

(AONB). It is located within a Flood Risk Zone 3. There are existing moorings which are accessed from Queen Street. There is a public footpath which extends out through Chequers Quay and out onto the Mill Pond providing views back onto the site.

- 1.2 This section of Queen Street is characterised by a mixture of both residential and commercial buildings including the Lillywhites garage, commercial offices in the Old Flour Mill and adjacent and retail units towards the High Street. The buildings range in height from two-storey up to four-storey. The majority of the buildings have heritage value with several of them being statutorily listed. There is a more recent development in the form of Chequers Quay which was completed in the 1990's, which lies to the east of the Lord Raglan.

2 Planning History

APP/14/00510 - Demolition of the single storey shop, two-storey office building and associated outbuilding and the boatyard. Erection of 4no. houses (3x 3no. bedrooms and 1x 2no. bedrooms) fronting onto Queen Street and associated parking and erection of an apartment building (4 x 2no bedrooms and 1 x 3no. bedrooms) fronting onto to the Mill Pond with associated parking.

Refused under delegated powers on 22/7/2014. The reasons for refusal are summarised below:

1. The proposal, by reason of its scale, character and design is considered to be excessive and inadequately related to the scale, character and design of surrounding development.
2. LPA not satisfied that it has been demonstrated that the site is no longer fit for purpose or financially unviable for employment uses.
3. Lack of Solent Recreation Mitigation Partnership (SRMP) contribution.
4. Lack of affordable housing contribution.

3 Proposal

- 3.1 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 the Mill Pond with associated parking and access from Queen Street.
- 3.2 The dwellings fronting Queen Street would form a row with three different sections. The dwelling closest the Lord Raglan would be two-storey in height, with accommodation in the roof space, with the central pair of dwellings being three-storey and the fourth dwelling being two-storey height, with accommodation in the roof space, but with a higher ridge than the first dwelling. The properties have been designed in a traditional style including details such as timber sash windows, hipped clay roofs, lead clad dormers, flintwork and red brick. The habitable floor levels would be raised up so as to mitigate against flood risk. Each dwelling therefore would be accessed via a small staircase from street level. The ground floor of each dwelling would comprise a garage and utility/bike store. Two spaces are provided for each dwelling. At first floor level there is 3.3m depth external decked area enclosed by a stainless steel handrail. This is to provide external amenity space for future occupants. The unit closest to the Lord Raglan would feature a front and rear flat roof dormer window. The dwelling closest to No. 29 Queen Street would feature two front, one side and two rear dormer windows. The entrance to this property would be on the side of the dwelling fronting onto No. 29.

- 3.3 The dwellings facing the Mill Pond would be identical in appearance although handed in layout. They are arranged over three stories in height and like the buildings on Queen Street, have raised habitable floor levels. The rear elevation which faces onto the Mill Pond includes a balcony which extends out by 1.9m at first floor level and two further recessed balconies at second floor level. The ground floor provides one internal parking space, utility and cycle/boat store. There is sufficient space on each plot to provide a further two spaces per dwelling externally. The design approach for these dwellings contrasts with those fronting Queen Street being contemporary in style. Materials for these dwellings would include a wrapping metal facade with timber cladding features, grey facing brick, grey windows and glass balconies. Anti glare and solar glass panels would be used.
- 3.4 The vehicular access would remain as existing from Queen Street. Access would also be retained by way of a footpath along the eastern edge of the site to the existing moorings, with one stepped access and one ramped access being provided to gain access over a new 900mm coastal flood defence wall. All the existing berths which currently exist are not proposed to be changed within this application.
- 3.5 The application also includes the building of a new sea defence wall around parts of the site which border the water. This is to act as a flood prevention measure. The proposal would also include a public amenity seating area in the north west corner of the site, adjacent to No. 29 Queen Street which would provide views onto the existing moorings. This would be accessible from Queen Street.
- 3.6 The application is supported by a number of documents:
- Design and Access Statement Parts 1 & 2
 - Heritage Statement
 - Marketing Report Parts 1 & 2 & 3
 - Updated Ecological Assessment
 - Planning Statement
 - Flood Risk Assessment by Opus
- 3.7 The application is also supported by the following supplementary information:
- Record of Offer to Purchase received on 3/11/16
 - A Review of Offer to Purchase received on 3/11/16
 - Supplementary Information on the Sequential Test received on 22/12/16.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

DM3 (Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)
DM25 (Managing Flood Risk in Emsworth)
AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3 (Town, District and Local Centres)

Local Plan Housing Statement December 2016

Supplementary Planning Documents (SPD) and other Adopted Documents which form part of the Local Development Framework

Havant Borough Council Housing 2011
Havant Borough Council Developer Contributions 2016
Havant Borough Design Guidelines for New Dwellings and Extensions 2011
Havant Borough Parking SPD 2015
Emsworth Conservation Area Character Appraisal 2010

Listed Building – adjacent to several listed buildings.
Conservation Area: Emsworth

**5 Statutory and Non Statutory Consultations
(summaries of responses where appropriate)**

Planning Policy

Background: The site is a vacant former boat yard with associated outbuildings and moorings, a vacant antiques shop and a vacant two-storey office building. A previous application for this site (APP/14/00510) was refused. The current proposal seeks to address the previous reasons for refusal. Notably, the new proposal is for a reduced number of dwellings (6 as opposed to 9).

Local Plan: The Havant Borough Local Plan (Core Strategy) and Local Plan (Allocations) provide the development plan for the Borough. While the provisions of the Local Plan should be considered in their entirety, the following policy considerations are of particular relevance:

Urban Area

Policy CS17 (Concentration and Distribution of Development within the Urban Areas) seeks to ensure that new development is concentrated on existing urban areas, and that previously developed land is prioritised for development. This proposal clearly is in line with that principle.

Loss of Employment

Policy CS2 (Employment), as well as providing new employment opportunities, seeks to protect existing ones, and in particular marine businesses (criteria 6 and 7). Further, policy DM3 (Protection of Existing Employment and Tourism Sites) confirms this approach but sets out the circumstances under which the loss of employment sites may be acceptable. It appears that marketing information was provided at the pre-application stage and that on this basis, HBC may be willing to accept that there is limited viability for another commercial use on the site, including that of a marine based business.

Housing

The proposal will contribute towards the borough's housing requirement, in line with Policy CS9 (Core Strategy). In terms of Affordable Housing, sites of six units or more within the AONB will need to meet the affordable housing requirements in that policy, in accordance with the 2016 amendments to national guidance. Financial contributions should be sought and should be commuted until after completion of the units within the development.

Flood risk

The falls within Flood Zone 3 (high tidal flood risk). A Flood Risk Assessment is therefore required.

It is noted that habitable accommodation is above ground floor level, and that the proposed development incorporates flood defence measures within the site as well as making a financial contribution to facilitate the provision of off-site flood mitigation measures which would help protect the wider area from flooding.

The flood risk issues in this proposal should be assessed against Policies CS15 (Flood and Coastal Erosion Risk), and DM25 (Managing Flood Risk in Emsworth) in the Local Plan, and the flood risk measures secured through a S106 agreement.

Chichester Harbour AONB

Policy CS12 (Chichester Harbour Area of Outstanding Natural Beauty) is relevant to this proposal. It should also be noted that a draft SPD regarding development proposals in the AONB has been published for consultation. While the SPD has not yet been adopted, it would be nevertheless be advisable to consider its contents. The Chichester Harbour Conservancy may also wish to comment on the application.

Historic Environment

A number of Grade II Listed Buildings surround the site – the Lord Ragland Public House immediately to the east, the Flour Mill to the north and 29 Queen Street to the west. The site falls within the conservation area and historic core of Emsworth. As such, policies CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) and DM20 (Historic Assets) apply.

Parking

Car and cycle parking should be provided in accordance with the residential parking standards set out in the Parking SPD (July 2016).

Developer contributions

As per the previous application, a future application as proposed would be liable for a payment towards the Solent Disturbance Mitigation Project (SDMP) to address the issue of recreational disturbance to European designated sites, in accordance with policy DM24. It would also be liable for a payment under the Community Infrastructure Levy (CIL), in accordance with the adopted charging schedule. A S106 agreement will also be necessary in order to secure appropriate flood mitigation measures.

