

CHICHESTER HARBOUR
AREA OF OUTSTANDING NATURAL BEAUTY
PLANNING ASSESSMENT REPORT

CHC AONB Unit Report : Consulted Delegated Process Assessment

www.conservancy.co.uk

Land south of Saxted House, 5 Tower Street, Emsworth

Planning Application: **APP/20/01220**

Proposal for an alternative design for a five-bedroom dwelling to replace that of a four-bedroom dwelling granted planning consent under 03/53651/016 dated 2 September 2003

Chichester Harbour AONB Unit Recommendation – No objection

Suggested considerations –

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms,
- removal of permitted development rights relating to additions, extensions, enlargements, or alterations affecting the external appearance of the proposed building given the overall size and scale of the dwellings compared to the size of the plots indicated,
- for glazed surfaces, the use of coated surface glass that is non-reflective to mitigate external reflective glare which might also assist with keeping heat in and radiation out for the respective seasonal changes,
- the use of the integral domestic garage is to be used for car parking and remain ancillary to the host dwelling on the site.
- external lighting to the created dwelling should take into account the Dark Skies protocol operating within the AONB protected national landscape designated area
- prior to the commencement of any site works a development contribution is made with regards to development and disturbance of birds in Chichester and Langstone harbours Special Protection Areas

Procedure

Consulted delegated decision route from Chichester Harbour Conservancy. The time period for comment on the submission is unlikely to allow the Conservancy to consider the matter at the next available CHC Planning Committee (scheduled for 12 April 2021).

Member input was sought given the scope of the proposal, namely the construction of a large detached house in Emsworth town historic centre within the AONB where it would have a visual impact on the AONB designated area.

Date of Comment to LPA would follow the outcome of the consulted delegation process which was issued to members on 03-03-2021 for reply by noon on Fri 05-03-2021.

Details of the application submission can be obtained from the LPA public access web site link https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_249737

Scope of Assessment Consideration

The submission is a planning application for works that should be considered against the architectural and/or historic character of the Conservation Area location. In considering the implications and impact within or to the Area of Outstanding Natural Beauty protected national landscape, only the exterior works that affect the appearance and character of the building within the surrounding setting are assessed.



Planning Approach

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The LPA should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (Section 85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Chichester Harbour Conservancy, administer and safeguard the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The aim of conserving and enhancing the areas natural beauty requires the Conservancy to consider the proposal on its landscape character aspects. Landscape covers both urban environments as well as countryside and coastal areas.

- Landscape Character

The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019) prepared for the Conservancy, identifies 10 Landscape Character Types - areas of broad tracts of land with common landform, and 19 specific Landscape Character Areas - unique areas with a recognisable pattern of landscape characteristics that combine to create a distinct sense of place, and which represent discrete geographical areas of a particular landscape character type.

The Landscape Character Areas define relevant key characteristics, ecological features, important views across land and water areas, historical features, settlement character, as well as key issues to landscape condition and landscape sensitivity, together with a landscape strategy to be followed. The summary and recommendations lay out the special qualities of Chichester Harbour AONB protected landscape.

- Management Plan

The Chichester Harbour AONB Management Plan (2019-2024 Third Review April 2019) identifies 10 special qualities (page 10) that represent the exceptional features that contribute to the AONB designation. On this basis the Chichester Harbour Management Plan provides an integrated coastal zone management strategy for the Trust Port and Area of Outstanding Natural Beauty. Relevant policies would include Policy 1 (Conserving and Enhancing the landscape), Policy 2 (Development Management), and Policy 3 (Diversity of Habitats).

- Planning Principles

The Chichester Harbour Area of Outstanding Beauty Planning Principles (Management Plan version April 2019) provides guidance on development. These principles set a range of criteria to be addressed to warrant a favourable consideration in terms of likely impact within and on the AONB. Planning Principle PP01: Chichester Harbour as a Protected Area, is applicable to this and all proposals within or affecting the AONB.

Planning Principles **PP01: Chichester Harbour as a Protected Area**, sets out the key overarching approach for the AONB, in that the statutory primary purpose is to conserve and enhance the natural beauty of the area. Great weight shall be given to the protection of the landscape, the conservation of nature, and the special qualities of Chichester Harbour and its surrounding supporting hinterland.

