Your ref: Chichester Harbour Conservancy

Our ref: Planning Recommendation

CHICHESTER HARBOUR CONSERVANCY

Havant Borough Council
Development Management
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

BY EMAIL ONLY

7 October 2024

Dear Lesley,

Apologies for the delay in replying

Application: APP/24/00614

Location: 54 Warblington Road Emsworth, PO10 7HH

Description of development: Replacement dwelling

Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for an Area of Outstanding Natural Beauty (AONB). Further details are explained in the Appendix to this response.

Please note that the above case has been considered under the consulted delegated protocol of The Conservancy.

Chichester Harbour Conservancy's Response

RECOMMENDATION – Negotiate reduction of –

- width and height of rear dormer window, including relative width of its full-length glazing; and,
- size of first floor window openings to dressing room and ensuite to master bedroom.

Subject to securing that and whilst the loss of an apparently structurally sound Edwardian villa styled dwelling is regrettable, no objection, subject to suggested planning conditions relating to –

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- Detailed external and internal photographic and written recording of this undesignated heritage asset before any demolition work commences and filing of those records with the Council's Historic Environment Record, within one month of the demolition being significantly completed;
- Safeguarding trees during construction in accordance with the recommendations of the submitted arboricultural report;
- Implementation of the ecological enhancements set out in Section 7 of the submitted Imprint Ecology report;
- Agreement of external building materials before commencement of works and subsequent implementation with the agreed materials; and,
- securing the sustainable construction measures set out in the design and access statement.

Officers' reasoned justification

A pre-application enquiry was made directly to The Conservancy on 6 June 2024. The Conservancy's response (reference CHCPREAPP 24 06 EMS, dated 1 July 2024), has been commented upon - (along with the Council's pre-application advice under reference GEN/24/00632) - as part of the applicant's design and access statement.

The 1540 m^2 development site. I visited the site on 17 June 2024.

I have considered the submitted particulars and had regard to the Policy framework* below in making these comments.

I set out a table below listing the concerns/requests for other information in The Conservancy's pre-application response in the left hand column and the agent's adjustments in the right hand column.

Concern raised by The Conservancy	**Application adjustment made**

Loss of an undesignated heritage asset	Applicant has submitted a report detailing the historic significance of the existing Edwardian-styled dwelling, concluding it has been much altered and other better examples exist elsewhere close by
Incomplete silhouette and footprint/plot ratio increase analysis	Applicant has prepared a detailed analysis, demonstrating the increases to be within The Conservancy's advocated percentage increases
The proposed rear dormer window is considered to be disproprtionately large… the dormer roof is contiguous with the roof raised ridge line accentuates this opinion	No adjustment made. Conservancy requests that local planning authority negotiates a reduction in the dormer's height and width
The use of corten steel materials is not considered appropriate in this location and would also heighten my concerns about the visual impact of the rear dormer window set out above.	Corten steel now replaced by zinc standing seam sheeting, which subject to approving a sample, is considered to tone better with the proposed slate roof.
The proportion of glazing to each relative part of the rear elevation is considered excessive, albeit that on the ground floor would be tempered by the box projection of the first floor.	No adjustment has been made. Why a dressing room and en-suite to the master bedroom need such a large window openings is not understood and The Conservancy would like to see some reduction for the window openings to those spaces.
Bat survey required before demolition	Bat survey and one emergence survey carried out. Submitted report concludes no evidence of roosting bats was identified, albeit soprano pipistelle bats were found to be foraging around the site. Given the urban nature of the site, no further protected species surveys were recommended, but ecological

	enhancements are set out in Section 7 of the Imprint Ecology report.

Being within the defined 'urban area' under Development Plan Policies CS17 and AL2 a replacement dwelling is acceptable in principle.

Although outside the boundary of the Chichester Harbour National Landscape (NL – formerly AONB), the property is clearly visible from the well used shoreline public footpath and thus forms part of the setting of the NL.

The property has the status as an undesignated heritage asset, located within EA flood zone 1 (least risk).

I saw that this well detailed Edwardian villa house was in need of much renovation and noted that the wholesale alteration of the adjoining property to the west was well underway including substantial alterations to its roof. I note from the Emsworth Design Statement that the property falls within Area 5, where similar villa dwellings are especially noted on the western side of Beach Road - (albeit not in close proximity to 54 Warblington Road) – south of its junction with West Road: indeed, 27 Beach Road is on the Council's local list of buildings of interest within the Borough. No special mention of the site is mde in the made Emsworth Neighbourhood Plan.