Recommendation

No objections in principle to this proposal: The proposal will add to the housing supply in the borough and appears sustainable, making good re-use of a derelict and unviable former employment site in an urban area. As well as questions of design in relation to the historic environment and the AONB, the key issue appears to be flood risk, and care should be taken to ensure that flood risk is satisfactorily addressed.

Update (24/1/17) in respect of Local Plan Housing Statement

These comments are provided in addition to those made on 14th November 2016 and

should be read alongside the original comments.

The Local Plan Housing Statement was adopted on 7th December 2016. The Housing Statement should be considered a material consideration in the determination of this application alongside the Havant Borough Local Plan (Core Strategy) and Local Plan (Allocations). In particular, the following sections are of particular relevance:

Development of further urban area sites

The Housing Statement highlights in section 3.9 that “Any potential urban area housing sites are already supported in principle through the Adopted Local Plan (in particular Policy CS17 of the Core Strategy”. In guiding principle 3, this is expanded on by setting out that “In line with the NPPF, Havant Borough Council will continue to promote the development of brownfield land” and that “Prior to the adoption of the new Local Plan, development on brownfield sites which are considered suitable for housing under the Adopted Local Plan will continue to be supported, even if they are not specifically allocated”.

Dolphin Quay constitutes a brownfield site within the urban area of Emsworth. As such, the provisions of Guiding Principle 3 and section 3.9 of the Housing Statement emphasise further the suitability of the site in principle for housing development.

Housing need

The Housing Statement and the Strategic Housing Market Assessment work which informs it identifies a need for 11,250 new homes in Havant Borough over the period 2011-2036. The Housing Statement itself identifies that 9,517 homes can be identified as potentially developable in this timeframe. This leaves a shortfall of 1,733 homes which would be needed to fully meet the identified housing need.

As such, section 4.2 sets out that “The Borough Council will continue to search for additional sustainable sites when formulating the new Local Plan in order to further reduce the 1,733 dwelling gap with the aim of fully meet the objectively assessed housing need.”

Recommendation

The Policy Comments submitted on 14th November did not raise any objections in principle to the proposed development. The Local Plan Housing Statement is a material consideration in the determination of the application.

The brownfield nature of the site and its contribution to addressing the housing need in the borough both weigh in favour of granting planning permission for the proposal. There remains no objection in principle to this proposal.

Affordable Housing Manager:

A contribution of £310,575.75 is required towards affordable housing provision in the Borough in line with Policy CS9 of the Local Plan.

Chichester Harbour Conservancy (CHC):

Initial consultation response:

Objection to the application. Scale mass and appearance of the rear, detached houses is considered out of keeping with its surroundings and detrimental to the historic views of adjoining Listed Buildings, particularly the ‘Old Flour Mill’.

Furthermore, the rear jettied roof balcony/terraces to the front block of town houses are considered to be an alien feature detracting from the character and appearance of the Emsworth Conservation Area.

In combination, these design flaws are considered to be symptomatic of an

inappropriate overdevelopment of the site.

No amenity facilities for those berthing boats at the south of the site have been considered by the developer. The Conservancy considers that the granting of planning permission would further marginalize the viability of the remaining private boat berths and thus boating infrastructure in the Harbour in the following ways:-

(i) The lack of ramped access over the new flood defence wall militates against disabled access required under Disability Discrimination Act 1995;

(ii) Lack of information regarding waste reception facilities. Loss of the toilet available to berth holders would make unauthorised discharges of wastewater into the Chichester Harbour AONB more likely, contrary to Policies DM9-DM10 of the Havant Borough Core Strategy (2011);

(iii.) Loss of the slipway, which might have been retained with a flood defence barrier, limits the ability to launch boats and enable tenders to be launched to service berthed boats.

As such, the Conservancy would wish to see the above matters addressed before any planning permission is granted or to form an integral part of any design solution coming forward as a planning application to be made at the site.

Case Officer Comment: *Further information was submitted by the agent in response to the request from the CHC on 17/11/2016. This stated the following:*

- *The pontoons fall outside the application site and will remain in the ownership of the current owner. However, the proposed development will retain ramped access to the private berths across the application site.*
- *Secondly, with regard to the disposal of waste there has never been a toilet facility on the quay that the berth holders have a right to use. It is understood, over the years, some of the berth holders may have used the toilet within the boat builders compound. This 'usage' may, or may not, have been with the tenants agreement but, as far as we are aware, has never been part of any formal provision within the Quay. Consequently, the existing situation will not change and it is highly unlikely that the proposed development would result in increased levels of waste discharge into the Chichester Harbour area - than is currently the case. The users of these pontoons will most likely continue to use the public conveniences in Emsworth, or the facilities in the local pubs etc. As such, the proposal would not be in conflict with either policy DM 9 or DM 10 of the Core Strategy.*
- *There has never been any public use of the existing slipway. The deeds to the site make no reference to any public rights of access, whether to the site or the slipway. The slipway in question has never been a public slipway, but has at all times been exclusively used by the owners of the property or their tenants for the purposes of slipping, relaunching and working on vessels.*
- *With regards to the statement that the loss of the slipway would limit the ability to launch tenders to service berthed boats it is a fact that the slip, foreshore, jetties and moorings are all fully dry at average low water and since tenders will get trapped under the jetties, and other structures, unless moored on specifically constructed dinghy trots it is likely, that if tenders exist, their owners will keep them on the Conservancy dinghy trots a short distance to the South of the site (alongside the public slipway at the Southern end of Slipper Road) .*
- *If the loss of this private facility is considered to be a matter of concern, it is worthy*

of note that Emsworth, fortunately, has several public slipways. In addition to the one at Slipper Road, two additional slipways are located nearby at the bottom of King Street and South Street. Furthermore there are the commercially operated slipways at the Emsworth and Thornham Marina sites, as well as the facilities at the Slipper and Emsworth Sailing Clubs.

Updated consultation response:

CHC have responded to this additional information as follows:

'Members were dissatisfied with the applicant's responses and resolved to maintain its objection for the previously advised reasons.

The proposals show a new stepped access over the new sea wall before one reaches the pontoons. The Conservancy is aware of the ramp leading down to the sea wall, but was not referring to that. Is it possible to create 12% (DDA compliant) gradient ramped access over the new sea wall?

The proposals, if approved will further marginalise boating infrastructure and marine enterprise in the Harbour, which does not comply with council policy (Core Strategy Policy DM3) nor the objectives of the conservancy's Management Plan (cross-referenced under Core Strategy Policy CS12) and Planning Principle PP02, recently adopted by the Conservancy on 17.10.16 to assist its internal assessment of such proposals.

The lack of regard to waste-water disposal from berthed vessels is also disappointing, given the loss of an on-site toilet that would result and the ecological sensitivity of the Harbour.'

Case Officer Comment - *the change of use is being considered as part of this application. However in isolation, the lack of provision of waste-water disposal from berthed vessels would not warrant a reason for refusal on planning grounds.*

Development Engineer:

The Highway Authority has no adverse comment on the application providing a condition is added to the planning permission stating that the existing access must be reinstated as footway and the new vehicular access constructed to the Highway Authority's standard.

HBC Estates Team:

Case Officer Note: HBC Estates Team has been consulted further to queries over the marketing exercise and a third party offer which was made (see Section 6 for further details of the representations). This is a summary of the response provided:

- Marketing has been focused on letting the building. Little evidence that the property has been marketed for a freehold sale.
- The offer made cannot be based on an RICS valuation if an inspection of the property has not taken place (as stated in the Record of Offers to Purchase), it cannot be more than an appraisal.
- I would be suspicious that if the condition is of so little importance that there would be an intention to redevelop the site not using the existing structures. I did not find who had prepared the appraisal in the information that I was given, neither was there any indication of what assumptions had been made.

- Question the use of an architect to put forward an offer, usually a surveyor would carry out this function or a solicitor could do this.
- There is a duty on the agent to put forward any offers to the vendor. From the marketing information submitted with the application, the agent appears to have fulfilled that duty and an enquiry log is provided.
- It is a reasonable expectation for any offer to be backed up with evidence/proof of funds. This is now normal practice when purchasing a property and the purchaser should be prepared to either prove funds or prove that they have at least an 'in principle' loan in place. If a purchaser is not happy to allow sight of their bank accounts, then it would be appropriate for the proposed purchaser's solicitor to confirm funds are available.
- I am not aware that this valuation has been provided for scrutiny or how a valuation could be assessed without a site visit. I also would want to question the instruction given as valuations will vary according to their purpose and it is possible that this market valuation is not as generous as it is purported to be.
- It should be noted that the offer made by the potential developer of the site is likely to be conditional on satisfactory planning permission for residential use and is likely to be substantially higher than the offer from the charity.
- In theory, there is a risk that the charity could sell the land in the future to release development value, thereby raising funds for its own future benefit.
- I would not have been prepared to recommend this offer to a client in view of its apparent lack of substance, I believe that the agent acted reasonably with the knowledge they had at that time.