AONB Planning Principle **PP03: Replacement Dwellings and Domestic Householder Extensions**, guidance states that the acceptability of development will be dependent on whether the site can accommodate the proposal while still respecting local character by reflecting the surrounding pattern of development and spaces between buildings (the grain). Acceptability will also depend on the setting of the site within the landscape, and the design, materials and finishes employed. The size and scale of any extensions to the original dwelling are required to fall within guideline criteria relating to footprint increase (50% upper limit) and

Chichester Harbour Conservancy

the increase from the original building silhouette profile 25% upper limit). These requirements are also stipulated under section-12 of the adopted Chichester Harbour AONB Joint SPD (2017). www.conservancy.co.uk

Planning Principle **PP04: Creation of New Dwellings** and Residential Institutions, requires the proposal to address four criteria relating to -

- the development being within existing settlement boundaries
- that enough headroom capacity exists in wastewater treatment works infrastructure to serve the development
- recreational disturbance is adequately and appropriately mitigated
- if there is a local identified social and/or economic need

The proposal for a new dwelling should be within a sustainable location to allow most daily functions to be carried out without reliance on private cars. Development outside defined settlement boundaries may have a significant and long-lasting adverse impact on the character and landscape of the AONB. Only clearly justified social / affordable housing, or dwellings for agricultural workers would be considered outside the settlement areas.

Planning Principle **PP09: Dark Skies**, lighting proposals that are adjacent to or impact on areas of nature conservation will only be supported in exceptional circumstances.

- Joint Chichester Harbour AONB SPD

The Chichester Harbour Area of Outstanding Beauty Joint Supplementary Planning Document (2017) requires that any development proposed in the AONB should be guided by to protect, conserve, and enhance natural beauty and wildlife (Section 2 overarching principles). Section 8 requires that in designing new development, consideration of the setting of the development in the AONB landscape must be shown as to how the proposal would contribute to the character of the area. All development within the AONB should follow the guidance as closely as possible. The SPD is adopted by both Chichester District Council and by Havant Borough Council as part of their planning policy and development control approach. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

- Local Planning Authority - Local Plan Document Policy

The LPA have an adopted Local Plan which is made up of the Core Strategy 2011 and the site Allocation Plan 2014. These policy documents will remain in place until the Havant Local Plan 2036 has completed its adoption process. There are many relevant policies for the LPA to consider against planning application submissions. Particular ones within the AONB include Strategic Core Strategy Policies CS12:Chichester Harbour Area of Outstanding Natural Beauty (AONB), CS16:High Quality Design; and Development Management Policies DM8:Conservation, Protection and Enhancement of Existing Natural Features, DM9:Development in the Coastal Zone, amongst others. The Draft Local Plan continued with similar policies including E11: Chichester Harbour Area of Outstanding Natural Beauty, E6:High Quality Design, and E15: Ecological Conservation, E18:Protected Species, amongst others.

Relevant Planning History

APP/20/00241 (Amended Plans second submission): Proposed construction of a 5-bedroom detached dwelling with car port and with amendment to include a separate free-standing domestic garage to the rear (alternative design for one of two dwellings granted planning consent in 2003 and partially implemented (ref: 03/53651/016 dated 2 Sept 2003). Comments 22 September 2020 from CHC objecting to the proposal. Application withdrawn 18-01-2021.



Chichester Harbour Conservancy
The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk



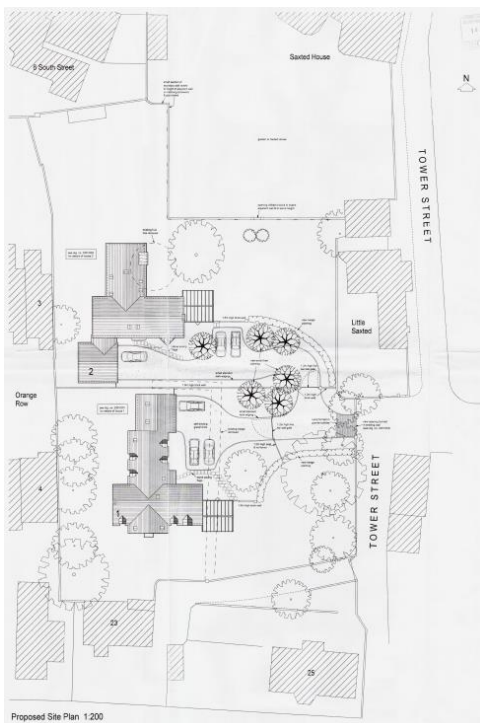
The proposal was opposed on six grounds relating to the size and scale of the building, the siting and location, the building design and light impact on the Dark Skies protocol, the impact of lighting on wildlife, the generation of additional recreational disturbance, and the lack of securing mitigation in line with the Bird Aware programme.