Seen from Warblington Road, much of the frontage is screened by mature trees, even when viewed from the recessed vehicular access point. Curlew Close to the east is a short cul-de-sac serving 3 detached dwellings that sit forward of the site, which allows for greater views of the dwelling's good architecture, save for an unfortunate car port addition at the front and lean-to elements to the (east) site.

The dwelling silhouette seen from Chichester Harbour would increase by 11 % and footprint to plot ratio increase by 23%. Although outside the NL, where the Joint Harbour SPD is not applicable, the percentage increases are within that well regarded guidance informing Policy CS16, are acceptable to The Conservancy.

The proposed replacement dwelling would have an upper roof ridge height 471mm higher than the existing. This overall increase in height, especially seen at distance would be barely perceptable in the setting of the NL.

I note two objections have been made to the loss of the existing dwelling but that the Emsworth Residents' Forum has concluded *"…given the frameworks of the Emsworth Neighbourhood Plan (ENP) and HBC Planning guidelines this was not considered an appropriate reason to object to the application*". Whilst the existing dwelling appears to be structurally sound (with no report to the contrary submitted by the applicant, the submitted analysis of this undesignated heritage asset's 'significance' is plausible and quality of the replacement dwelling considered to be an acceptable replacement maintaining the character and appearance of the area.

One assumes the Council's Heritage Team will have been consulted for its views on this point. If the existing dwelling is to be lost, it should be 'recorded' before demolition and the results of such recording placed in the Council's Historic Environment Record.

Improving the carbon footprint of the dwelling is considered to have some 'public benefit' under the relevant advice of paragraphs 201, 203, 206 and 207 of the National Planning Policy Framework (NPPF) and the new dwelling would have a well-designed architectural composition.

No changes have been made to the size of the rear dormer window since the Pre-application plans were commented on. The case office is asked to negotiate appropriate reductions in the width and height of this dormer window. It is noted that the overhanging element at the rear at first floor now continues around the eastern corner along part of that elevation. Conservancy Officers do not object to that adjustment.

Corten steel materials are no longer proposed for the first floor overhanging element, small first floor panel over front entrance and dormer window faces/cheeks. Standing seam zinc sheeting is proposed in its place. This is an acceptable material and will tone well with the proposed slate roof. A condition is suggested to approval facing materials.

It is still considered that the size and amount of glazing at first and second floor levels facing the Harbour is excessive. Conservancy Officers would wish to see the local planning authority negotiating reductions.

*Policy framework

NPPF paragraphs - 1-3, 6-12, 20, 28, 38-39, 43, 47-48, 55, 131, 135, 139-140, 157-159, 160, 162-164, 180, 182, Chapter 16 (especially paragraphs 201, 206 and 210-211), 224-225; **NPPG ID's** - 6-8, 15, 20, 21a, 21b, 26, 31, 34, 53, 56; **HBLP** – CS1 (7)-CS8, CS12, CS14-CS17, CS20, DM8-DM9, DM11-DM14 / AL1- AL2, DM25; **ENP** – M1, D1-D3, D6-D7; **CHMP** - 1-2; **SPG/SPD**

*Abbreviations used:

NPPF – National Planning Policy Framework (December 2023)

NPPG – National Planning Practice Guidance (2014 onwards)

HBLP – Havant Borough Development Plan (2011 & 2014)

ENP – 'Made' Emsworth Neighbourhood Plan (2021)

CHMP – Chichester Harbour Management Plan (2019-2024)

SPG/SPD –

Emsworth Design Statement (2008) – especially p. 9, design consideration 13; p.15, design considerations 2, 4, 6-8, 10-12 & 14; pp.18-19, & p.27 referring to other Edwardian villas in the sub-area and their contribution to local character and distinctiveness.

Borough Design Guide (2011)

National Character Area 126 South Coast Plain – (NE525 – 24 February 2014).
'Chichester Harbour AONB Landscape Character Assessment' by Chris Blandford Associates for Chichester Harbour Conservancy (April 2019)

Yours sincerely,

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Appendix

Chichester Harbour AONB

Chichester Harbour was designated as an Area of Outstanding Natural Beauty (AONB) in 1964. It is the smallest mainland AONB in England, and in terms of moorings, it is largest recreational sailing and boating harbour in Europe. Chichester Harbour is quite rightly regarded as a nationally important protected landscape.