Natural England Government Team:

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. Provided that the applicant is complying with DM24 of the Allocations Plan, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Impact on Chichester Harbour SSSI – no objections

Recommended conditions

Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of dust, pollution of the adjacent watercourse and waste disposal resulting from the site preparation, groundwork and construction phase of the development. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

A Sustainable Urban Drainage should be included within the development and designed to minimise surface water run-off and discharge of poor quality water.

Reason: to ensure the conservation status of the Chichester and Langstone Harbours

SPA and Ramsar, and Solent Maritime SAC.

Environment Agency:

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

Sequential Test

Our response to this planning application is on the understanding that Havant Borough Council is satisfied that the Sequential Test has been adequately demonstrated to the requirements set out in the National Planning Policy Framework (NPPF) Paragraph 101 and Section 5, Paragraph 019 of the NPPF Planning Practice Guidance.

This means that before proceeding to a determination, Havant Borough Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in a lower flood risk zone.

Flood Risk

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

The development is at risk of flooding from the river and sea. The Environment Agency shows that the site is:

- at risk of flooding from the sea during a flood event with a 0.5% (1 in 200) chance of happening in any year;
- at risk of flooding from the river and the sea during a flood event with a 0.1% (1 in 1000) chance of happening in any year

The proposed development is located between 2 culverted channels of the River Ems, a designated main river.

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

Planning Policy Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

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

this will sit.

The applicant has stated that they will contribute to, and facilitate as far as he is reasonably able to, the construction and delivery of the offsite elements of the Queen Street coastal defence scheme. Therefore, the proposed development offers a valuable opportunity to facilitate delivery of a flood defence scheme that would reduce tidal flood risk to an existing community that may not receive sufficient central government funding to meet its full cost.

The LPA should be aware that whilst this intended contribution is welcomed, detailed discussions are still required to confirm this and no legal agreements are currently in place. At this stage there is still a risk that despite the potential contribution it is not possible to unlock sufficient central government funding to guarantee the implementation of the wider flood defence scheme.

Case Officer Comment: Further supplementary information was submitted in respect of the Sequential Test on 22/12/16 for consideration.

Conservation Officer:

This is a summary of the full consultation response:

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

Policy:

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

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

Assessment of Proposals:

I appreciate that this is a complex and constrained site with technical difficulties to overcome in terms of the conservation area, AONB, setting of listed buildings and flood defence. It seems important to note at this stage and notwithstanding policy considerations, the boatyard provided a vibrant use which did contribute positively to the conservation area. A few years ago it was an active well established business operation looking to remain on site as part of a mixed use redevelopment.

The new proposal redevelops at a lower density, creating a total of six dwellings, four facing onto Queen Street and two facing onto the Mill Pond. This is a reduction from the nine dwellings in the original proposal.

Nos 31 & 31a have a neutral impact on the conservation area. They are of appropriate scale and form and sit comfortably within the street scene. Their loss could be justified with a well designed set of replacement buildings which preserve and enhance the conservation area. The proposed houses fronting Queen Street have been designed in a traditional manner with a stepped ridge line that reflects the characteristics of the conservation area and nearby listed buildings. The scale of these buildings and their

relationship to the immediate surroundings also appears appropriate which is essential in such a prominent site.

Any impact on the setting of the listed Lord Raglan PH has also been minimalised as the development has been pulled away creating more breathing space. Again the height/scale of the development has been reduced and will ensure this part of the development does not dominate the listed building.

The two houses facing the Mill Pond (to the rear of the site) have been designed in a contemporary style. It is noted that this style of design may not be to everyone's taste but I do not believe this is to the detriment of the conservation area.

They have been designed albeit in a contemporary manner to reflect an industrial maritime appearance with the addition of some traditional materials. The scale has been drastically reduced from previous proposals which in turn have significantly reduced the scale and impact of the development on the nearby listed buildings. It is my view that these two dwellings will provide an interesting contrast between the old and new and subject to the use of high quality materials will preserve the character of the conservation area.

Recommendation: Approve subject to conditions controlling detailed design elements (materials, guttering, meter boxes, flues etc).

Civil Engineering Team Leader:

This scheme has the potential to deliver significant elements of a flood defence scheme in this lower part of the town.

The sea wall in isolation of a wider defence scheme has some benefit but obviously that benefit will be limited to water reaching the ground level of the 'next weakest' point which would I believe be the access way through the arch at Chequers Quay.

Ground levels in the lower section of Queen Street are fairly flat and the development whilst beneficial of itself would only have a SIGNIFICANT benefit in combination with a wider scheme, with other elements which at present are conceptual.

For full protection the whole scheme is required but this can be delivered in stages - we did discuss an interim possibility using the embankment of the A259 and a flood gate across the footpath on the south side of the inner by-pass which would isolate the area from tidal effects. This could be delivered using land in public (highway) ownership.

The development itself addresses the flood risk to the development itself and it does not make the situation worse for adjoining properties. The impact of removing the footprint of the development from the tidal flood plain is low to insignificant since the major influence on tidal water level is in the wider harbour which does exhibit a 'stand' at high tide which is a major influence on the flood risk due to its effect (in combination) on the river system.

Southern Water:

- No development or new tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways within 5m of the public sewer.

Should any sewer be found during construction works, an investigation of the sewer

would be required.

SW requires a formal application for a connection to the public foul sewer to be made by the applicant.

An informative should be attached to any permission to advise this. Also the following condition should be attached:

'Construction of the development shall not commence until details of foul and surface water drainage have been provided and agreed by the LPA'.

Building Control:

No solid waste storage (bins) indicated on plans to comply with Approved Document H

Public sewer crossing front of site looks like it might be more than 3m away from corner of front building but sewer location are not always accurate on map. Suggest consult Southern Water (see above for their consultation response).

Access / driveway and turning facilities to comply with Approved Document B

Chichester District Council:

No response received.

Coastal Engineering:

The Coastal Partnership has no objection to the proposed development as submitted and recommends inclusion of conditions on any permission granted to ensure delivery of flood risk management commitments. This advice is consistent with the response previously made to the application APP/14/00510 which was submitted in 2014.

The applicant has submitted a flood risk assessment for the site compiled by Opus International Consultants (UK) Ltd reference EF1286 FRA/APT issue 3 dated 28 July 2016, the content of which is acceptable and demonstrates how the proposed development accords with the National Planning Policy Framework in respect of flooding.

We consider that the proposal and associated improved sea wall designed to act as a flood defence structure (when linked to defences at either end), in combination with a financial contribution towards a wider scheme, offer a real opportunity to improve the flood and coastal erosion risk management assets and standard of protection that they offer to people and property within the locality.

We can also confirm that the coastal defence proposals are in line with the recommendation of Hold The Line – Improve, for this flood cell from the Portchester Castle to Emsworth Coastal Flood and Erosion Risk Management Strategy. This Coastal Strategy has been approved and adopted by both Havant Borough Council and Chichester District Council which are both impacted by this flood cell. Through securing of contributions from this development it will also be possible to deliver a standard of protection over and above that proposed in the Coastal Strategy.

The flood defence work identified as being needed by the Portchester to Emsworth Flood & Coastal Erosion Risk Management Strategy would not currently score highly enough for it to become a national priority and secure Flood and Coastal Risk

Management Grant in Aid (FCRM GiA) funding in full. A significant external financial contribution is therefore considered necessary to increase the score to a level which would secure FCRM GiA. Without this contribution the coastal defence scheme is unlikely to go ahead.

The Flood Risk Assessment (FRA) proposes a package of measures to manage risk to an acceptable level. The most significant of these is the construction of an onsite flood defence wall, and a financial contribution towards the off-site tidal flood defences that are required to address flood flow routes originating from outside the site boundary. Further measures are proposed to manage the residual risk of tidal flooding, and to manage the risk of flooding from other sources.