APP/20/00241: Proposed construction of a 5-bedroom detached dwelling with car port and with amendment to include a separate free-standing domestic garage to the rear (alternative design for one of two dwellings granted planning consent in 2003 and partially implemented (ref: 03/53651/016 dated 2 Sept 2003). Comments 15 June 2020 from CHC objecting to the proposal. Amended plans submitted (see above). Application withdrawn 18-01-2021.

APP/03/53651/016: Erection of 1x 5-bedroom dwelling (plot 1) and 1x 4-bedroom dwelling (plot 2) both with integral double garages and the formation of a new vehicular access to Tower Street. There is no record of CHC commenting. Approved by the LPA on 2 September 2003.

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_39078



Chichester Harbour Conservancy

The proposal was partially implemented with the construction of the 5-bedroom dwelling to plot 1 to the southern part of the site. The remaining area for plot 2 to provide a 4x bedroom house, was left vacant as the garden to Saxted House, the host listed building, located to the north of the proposed development site. www.conservancy.co.uk

The status of the partially implemented planning permission is extant, allowing the permitted 4-bedroom dwelling to be constructed without further planning approval of the LPA.

Contextual Consideration

The site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), where development is subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location.

The location is within a built-up urban location of the AONB protected landscape. The red-line application does not have a visual boundary with a coastal frontage. The proposal would therefore have a visual landscape impact to the character of the AONB in this built-up locality.

The site lies within a Conservation Area. The proposal would affect any building indicated on the scheduled list of buildings of historic or architectural importance. The site is assumed as being within Flood Zone 1: Low Probability of flooding.

Site Location and Existing Development

The red-line application site indicates the whole residential property forms the planning unit. The application site is located in the central part of the town, to the west side of Tower Street. The site is an enclosed area of land which has the appearance of a domestic garden, located between Tower Street and properties facing onto South Street. Access is indicated from Tower Street as a shared provision with the five-bedroom dwelling (built on plot 1 under the 2003 planning permission), now no.19 Tower Street.

The site is surrounded by various dwellings of different designs and styles that have been constructed over time within this historic central location of Emsworth town. Some like Saxted House, to the north, have listed buildings status.

Submitted Proposal and Supporting Documents

The current proposal is for a freestanding, detached, two-storey, dwelling house comprising five-bedrooms. The proposal is located within the area identified as plot 2 that is remaining from the earlier, and still extant, planning permission for a four-bedroom detached dwelling under APP/03/53651/016 dated 2 September 2003.

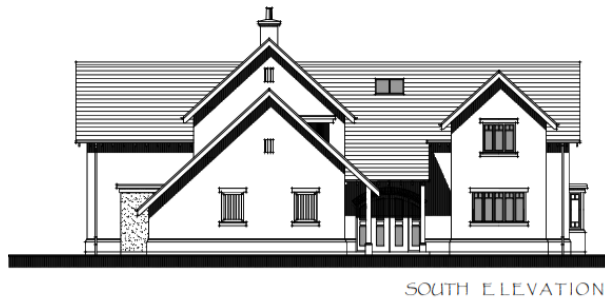
The proposal indicates the use of red/brown multi facing brick to the external walls, and red/brown plain clay tiles to the roof. Hard surfaces would use permeable block paving. The submission includes a Design and Heritage Statement as a supporting document. This has been considered alongside the planning application submission form and plans/drawings.