Local Planning Authorities must give great weight to the primary purpose of the AONB designation.

> The primary purpose of the AONB designation is to **conserve and enhance the natural beauty**. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met insofar as it is consistent with the conservation of natural beauty and the needs of agriculture, forestry, and other uses.

The management of the AONB was formalised through the Countryside and Rights of Way Act of 2000 with Chichester Harbour Conservancy appointed as the Joint Advisory Committee (JAC) for the AONB.

Chichester Harbour Conservancy

Chichester Harbour Conservancy was established in 1971. It is a unique organisation in that is the only Statutory Harbour Authority with responsibility for an AONB. Its purposes extend beyond that of other AONBs, to include leisure, recreation, and the conservation of nature.

> **Section IV, part 21, of the 1971 Act states:**
> 21.– (1) It shall be the function of the Conservancy, subject to the provisions of this Act, to take such steps from time to time as to them seem meet for the conservancy, maintenance and improvement of–
> a) The harbour, for the use of pleasure craft and such other vessels as may seek to use the same;
> b) The amenity area, for the occupation of leisure and recreation and the conservation of nature:
> and the facilities (including, in relation to the harbour, navigational facilities) afforded respectively therein or in connection therewith.
> (2) In the fulfilment of the function with which they are charged by subsection (1) of this section, the Conservancy shall have regard to the desirability of conserving the natural beauty and amenity of the countryside and of avoiding interference with fisheries.

The full text of the Chichester Harbour Conservancy Act of 1971 is published on the Conservancy's website.
https://www.conservancy.co.uk/page/279-the-conservancy

Chichester Harbour Conservancy's Planning Committee
Chichester Harbour Conservancy utilises a member-led Planning Committee to act on behalf of the Conservancy Board in responding to planning applications and consultations. Membership is derived from the Conservancy Board and the Statutory Advisory Committee. The Planning Committee meet every 6-8 weeks. The Conservancy's Case Officer reports, agendas, and minutes of past meetings are on the Conservancy's website.
https://www.conservancy.co.uk/page/committees-and-meetings

Chichester Harbour Statutory Management Plan
The Chichester Harbour Management Plan (2019-2024) details the 10 Special Qualities of the AONB and features 15 policies to guide the management of the protected landscape. Chichester Harbour Conservancy prepared the Management Plan on behalf of the Local Planning Authorities: Chichester District Council, Havant Borough Council, West Sussex County Council, and Hampshire County Council. Prior to adoption, the Plan was subject to a public consultation over 8 weeks. The Plan is a material planning consideration under Policy CS12 of the Havant Borough Core Strategy (2011-2026). This means it is relevant to making planning decisions in and around Chichester Harbour (whether to grant or refuse an application for planning permission).
https://www.conservancy.co.uk/page/management-plan
https://www.havant.gov.uk/local-plan

Chichester Harbour Planning Principles
Chichester Harbour Conservancy has developed 19 Planning Principles to guide development in and around the AONB. These Planning Principles can be read in Section 3 of the Management Plan. The Planning Principles directly inform whether a planning application is likely to be supported by the Conservancy.
https://www.conservancy.co.uk/page/planning

Chichester Harbour AONB Landscape Character Assessment
The purpose of the Landscape Character Assessment is to provide an understanding of the unique landscape character and special qualities of the Chichester Harbour AONB to inform the development of AONB Management Plans and wider planning policy. The Chichester Harbour AONB Landscape Character Assessment was first published in 2005, and subsequently reviewed in 2018. The Landscape Character Assessment is a material planning consideration.
https://www.conservancy.co.uk/page/management-plan

The Joint Supplementary Planning Document for the AONB
Chichester Harbour Conservancy supported two Local Planning Authorities (Chichester District Council and Havant Borough Council) to jointly publish guidance on development proposals in Chichester Harbour AONB, which was adopted in 2017. It expands upon the relevant policies in the Local Plans, particularly relating to the design of replacement dwellings and extensions and provides photographic examples showing the impacts of developments and suggested techniques for limiting those impacts. The Joint SPD is a material planning consideration.