The proposed site levels have been designed to mitigate the risk to the properties in this part of the site. Habitable floor levels are proposed to be set at a minimum level of 4.8m AODN (above the 0.5% probability event tide level including an allowance for sea level rise to the year 2115)

Conditions proposed with regards to habitable floor levels and securing the flood alleviation scheme.

Advice

For your information the present day 0.5% probability (1 in 200 year) extreme tide level for Chichester Harbour is 3.4m AODN and the 0.5% probability (1 in 200 year) extreme tide level for this area in the year 2115 is 4.5 m AODN.

***Case Officer Comment:** The conditions proposed relate the wider flood alleviation scheme however, this is only conceptual at this time and cannot be secured via a legal agreement as part of this application as it is yet to be adopted.*

Retail and Town Centres:

No objections

Historic England:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Hampshire Fire & Rescue:

No objections. Other considerations such as access for firefighting and fire services is covered by building regulations.

Please see full response for further information on access for high reach appliances, water supplies, sprinkler, timber framed buildings and how the fire service deal with fire water run off.

Waste Services Manager:

No objections

Landscape Team:

Summary of the full consultation response:

Should the principle of residential development be deemed acceptable for this employment site, I confirm there is no landscape objection to the application.

Proposals for the Queen Street frontage are deemed appropriate in terms of scale and massing. Building height transitions between two and three storeys are readily evident throughout Emsworth's Historic Core. From submitted sections, I note the proposed building height will remain subservient to 29 Queen Street and The Old Flour Mill (further anticipating '1 Queen Street' actually refers to 1 Dolphin Quay'). This relationship of building height is particularly important and should be assured by appropriate condition e.g. Requiring detailed finished floor levels with an associated limit of roofline height to be submitted prior to commencement of any site construction, as well as, the restriction of any roof-located plant or machinery on any of the proposed dwellings.

By reference to the Havant Borough Townscape, Landscape and Seascape Character Assessment (HBTLSCA), '*Pressure on moorings and the potential impact on the open 'countryside' shoreline character*' is highlighted as a particular issue. Before application determination, evidence is required to demonstrate:

- Sufficient provision and access will be made to ensure the moorings will remain viable
- Consultation with all those individuals that have current mooring rights or lease arrangements.

Recommendations for other associated landscape aspects to be resolved by appropriate condition include submission of:

- Detailed external levels and associated drainage falls relative to proposed FFL and existing context levels along Queen Street and in relation to the mooring access.
- Detailed plans for all proposed boundary treatments (to specifically include the proposed flood defence wall), which by means of dimensioned cross-sections and constructions details shall demonstrate materials, finish, assembly method and relationship with context levels and paving finishes.
- Detailed specifications for external paved surface treatments to identify proposed materials, size, finish, colour(s), construction build-up, edging materials and laying bond.
- External lighting

Consultant Ecologist

The application is accompanied by an Updating Ecological Assessment (ECOSA, August 2016). The site is essentially unvegetated (except few areas of sparse herbaceous vegetation and saplings) and so the ecological constraints within the site boundaries are minimal. Bat surveys have revealed no roosting activity and only a limited amount of general bat foraging activity. I am content that, on-site, the submitted ecological information provides a solid evidence base and that no further work is necessary.

The site is in very close proximity (c.200m) to Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC) and Langstone Harbour Site of Special Scientific Interest (SSSI). These sites are designated for their nationally- and internationally-important ecology and are thus extremely sensitive to potential impacts arising from development works in such close proximity.

Whilst there are not to be any direct impacts to these sites (in terms of land-take),

there is a real possibility of indirect impacts arising from the proposed works. In particular, there is potential for pollution (e.g. fuels and other inorganic substances, dust, litter, run-off) entering the designated sites (via the Mill Pond) and for disturbance to the populations of birds which utilise the sites (e.g. through the use of breaking equipment, heavy plant, other machinery and general construction noise).

Therefore, it is imperative that the applicant is able to ensure that no such damage/disturbance occurs throughout the entire timeframe of the proposed works and post-development. Impacts such as diffuse pollution can occur at any time, whilst impacts to birds are most likely during the period October to March inclusive.

I suggest that a Construction Environment Management Plan is submitted prior to commencement, detailing measures to mitigate any potential impacts to the adjacent sensitive sites. If you are minded to grant permission can I suggest that this is secured by condition.

Traffic Management, HBC

No objections

6 Community Involvement

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

Number of neighbour notification letters sent: 12

Number of site notices: 5no. site notices were erected nearby the site

Statutory advertisement: 30/09/2016

Number of representations received: 177

175no. representations were received against the proposal and 2no. representations were in favour of the proposal. The main points raised are summarised below and grouped into separate areas of concern. The majority of the points raised are addressed in Section 7 - Planning considerations. However, there is a case officer summary/response below each section.

Design of the proposed buildings:

1. The proposal would have an adverse impact on the visual character, amenities and historical heritage of Emsworth.
2. The Mill Pond should be kept wild and low key to provide a sympathetic habitat
3. Important viewpoints should be protected as the use of the footpath by the public is high.
4. This has not been addressed in the resubmission.
5. Proposed Queen Street elevation will jar the view of the South-East elevation of the Conservation Area.
6. Over fenestrated southern front elevations and their dominant side elevations.
7. The façade on Queen Street dwarfs the Lord Raglan.
8. View from the Mill Pond over the proposed development and back would be destroyed by the height of the proposal.
9. There must be an agreed height of any development and any extra height should be a cause for demolishing the building.

10. Emsworth has a history of buildings being built higher than the approved plans.
11. Proposed development is too high.
12. Proposed development of 3 storey houses are not in keeping.
13. Should consider the aesthetics of putting modern houses in an area surrounded by small listed houses and the Old Flour Mill
14. Two houses to the rear of the proposal are different from the rest and should be more closely aligned to the design of the other four.
15. Current site is low rise with substantial open space, this should be retained.
16. The massing and height of the Queen Street development are not dissimilar to the previously inappropriate design. This does not reduce the impact on the Lord Raglan.
17. The Jekyll and Hyde approach to the period street frontage with a more modern expression to Dolphin Creek is unsuccessful and would create an uncomfortable and jarring space between the two.
18. The approach to period detailing of the street elevations would result in an unconvincing Disney style pastiche.
19. Height of the proposed buildings will reduce part of Queen Street to a shaded 'Canyon' devoid of southerly light.

Case officer response: *The appropriateness of the design is discussed in more detail in Section 7 below.*

Loss of the boatyard:

1. Marketing exercise did not meet the criteria for change of use as stated in DM3.
2. Proposed development would rule out the use of this harbour side land for the more appropriate purpose of maritime related business use.
3. An Offer has been made by a trust to keep Dolphin Quay site open as a working maritime related set of work shops.
4. At the marketing stage a formal offer, at 5% above the professional valuation was made by the charity Link.org.
5. This offer would offer employment opportunities for boat maintenance.
6. The marketing has been nothing more than a sham.
7. The change of use to housing is against policy within the adopted local plan.
8. Development of former shipyards and commercial waterside activities threatens that balance.
9. The development does not comply with Core strategy 2011, sections DM2, sub-section 10.5, 10.6 and 10.7; DM3 sub-sections 10.11 and 10.13 in relation to Marketing.
10. There is a strong demand in this use (10,800 boat licenses issued in Chichester Harbour in 2014).
11. The proposal is contrary to the advice laid out in Policy CS2 of the Local Plan
12. The site not being marketed as separate units which it was previously. Agents appear unwilling to countenance elements of the site being let or sold separately. This along with the short lease on offer has restricted the level of interest in the site.
13. Residential development should only be considered as a last resort with all other options exhausted.
14. Several enquires were made to the commercial agent but it was reported that they were disinterested in their response to genuine enquires.
15. The explanation of the marketing report regarding the offer made by Mr Pritchard is misleading.
16. The chain of correspondence now submitted by the commercial agent confirms a negative approach. Why did it take over 12 months to respond to emails and calls in relation to an offer made on the site. They have fallen below professional standards by taking so long to reply.

Case Officer Response: *The consideration of the change of use is particularly complex*

with regard to this application given the site history and the points which are being made with regards to the marketing of the site.