Applicants Approach to the AONB protected landscape designation

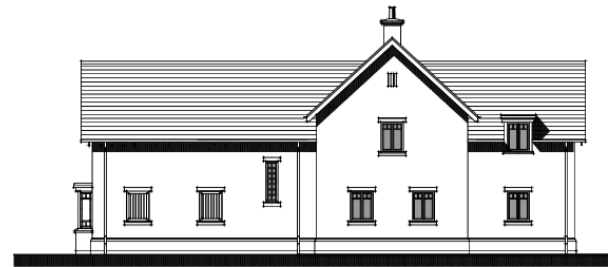
There is little recognition of the application proposal within its context and setting of the Area of Outstanding Natural Beauty (AONB) in the submitted documents for the proposal. There is no reference made to the Chichester Harbour AONB planning policy documents relevant to the consideration of the proposal or the Joint AONB SPD (see above in Planning Approach section).



The LPA Local Plan Policy specifically addressing the AONB (HDC Core Strategy Policy CS12) is not mentioned. The proposal has therefore apparently been made with little acknowledgement of the status of the AONB and AONB Management Plan, or with a level of understanding that would be considered necessary and appropriate given the nationally recognised protected status of the AONB. This minimal approach to the AONB protected landscape is regrettable and unfortunate.



SOUTH ELEVATION



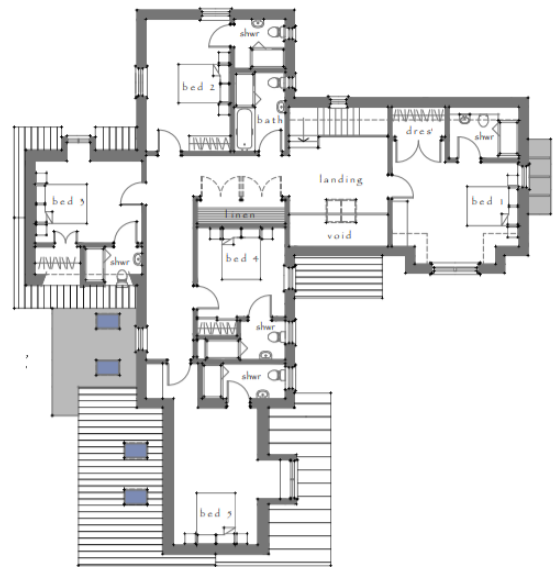
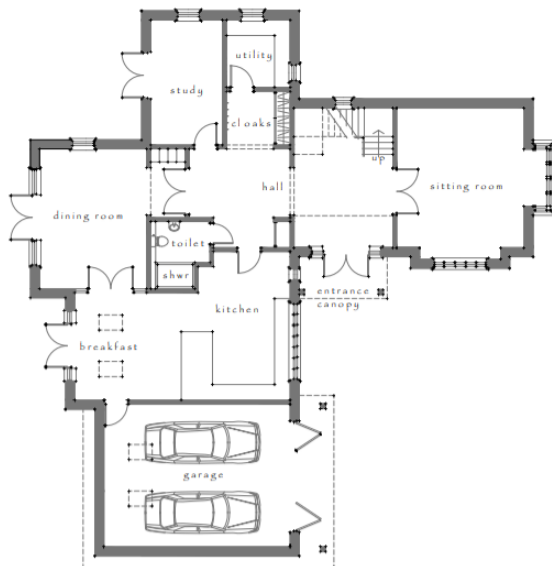
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



Planning Assessment

- Location Considerations

The red-line site is located within a large plot within the urban area of Emsworth. It is surrounded, albeit at a distance, by other dwelling houses of various styles, designs and ages. The site is not readily viewed from the wider context of the street scene.

- Policy Considerations

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

The consideration would require a full and detailed assessment of the potential, possible, and probable impact to the character and appearance of the site and locality of the AONB protected

Chichester Harbour Conservancy

landscape. The main AONB protected landscape Planning Principle policy assessment issues to be considered for this site relate to –

1. The principle of the use and activity of the development to the AONB locality
2. The positioning layout design and visual character and impact of the site to the AONB
3. The proposed physical works, scale, massing and bulk on the AONB landscape
4. The building design, character, appearance and finished treatment to the AONB
5. The impact on the tranquillity and natural environment to the AONB
6. The wildlife, biodiversity and environmental effects within the AONB
7. Any measures to mitigate the impact of ecological and environmental disturbance
8. Consideration against the relevant AONB Planning Principle guidance

www.conservancy.co.uk

Consideration 1: The principle of the proposed use and activity for a five-bedroom detached two-storey dwelling house would not be a significant concern due to the use being unchanged as part of the extant planning permission for a four-bedroom detached two-storey dwelling house on the site from 2003.