In addition to the guidance within the main part of the SPD, there are several further issues to consider if you are proposing to undertake development or works within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Applicants may need at least one of several consents, including: Planning Permission; other Local Authority Consents; a Marine Licence from the Marine Management Organisation; Consent from Natural England; Consent from the

Environment Agency; and/or a Works Licence from the Chichester Harbour Conservancy (see below).
https://www.conservancy.co.uk/page/planning

AONB Impact Statement
It is best practice for all planning applications inside the AONB to submit an AONB Impact Statement to the Local Planning Authority. This Statement will detail how the application: a) will conserve and enhances natural beauty; b) complement the special qualities of the AONB; b) will deliver the adopted policies in the Statutory Management Plan. The level of detail provided in the AONB Impact Statement is expected to reflect the relative complexity of the planning application. An AONB Impact Statement is also a good idea for planning applications outside of the boundary, but close enough to affect the character and setting of the protected landscape (within 500m).
https://www.conservancy.co.uk/page/management-plan

Conservancy's Works Licence
The Chichester Harbour Conservancy Act 1971 (Sections 45, 47 and 48) makes it an offence for any person to construct, alter, renew, or extend any works on, under or over tidal waters or tidal lands below the level of Mean High-Water Springs in Chichester Harbour unless licensed to do so by the Conservancy. The only exceptions are works specifically authorised by an Act of Parliament or the renewal of works which were in place on 1st August 1970. Most projects below Mean-High Water Springs are required to apply for a Works License. Approval must be gained before any works commence.
https://www.conservancy.co.uk/page/planning

Addendum

Natural England
Natural England is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs. It is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology, and soils, are protected and improved. It also has a responsibility to help people enjoy, understand, and access the natural environment. Natural England advise that Chichester Harbour Conservancy's "knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's Statutory Management Plan, will be a valuable contribution to the planning decision."

Summary of Environmental Designations at Chichester Harbour

Worldwide Designation	Ramsar Site	Wetlands are among the most diverse and productive ecosystems. Chichester and Langstone Harbours were recognised as a wetland of international importance when they were designated as a Ramsar Site in 1987, under the Ramsar Convention.
Nationally Important Designations	Area of Outstanding Natural Beauty	An Area of Outstanding Natural Beauty is a landscape which is considered so precious that it is protected for the nation. The criteria for designating an AONB include valuable wildlife, habitats, geology, and heritage, as well as scenic views. Chichester Harbour was designated as an AONB in 1964.
	Bass Nursery Area	A Bass Nursery Area is a place that is recognised as a haven for small school bass. Fishing for bass, or fishing for any fish using sand-eels as bait, by any fishing boat within any part of the Harbour as defined, is prohibited between 30th April and 1st November each year. Chichester Harbour was designated a Bass Nursery Area in 1990.
	Site of Special Scientific Interest (SSSI)	Chichester Harbour was designated a Site of Special Scientific Interest in 1970 because it was of special interest by virtue of its fauna, flora, geological or physiographical / geomorphological features.
	Special Area of Conservation (SAC)	A Special Area of Conservation is a site designated under the Habitats Directive. These sites, together with Special Protection Areas, are called Natura sites and they are internationally important for threatened habitats and species. Solent Maritime SAC was designated in 1994.
	Special Protection Area (SPA)	A Special Protection Area is a site designated under the Birds Directive. Chichester and Langstone Harbours SPA was designated in 1979.
	Water Framework Directive	This aims for good water quality and covers groundwater, surface water (rivers, canals, lakes, reservoirs, estuaries, other brackish waters, and coastal waters) out to one nautical mile from shore as well as wetlands. The Directive, which came into effect in 2000, gives shellfish harvesting waters and bathing waters special protection.
Locally Important Designations	Conservation Area	Conservation Areas protect special architectural and historical places of interest. There are ten Conservation Areas in and around Chichester Harbour.
	Dark Sky Discovery Site	Three Dark Sky Discovery Sites were defined in Chichester Harbour in 2017. They are particularly good sites for stargazing.
	Local Nature Reserve	Local Nature Reserves are particularly appropriate for educational, research or public information purposes. There are five Local Nature Reserves in Chichester Harbour.
	Local Wildlife Site	Local Wildlife Sites in West Sussex feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of a Sites of Importance for Nature Conservation in Hampshire. There are 16 Local Wildlife Sites in Chichester Harbour.
	Site of Important for Nature Conservation (SINC)	Sites of Importance for Nature Conservation in Hampshire feature important habitats that complement Local Nature Reserves and the Site of Special Scientific Interest. They are the equivalent of Local Wildlife Sites in West Sussex. There are 25 SINCs in Chichester Harbour.