The application has been submitted with a Marketing Statement. This includes a detailed log of who enquired about the site, how it was followed up and why it was unsuccessful. An objection has revealed that an offer was made by a third party on the site in April 2015. This offer is referred to in the Marketing Statement. However, after enquiring whether the offer could be substantiated through proof of funds, no further progress was made.

To provide further clarity on the offer which was made, the planning consultant for the application and the commercial agent for the marketing of the site, have provided a Review of Offer to Purchase and a Record of Offer to Purchase. The LPA have sought further advice from the Havant Borough Council's Estates Team Leader. Their full response can be found in Section 5. They are of the view that the commercial agent acting for the marketing of the site has behaved reasonably by requesting to see proof of funds to substantiate the offer made.

Flood risk:

1. Flood defences have not been detailed in the documents appended other than a description of some heights.
2. No information has been provided that ensures that there is not an unintended consequence arising from the development of increased flooding of the adjacent properties and paths.
3. Path to the east of the site along the boundary wall of the Mill Pond inundated at spring high tide.
4. Path to the east of the site along the boundary wall of the Mill Pond will be in danger of destruction by increased water levels.
5. Garden of the Lord Raglan public house will be at risk of flooding.
6. Path west of the river outlet on western boundary at risk of flooding.
7. Dwellings to the south along the west bank of the channel at risk of flooding.
8. Increase in water will cause build up of water above the Queen Street barrier by restricting the flow to south.
9. A survey of the consequences and a required mitigation plan is an absolute necessity before consent.
10. New Sea wall 3 shown to be built on private land.
11. Who is going to be responsible for closing the gates when the flooding is expected and opening them when the flooding has gone?
12. Adjacent land owners' permission is required for flood mitigation strategies which have not been agreed.
13. Floodwaters will likely end up at Lumley Road as it is a low point.
14. None of the houses at the south end of Lumley Road have flood defences.
15. No flood defences at the southern end of Peter Pond where it runs alongside Lumley Road.
16. Vehicle gate 8 and Pedestrian gate 8 leading up to the outflow from the Old Flour Mill, are on Private land.
17. Are the footings of this flood defence wall deep enough and is the wall high enough?
18. The proposed development is not necessary and therefore fails the sequential test as outlined by the NPPF
19. Opus has not considered alternative scenarios for flood defences
20. In contrast to the expensive and significant engineering works the sea wall would cost, the alternative could be for a simple reinforced brick wall topped with cast metal railing, and provided with a sliding flood gate for vehicular access and security. This would cost a fraction of the proposal.
21. The implementation of the wider flood defences is unresolved. It involves building

on land which belongs to others who have no granted permission for this to take place.

22. The scheme offers a mere 17% of the total flood defences required for Queen Street and is likely to result in inappropriate residential development within an area designated as Flood Zone 3.

Case Officer Response: *The site is located in a Flood Risk Zone 3a as defined by the Environment Agency. A Flood Risk Assessment (FRA) by Opus has been submitted with the application. Part of the application is for a new sea wall to be constructed around the perimeter of the site. This is shown on a conceptual plan contained with the FRA. In the FRA it is stated that in addition to the construction of the sea wall, the developer is willing to contribute funds to a wider flood scheme. This scheme is shown on a conceptual plan and outlines a number of flood measures within the lower Queen Street area.*

However as the scheme for the wider flood alleviation is conceptual at this time and not adopted by any parties, including the land owners and the Environment Agency (EA), the Council is not able to accept any funds towards the implementation of this scheme. The sea wall however would be funded by the developer as part of the planning permission if granted. The FRA also explains how the floor levels of the new dwellings would be raised as a flood mitigation measure.

There is a requirement for the LPA to be satisfied that the Sequential Test has been adequately demonstrated as set out in the NPPF and as per the advice in the EA's response. The initial FRA was lacking in this respect therefore further information was requested. This was submitted on 22/12/16 and outlines how the proposal meets the Sequential Test.

Other concerns:

1. Are the Council prepared to use Compulsory Purchase Powers in order to acquire third party land in order to allow this private development to proceed?
Case Officer response - *the Council has not exercised this right in this case.*
2. Allowing the insertion of six dwellings with no commercial, educational or community benefits is a disregard of the Emsworth Design Statement.
Case Officer response - *a marketing statement has been submitted with the application to justify that the site is no longer fit for other employment or community uses.*
3. Proposal will generate significant and potentially dangerous traffic onto an already overburdened highway.
Case Officer response - *the Council's Highways Engineer has assessed the application and has raised no objections to the increase in traffic flow on the adjoining networks.*
4. Residents of these properties could be 'weekenders' who would contribute little to Emsworth's thriving community.
Case Officer response - *This is not in the control of the LPA.*
5. No affordable housing.
Case Officer response - *No affordable units are being provided on site however the developer is making a contribution towards affordable housing elsewhere in the Borough. This will be secured by a s106 agreement.*
6. Emsworth needs more starter homes.
Case Officer response - *See 5 above*
7. Queen Street is barely a 2 way round and has to accommodate the westbound buses as well as large delivery vans.
Case Officer response - *the Council's Development Engineer has assessed the application and has raised no objections to the increase in traffic flow on the adjoining networks.*
8. Environment Agency and Chichester Harbour Conservancy should be able to

comment on this application.

Case Officer response - *Both statutory bodies were formally consulted.*

9. Bats have been seen in and around Dolphin Creek.

Case Officer response - *The Council's Consultant Ecologist raises no objections*

10. Continuing maintenance should be a condition
Noted.

11. Access to the moorings through and from the site, and provision of slipways, has not been properly addressed.

Case Officer response - *see agent's response to CHC comments.*

12. It would be detrimental to the town and borough to lose the current use of a mixed development, as there is a need for small industries, workshops, offices and retail (Class A1, B1, B2) in the area.

Case Officer response - *see section 7 - Change of use*

13. This will restrict access for the emergency services and not address the problem of car parking.

Case Officer response - *the Council's Development Engineer has assessed the application and has raised no objections to the increase in traffic flow on the adjoining networks.*

Further comments from the Emsworth Residents Association on the Emsworth Design Statement & Supplement:

The EDS design statements that relate to the proposed design are:

- 2 /1 "The strengths and distinctive characteristics of Emsworth's settlement pattern including: variety of buildings and styles: sky brought right down into the town by open spaces and water and relatively low building heights."
- 2/2 "Density and scale of individual neighbourhoods."
- 2/4 "Small scale village atmosphere."
- 3/3 "The character of the street scene and nature of the surrounding area (e.g. plot size and design of adjacent buildings. This is of particular importance when the location is widely visible."
- 3 /4 "Buildings in scale within the context of the surrounding buildings and located where they will not overwhelm their surroundings."
- 3/ 5 "Buildings in scale with the small scale "village" character of Emsworth."
- 3/ 7 "Silhouettes, including the roof line/ skyline, which integrate well with the surrounding buildings and the existing skyline. Flat roofs are generally out of character."
- 3/ 13 Avoidance of "Mock" styles, variety for variety's sake or unrelated ornamental detailing, which serve no purpose other than to camouflage inappropriate design or materials.

The Supplement stated:

- 2/a "Manage infill so that it is at a density and scale appropriate for the area."
- 3/a "Be to scale within the context of the surrounding buildings. Groups of similar buildings would be acceptable in a context where they will not overwhelm their surroundings"

Comments in support of the application :

1. Density of 6 houses is appropriate
2. No evidence to support the use of the site for commercial purposes.
3. Site is derelict as well as being an eyesore at the entrance to the town

