advises that such schemes should be the subject of a Flood Risk Assessment. As such, the applicant submits to the LPA a Flood Risk Assessment which advises that, in the event of a flood, the proposed light weight structure could be jacked up to give a finished floor level of 3.7m AOD which would protect the fabric of the structure and allow water to pass underneath unhindered. Additionally, the FRA concludes that

"Increased risk of flooding or flood damage to the proposed building is under these proposals eliminated."

7.8 It is also concluded that the proposed development is acceptable in relation to the adjacent drainage culvert. Should it be necessary to undertake maintenance work to the culvert the café structure could be easily moved, along with any other fixtures and fittings associated with it (i.e. tables and chairs).

7.9 The application proposal has also been assessed in relation to vehicle and cycle parking. It is considered that the majority of the cafe's customers would already be visiting Emsworth for another reason (i.e. shopping, a harbour walk or a cycle trip) and that the provision of on-site parking would be unnecessary. The proposed scheme would provide three cycle parking spaces which is acceptable in relation to the Havant Parking SPD. It is concluded, therefore, that the proposed development is acceptable in relation to highway safety and vehicle parking standards.

7.10 Finally, it is acknowledged that the application site is the subject of a s106 agreement signed under APP/16/00921 which requires the site to "remain open and accessible to the public in perpetuity unless adopted by Hampshire County Council as highway authority." It is the applicants view that the proposed development, given its moveable light weight nature, would not be in conflict with the requirements of the s106 legal agreement.

7.11 This Planning Statement has assessed the proposed development in relation to national and local planning policy. It is concluded that the proposals are compliant with current planning policy and that the application for the siting of a moveable café (Class E) together with the provision of customer seating and cycle parking facilities should be granted planning permission.

7.12 Given the forgoing, and in conclusion, it is respectfully requested that both Officers and Members of Havant Borough Council, as Local Planning Authority, look favourably on the application and issue a grant of planning permission for the use of the site for the siting of a moveable café structure (Class E).

Appendix I

LPA Pre-Application Response Dated 1st June 2021