4. The site does no favours for the tourist economy
5. Site remains empty and decaying.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
 - (ii) Loss of the boatyard and employment space
 - (iii) Provision of housing
 - (iv) Design approach and effect on the character of the Emsworth Conservation Area and AONB
 - (v) Amenity and effect on neighbouring properties
 - (vi) Highways and access
 - (vii) Flood Risk and drainage
 - (viii) Ecological considerations
 - (x) Developer contributions
- (i) Principle of development
- 7.2 The National Planning Policy Framework (NPPF) is the national planning policy document and its primary objective is to increase delivery of sustainable growth and development. It is about delivering growth that is not to the detriment of future generations. This positive growth should perform an economic, social and environmental role and should be allowed to go ahead, without delay. The NPPF requires local development plans to take local circumstances into account and meet the objectively assessed development needs of an area.
- 7.3 The Council's Adopted Local Plan (Core Strategy 2011 and Allocations Plan 2014) covers the period until 2026 and continues to form the basis for determining planning applications in the Borough. The Core Strategy was adopted prior to the NPPF and the housing target was based on the now revoked South East Plan. National guidance sets out that it is a key requirement for the Council to prepare a Local Plan that will meet the full, objectively assessed need (OAN) for housing in its area. The Council has therefore adopted the Local Plan Housing Statement in December 2016 which is the first stage in a review of the Local Plan which will address the housing need for the Borough in light of the updated evidence.
- 7.4 Local Plan (Allocations) Policy AL1 of the adopted Allocations Plan advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF, with regards to development that improves the economic, social and environmental conditions in the area. The Council will seek to balance the three core elements of sustainable development in all its planning decisions. It will seek to meet the development needs of the area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Planning applications that accord with the policies in the adopted local plan will be approved, unless material considerations indicate otherwise.
- 7.5 In this case, these considerations include the loss of the boatyard and employment space, the benefits of new housing provision, design, flood risk and other matters such as highways, parking, ecology and developer contributions.
- 7.6 Specifically to this application, the National Planning Policy Framework (NPPF), Paragraph 61 advises that 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should

address the connections between people and places and the integration of new development into the natural, built and historic environment'. At paragraph 94, it states that 'Local Planning authorities should adopt pro-active strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'. Paragraph 132 of the NPPF advises that 'when considered the impact of a proposed development on a heritage asset, great weight should be given to the asset's conservation'.

(ii) Loss of the boatyard and employment space

- 7.7 The existing boatyard has remained vacant since the previous application in 2014. One of the reasons for refusal on APP/14/00510 was that insufficient information had been provided with regards to marketing information. Since that decision, a further marketing exercise has been carried out which aims to address the reason for refusal and to meet the requirements of Policy DM3 of the Core Strategy which is concerned with the protection of employment sites in the Borough, mainly those employed under Class B uses. Both the boatyard and the office space fall within Class B uses whilst the other unit falls within Class A1 use as a former retail unit.
- 7.8 Local plan policies DM2 and DM3 advise that development proposing the loss of such uses will only be permitted where it has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would provide a beneficial facility to the local community. In the case of local shops, the premises must have been marketed for at least six months and at least twelve months for the Class B / employment use. The marketing exercise should include the following:
- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
 - ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.
 - iii) An enquiry log, how it was followed up and why it was unsuccessful.
 - iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six month period).
 - vi) Evidence of marketing via the internet.
- 7.9 In the case of this application, a marketing report has been provided which looks at; the condition of the site, the rates, the marketing activities, the market conditions, future market conditions, alternative use considerations, pricing of the unit, competing markets and interest in the site. The report provides evidence of the criterion listed in Policy DM3. The conclusion of the report is that parties found the site to be problematic in terms of flooding, but were also deterred by the state of disrepair. The dilemma presented is that for the landlord to invest heavily in the refurbishment of the site, a long term lease would need to be entered into. The types of businesses reported to be interested in the site are young companies who cannot commit to such a long term lease and therefore any investment in refurbishment becomes unviable. There is also competition from other better quality office, industrial and retail spaces.
- 7.10 Policy DM3 advises that once it is proven that the site is no longer viable for B use class employment, then other types of economic development should be considered. This is further explained in paras 10.11 and 10.12 of Policy DM3. These uses will be expected to provide employment of similar quality and quantity. If this cannot be found, then other uses (such as residential) will be considered. Evidence is required that the marketing price is realistic. In this case, the price was 'price on application' (POA) so as not to dissuade any potential interest. The required time for the marketing of a minor site (less than 10 units) is 12 months. The site has been marketed for a time in excess of that and

no potential tenants or buyers of the site have come forward with offers of other economic uses which would provide employment opportunities. This exercise therefore provides evidence that the site is no longer viable for commercial purposes for either Class B use or other economic uses. There has been some concern that queries about renting or buying part of the site were not considered. However, the offer of the site as POA suggests that the agent acting on behalf of the owner was open to discussion for options on the future of the site.

- 7.11 As highlighted in Section 5 of the officer's report, several concerns have been raised by third parties with regards to how the marketing of the site has been undertaken in that it is not considered a 'credible' exercise. The public consultation on the application has revealed that an offer was made on the site in April 2015 and that after a period of time, this was rejected. The commercial agent acting for the site is understood to have advised the party who made the offer, that it was not credible as no proof of funds were forthcoming. This has resulted in a disagreement between the two parties as to who has acted 'reasonably' in this transaction. The LPA have sought advice from the Council's Estates Team Leader who is a member of the Royal Institute of Chartered Surveyors and a Registered Valuer. She has advised that to request proof of funds is a reasonable request and that the agent acted reasonably with the knowledge they had at that time.
- 7.12 In relation to the offer made on the site, the proposed use was for 'mixed-use commercial, employment / business site for the general Emsworth community by using it for charitable 'youth' purposes through a charity registered as Link.org'. This offer was made in April 2015 following the refusal of the previous planning application and during the marketing of the site. However at the time of writing this report, there are no records of any pre-application advice being requested from the LPA which may have been beneficial if this proposed use was intended to be genuinely progressed as it could have been established whether any change of use was required.
- 7.13 In terms of the status of Policy DM3 in the context of the Council's current housing supply situation, there has been a recent test of Policy DM3 through an appeal in August 2016, in the form of an informal hearing. The application site was 38-44 London Road – ref APP/15/00896 - and the proposal was for the demolition of the buildings on site and the erection of 42no. apartments. At the time of the application and the appeal, the site was occupied by five viable businesses, three of which were Class B use and the other two, in other employment uses. Unlike the current application, no marketing had been carried out in any form and the proposal was therefore contrary to Policy DM3 and subsequently refused by the LPA. However the Inspector in his appeal decision, concluded that without the Council having a 5 year housing land supply in place that met its Objectively Assessed Need (OAN), policies which restrict and constrain housing land supply did not hold weight and were therefore out of date. Whilst the Inspector sympathised with the loss of the existing businesses on site, it was found that in land use terms, the need for housing carried more weight than the need for employment land.
- 7.12 In response to the OAN situation and the implications arising from the appeal decision discussed above, the Council adopted the Local Plan Housing Statement in December 2016. However, this is in the developing stages and as the Planning Policy consultation response highlights, still does not secure full OAN delivery. In the absence of this, the Statement actively promotes brownfield and windfall sites within the Borough and the current application site falls into this category.
- 7.13 On the matter of the loss of the boatyard as a potential employment site, referenced by a large number of objectors and the CHC, the protection afforded by Policy DM3 can therefore be seen to be limited. The competing queries regarding the quality of marketing and the status of the third party offer must be seen in this light.
- 7.14 Given that an Inspector has recently allowed a residential development on an

employment site which was *not* vacant and had *no* marketing evidence, bears weight on this application which comprises a vacant site and one which has been through a lengthy marketing exercise. It would also provide six dwellings in a sustainable location albeit in a FRZ3 which is discussed in more detail in Section (viii) - Flood Risk.

(iii) Provision of housing

- 7.15 Notwithstanding the issues outlined above with regards to the loss of the boatyard, the proposal for residential development does comply with the requirement in Policy CS9 of the Core Strategy and the recently adopted Housing Statement, as it would contribute to the significant need for new housing within the Borough. As the site is within the boundary of the Chichester Harbour Area of Outstanding Natural beauty (AONB), any developments of 6 or more dwellings are required to provide either affordable housing or a contribution in lieu of on site provision. In this case the Council's Housing Manager has confirmed that a contribution of £310,575.75 is required, and the full contribution will be secured through a S106 agreement. The proposal therefore meets Policies CS9 and CS21 of the Local Plan.

(iv) Design approach and effect on the character of the Emsworth Conservation Area and AONB

- 7.14 The site lies in a unique setting being located in the Emsworth Conservation Area and fronting the Mill Pond which forms part of the Chichester Area of Outstanding Natural Beauty (AONB). It is also surrounded by several listed buildings including the adjacent Lord Raglan public house, The Old Flour Mill, Dolphin House and several more along Queen Street. From Queen Street, the site is clearly visible and provides views out towards the Mill Pond. Whilst none of the buildings on the site are of particular architectural merit, the presence and views provided to and from the site form a strong visual component of the conservation area and setting of the listed buildings and is appropriate to the marine environment.
- 7.15 It is of primary importance that the correct weight should be attributed to the desirability of preserving the setting of the adjacent listed buildings from the outset, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 furthermore requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area. Where the impact on the setting of a listed building has been assessed in accordance with paragraphs 128 to 132 of the National Planning Policy Framework, and has been found to fall within the category of 'less than substantial harm' (i.e. paragraph 134), then it is still important that when considering the balance exercise, and therefore the public benefits of any such proposal, that from the outset this is consciously weighed in favour of the need to preserve the setting of the listed building.
- 7.16 The character of the area in the immediate vicinity of the site is generally two - three storey scale buildings. The Old Flour Mill stands out as a landmark building being substantially larger than its immediate neighbours and of distinct architectural character. It currently enjoys open views to and from the harbour. There is a distinct transition in scale west and east of Dolphin Quay. To the west the white rendered Dolphin House (29 Queen Street) provides a strong visual anchor (bookend) to the mainly C18 mixed terrace of high quality architectural buildings (all listed) leading up to High Street. East of Dolphin Quay the scale of the buildings diminishes considerably with the Lord Raglan being typical of the domestic scale. Following on from this is the Chequers Quay development which is a relatively recent housing development which maintains this modest scale, while accommodating the flood risk requirements pertinent at the time of its construction.

7.17 The design approach has changed significantly in this application than that of the previously refused proposals. There has been a reduction in the number of units from 13 to 6. This mainly relates to the rear of the site where the former contemporary apartment block has now been replaced by two detached dwellings, also of a contemporary design. The proposed development is outlined in Section 3 of the report. As with the previous application concerns have been raised by third parties and the CHC with regards to the design approach of the two elements of the proposal. As the proposal would include two distinct character areas of development, the design approach to each one will be considered individually below.

Terrace fronting onto Queen Street:

7.18 The design has been altered from that previously refused to include a central pair of three storey units, with a dwelling of two-storey height with dormers of varying design on either side. Concerns have been raised that whilst a more traditional design approach, including more 'heritage' style materials and fenestration in this location has some merit, the scale and massing on the terrace are still excessive as a result of the terrace having to be built on a higher ground slab to accommodate the flood risk. There is also concern that three-storey development is inappropriate and that the development would dwarf the Lord Raglan as with the previous scheme.

7.19 The Council's Conservation Officer has considered the proposal and has advised that the proposed houses fronting Queen Street have been designed in a traditional manner with a stepped ridge line that reflects the characteristics of the conservation area and nearby listed buildings. The scale of these buildings and their relationship to the immediate surroundings also appears appropriate which is essential in such a prominent site. The scale on the corner of the terrace adjacent to No. 29 Queen Street has been reduced with lower eaves height than the previous scheme. Queen Street contains a number of important listed buildings which display a variety of heritage architectural features. Some of these are reflected in the external elevations of the proposed dwelling in a manner which is considered to be quietly respectful and not overly cluttered or pastiche.

7.20 The previous application raised concerns in that with regards to the impact on the Lord Raglan, the lower height properties within the terrace would still overpower the adjacent listed building. However, only one dwelling is now proposed adjacent to the Lord Raglan which has a lower ridge height than the central section and therefore repeats the natural stepping down of scale as Queen Street ends. The vehicular access has now been removed between the Lord Raglan and the new terrace and only a pedestrian access would remain. It is considered overall that the impact would be less on the Lord Raglan and that the impact of the terrace would not have an adverse impact on the visual amenity of the streetscene or conservation area. It is also considered that this scheme would preserve and enhance this part of the conservation area and preserve an appropriate setting for this listed building.

7.21 The Queen Street frontage would include amenity space in the form of a decked area at first floor level on the rear elevation. This would be 3.9m in depth and enclosed by a glass balustrade. CHC have raised concerns that this is an alien feature in this location. The Design Guide SPD advises that dwellings should include external amenity space which these decked areas provide. They would be located on the rear of the dwellings so not highly visible from the Queen Street frontage. They are considered to add a contemporary twist to the traditionally detailed buildings and form an integration feature with the more contemporary dwellings to the rear of the site.

Contemporary dwellings at rear:

7.21 The previously refused scheme proposed a large contemporary block of apartments at the rear of the site fronting onto the Mill Pond. This was found to be unacceptable in

design terms as it did not relate to any nearby buildings in terms of scale or massing, or materials. The replacement of this apartment block with two detached dwellings is a significant change, although the contemporary approach for this part of the site still remains. In this regard, both the public and CHC have still raised concerns about the design with regards to the scale, mass and appearance which is argued to be out of keeping with its surroundings and detrimental to the historic views of adjoining Listed Buildings, particularly the 'Old Flour Mill' and the setting of the Mill Pond.

7.22 However officers consider that the scale and form of the dwellings has drawn context from the character of the nearby buildings, in particular, the Old Flour Mill and the commercial / industrial history of the site as a boatyard. The dwellings reflect the proportions of nearby buildings, with the vertical emphasis and traditional pitched roof, very similar to the Old Flour Mill. The use of glazing, particularly on the rear elevation and balconies contribute to the contemporary feel of the dwellings. The use of varying materials such as glass, wood cladding and metal frame windows result in an interesting pallet of muted materials which blend in well with the local vernacular. The roof pitch also reflects the design of Chequers Quay, albeit with a higher ridge height. The use of cladding and industrial style materials are a reflection of the previous industrial use of the site and the dwellings appear as modern looking warehouses or boatyards which is considered to be in character with the context of the Mill Pond setting. There are large expanses of glazing on the rear elevations and balcony balustrades however, it is considered that this contributes to the architectural interest of the design. In order to be sensitive to its waterside setting, the use of non reflective glazing can be restricted by a planning condition. There are other examples of modern development on the Chichester Harbour frontage of Emsworth such as Quay House, which are considered to be successful in their execution of a contemporary style building.

7.23 In terms of the impact of the development on the conservation area, the Council's Conservation Officer has responded that the dwellings have been designed albeit in a contemporary manner to reflect an industrial maritime appearance with the addition of some traditional materials. They are of the view that these two dwellings would provide an interesting contrast between the old and new and subject to the use of high quality materials, would preserve the character of the conservation area which accords with the requirements of the Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF, and policies CS11, CS16 and DM20 of the Local Plan.

7.24 The scheme would also include a public amenity area on the north west corner of the site which would include a bench seat and provide views onto the existing moorings. Details of materials have not yet been agreed however, this could be secured by a planning condition. Overall it is considered that the revisions to the design have satisfactorily addressed the previous concerns and as such, the proposed now accords with Policies CS11, CS16 and DM20 of the Local Plan and Section 12 of the NPPF.

(v) Amenity and effect on neighbouring properties

7.25 In terms of amenity levels within the development, there would be a distance of approximately 20m between the rear elevations of the Queen Street terrace and the front elevations of the detached dwellings at the rear of the site. It is considered at this distance and given that the views would be onto the front elevations that no adverse levels of overlooking would occur. Furthermore the site lies within a historic town centre setting where amenity levels are not expected to achieve those of lower density suburban developments.

7.26 The closest rear dwelling would be located 6m off the shared boundary with the Lord Raglan PH. This is a greater distance than the previous apartment block which was only 2.5m from the boundary. It would have a ridge height of 10m with an eaves of 7m. It is considered that whilst it would be visible from the garden to the rear of the public house,

this is not a garden which serves a residential dwelling and therefore the visual presence would have less impact.

7.27 Due to its siting within the streetscene and neighbouring properties, it is considered that the front terrace would not have an adverse impact in terms of overlooking. The balconies at the rear would provide views onto the contemporary dwellings at the rear however this would only be onto the front elevation and parking area. The properties to the west at No's 1 and 2 Dolphin Creek would be approximately 40m in distance and at this distance it is considered not to result in an adverse level of overlooking.

(vii) Highways and access

7.28 The site proposes the required number of spaces for each dwelling in accordance with HBC adopted parking standards. The Development Engineer has advised that they have no adverse comment on the application providing a condition is added to the planning permission stating that the existing access must be reinstated as footway and the new vehicular access constructed to the Highway Authority's standard.

(viii) Flood Risk and Drainage

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

7.30 However, the plan showing the construction and delivery of the wider flood alleviation scheme is conceptual only at this time and only the sea wall could be delivered as part of the proposal if granted permission. Therefore a contribution towards the wider flood scheme was not able to be secured at the time of the application.

7.31 Third party concerns have been raised that the implementation of the sea wall would result in flooding elsewhere in the lower Queen Street area, as the flood water would be forced elsewhere. The Council's Civil Engineering Team Leader has advised that the development addresses the flood risk to the development itself and it does not make the situation worse for adjoining properties. The impact of removing the footprint of the development from the tidal flood plain is low to insignificant since the major influence on tidal water level is in the wider harbour which does exhibit a 'stand' at high tide which is a major influence on the flood risk due to its effect (in combination) on the river system.

7.32 In terms of the benefit of the sea wall, the Council's Civil Engineering Team Leader has advised that the sea wall in isolation of a wider defence scheme has some benefit but this would be limited to water reaching the ground level of the 'next weakest' point which would be the access way through the arch at Chequers Quay. Ground levels in the lower section of Queen Street are fairly flat and the development whilst beneficial of itself would only have a significant benefit in combination with a wider scheme, with other elements which at present are conceptual. For full protection the whole scheme is required but this can be delivered in stages.

7.33 Whilst the site's contribution to a wider flood defence strategy can only be given very limited weight, as that strategy is only conceptual at this stage, it remains the case that the existing site is currently undefended from any flood risk. The sea wall would contribute as a flood defence to this part of Queen Street and would be financed in whole by the developer. This eases the financial constraints to some extent as this element of

the wider scheme would have been completed if the remainder is implemented at some point in the future. It is noted in the supplementary information provided by the agent on 22/12/16 that the sea wall would provide the largest and most costly element of the wider flood alleviation scheme.

7.34 In their response, the EA have advised that the LPA should be satisfied that the Sequential test has been adequately demonstrated. Para 100 of the NPPF advises LPAs that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This is through applying a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- Applying the Sequential Test
- If necessary, applying the Exception Test
- safeguarding the land from development that is required for current and future flood management
- using opportunities offered by new development to reduce causes and impacts of flooding.
- where climate change is expected increase the flood risk so that some existing development may not be sustainable in long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

7.35 As the site is located in a flood risk zone 3, in principle, development should not be permitted where there are other reasonably available sites in the Borough which could provide the development, unless there are wider sustainability benefits for allowing such a development. The further supplementary information received advises that the site at Dolphin Quay is unique in that it provides the opportunity for the implementation of part of a wider flood alleviation scheme (the most costly element) and that no other site in the Borough contains as much of the tidal frontage requiring flood defence as Dolphin Quay. Also there are several listed buildings in the lower part of Queen Street which are at risk from potential flood damage and the proposal would contribute to some form of defence against damage to these heritage assets. Also none of the other premises on the northern side of Queen Street control any tidal frontage. The LPA therefore considers that there are no other reasonable alternative sites which could deliver such unique flood defences and as such, the proposal meets the Sequential Test.

7.36 Paragraph 102 of the NPPF allows the application of the Exception Test by the LPA where following application of the Sequential Test it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower risk of flooding. The Exception Test therefore provides a method of managing flood risk while still allowing development to occur. There are two elements to the Exception Test as set out below. Both elements need to be passed.

a) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and

b) A site-specific flood risk assessment (FRA) must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

The wider sustainability benefits are discussed above in para 7.35 and a site specific FRA has been submitted with the application which outlines that the development would not increase flood risk elsewhere, and, where possible will reduce flood risk overall by the building of the sea wall. Furthermore no objections have been received to the development from the Coastal Engineering or Civil Engineering teams. It is considered

that the development therefore passes the Exception Test and the development accords with Policy DM25 of the Local Plan.

(ix) Ecological Considerations

7.37 The Council's Consultant Ecologist has been consulted and has advised that the site is located close to nearby national and European designated nature conservation sites, namely Chichester Harbour Site of Special Scientific Interest (SSSI) and Portsmouth Harbour Special Protection Area (SPA). They do not consider there to be any overriding ecological issues however an Environmental Construction Management Plan should be submitted under a planning condition.

7.38 It is also noted that there would be an increase in residential units within close proximity to the SPA and as such there is a default 'likely significant effect' on the SPA requiring mitigation. Policy DM24 outlines the requirements relating to the Solent Recreation Mitigation Project which requires a financial contribution of £176 per dwelling to off set any impact caused. The financial contribution for this project is being secured in a legal agreement for the site, and will provide appropriate mitigation.

(x) Developer Contributions and Legal Agreement

7.39 The application would be liable for the Community Infrastructure Levy to an amount of £120,575.75.

7.40 Additionally a S106 Agreement will be required in respect of the following matters:

- (i) A contribution in respect of the Solent Recreation Mitigation Project at a cost of £176 per dwelling (plus administrative and monitoring fee)
- (ii) A contribution of £310,575.75 towards affordable housing in lieu of on site provision.
- (iii) Dedication of public space and seating area as shown on the Site Layout Plan DN: 27958-PD103 Rev K and public access rights over the land and future management arrangements.

8 Conclusion

8.1 It is considered that there is sufficient information in the application to justify the proposed change of use of the land to residential as discussed above. The proposed development comprises a mixture of traditional and contemporary design which is considered to form an interesting and well executed form of urban design which would maintain and enhance this section of the conservation area. The proposal is considered to accord with the relevant policies in all other respects and is therefore recommended for permission which is subject to the completion of a binding s106 agreement for the elements outlined in paragraph 7.40 above.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00921 subject to:

(A) The completion of an agreement under S106 of the Town and Country Planning Act 1990, in a form satisfactory to the Solicitor of the Council, to secure the matters listed in paragraph 7.40 above; and

(B) The following conditions, and any others that are considered necessary (subject to such changes as the Head of Planning may determine):

1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Topographical - DN: 27958-PD-100

Site Plan - DN: 27958-PD-103K

Proposed floor plans plots 3-6 - DN: 27958-PD-104F

Proposed floor plans plots 1-2 - DN: 27958-PD-105J

Proposed streetscene and section plan - DN: 27958-PD-108F

Proposed site section A - A - DN: 27958-PD-109B

Proposed elevations plots 3-6 - DN: 27958-PD-106F

Proposed elevations plots 1-2 DN: 27958-PD-107G

Reason: - To ensure provision of a satisfactory development.

3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings, including a sample panel of brickwork and flintwork for the properties on Queen Street have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No above ground construction works shall take place until a detailed soft landscaping scheme for all open parts of the site (including the public amenity space) not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.
- The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
- Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 No part of the development shall be first occupied until detailed plans for all proposed boundary treatments, including the flood defence wall, which by means of dimensioned cross-sections and construction details shall demonstrate materials, finish, assembly method and relationship with context levels and paving finishes have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
- Reason:** To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure, or additional windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
- Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.
- Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 10 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:
- (i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;
 - (ii) The provision to be made within the site for a material storage compound

during site clearance and construction of the development.

(iii) A specification of measures to be undertaken to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision, storage compound and mud prevention facilities shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation the windows at second floor level in the east elevation of Plot 1 and in the west elevation of Plot 2 to serve ensuite bathrooms shall be fitted with non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

12 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plots 3-6 all windows serving a bathroom or ensuite as shown on Drawing Number 27958-PD104 Rev E shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

13 Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of dust, pollution of the adjacent watercourse and waste disposal resulting from the site preparation, groundwork and construction phase of the development. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests the nearby environmentally sensitive areas and having due regard for policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

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

Reason: To ensure that the proposed development and its occupants remain safe over its lifetime. This condition is in line with Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Council Core Strategy 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 15 No above ground development shall take place until plans and particulars specifying the siting and design of any proposed external meter boxes/metal ducting/flues and guttering shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the appearance of the development within the Conservation Area and having due regard for policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The south elevations on the two detached dwellings fronting onto the Mill Pond shall include the use of non reflective glazing at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the environmentally sensitive setting and having due regard for policies CS11 and CS12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 No above ground development shall take place until plans and particulars specifying the provision to be made for external lighting for all plots have been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Appendices:

A – Location plan

B – Site plan existing

C – Site plan proposed

D – Existing elevations and site section

E – Proposed site section and wider streetscene

F – Proposed elevations plots 1 & 2

G – Proposed floor plans plots 1 & 2

H – Proposed elevations Plots 3 – 6

I – Proposed floor plans plots 3 – 6

J – Mill Pond View

K – Queen Street View