Consideration 2: The principle of the positioning, layout design and visual character and impact of the site to the AONB would not require detailed consideration as this is similar to the positioning as provided for in the 2003 planning permission.

Consideration 3: The principle of the proposed physical works and building bulk and scale require detailed examination if to be considered within the surrounding environment.

The current proposal has to be considered on its own planning merit and as a comparison to the scheme as approved in 2003, which is the fall-back option. The earlier 2003 permission sought a dwelling house of approx. 146.25sqm ground floor footprint floor area, including the double garage. The front/rear building silhouette (including the double garage) has an area of approx. 144.0sqm. The side elevations (north and south, including the conservatory) have a silhouette area of approx. 85.0sqm.

	Approved APP/03/53651/016	Refused APP/20/00241		Current APP/20/01220	
footprint	146.25sqm	221.86sqm	51.69%	240.10sqm	64.17%
silhouette front	144.0sqm	168.70sqm	17.15%	196.24sqm	36.28%
silhouette sides	85.0sqm	119.50sqm	40.60%	154.50sqm	81.76%

The current proposal has a building with a ground floor footprint area of approx. 240.10sqm. The front/rear building silhouette (including the double garage) is approx. 196.24sqm. The side elevations (north and south) have a silhouette area of approx. 154.50sqm.

In comparison, the current proposal increases the ground floor footprint by 64.17%, this is in excess of the guidance maximum increase. The silhouette of the front elevation is increased by 36.28%. The side elevations silhouette is increased by 81.76%. These figures exceed the guidance maximum increase.

The figures are an assessment tool to consider the relative increase in size and scale as a starting point. The location of the site must also be considered. In this case the site is within a built-up historic centre with a built form of varying character. The proposal would sit well alongside this environmental setting.

The scale, however, must also be assessed alongside the impact in building design and character.



Consideration 4: The principle of the building design and character, together with the appearance of the construction materials and finished treatment would require further examination to the character of the surrounding environment.

The proposal design of the dwelling is of an 'Arts and Crafts' style. This reflects the original design concept for the 2003 permission. This traditional style of building, with proportions that are pleasing to the eye and reflect the appearance of many of the surrounding buildings which are varied in appearance, though possess a 'vernacular' design common to this historic core area. The construction materials would complement the design. The acceptance of this design solution to the site and surrounds would be unlikely to be a concern within the AONB.

Consideration 5: The principle of the impact on the tranquillity and natural environment of the proposal would be unlikely to be a concern due to the location of the site and the existing use and activity associated with it (domestic garden, inc former tennis courts) and the proposed use with planning permission for a residential four-bedroom dwelling house.

Consideration 6: The principle of any harm to wildlife, biodiversity and environmental character within the AONB is unlikely.

Natural England provide guidance on the protection of protected wildlife species. Protected Species of wildlife are legally protected under The Wildlife and Countryside Act 1981 (as amended) (Section 5) and The Conservation of Habitats and Species Regulations 2010. It is an offence to intentionally or recklessly (1) deliberately kill, injure or capture bats; (2) deliberately disturb bats, including any disturbance which is likely to impair their ability to survive, to reproduce or to rear or nurture their young, or their ability to hibernate or migrate, or which is likely to significantly affect their local distribution or abundance; (3) damage or destroy a breeding site or resting place of a bat; (4) damage or destroy, or obstruct access to, any structure or place which any bat uses for shelter or protection; or (5) disturb bats while occupying a structure or place used for that purpose.

The proposal would increase the external usable floor space in this location. The proposed works would increase activity associated with the development. The development of a new dwelling house would result in an increase in household and family activity, including recreational activity in the locality. The proposal therefore has the clear ability to add to the associated disturbance of wildlife areas.

Assuming that there is no wildlife implications generated from the development of the building structure, the proposal would not in itself be viewed as harmful to the wildlife or biodiversity of the site.

Consideration 7: The principle of measures to mitigate the impact of ecological and environmental disturbance could be considered through the installation of bird and bat boxes at the site. The construction of a new house clearly has the ability to cater for such facilities.

Consideration 8: Comparing the proposal against the relevant AONB Planning Principle guidance indicated that under PP01 the proposal would not have a demonstrable impact on the aims of the AONB designation. Under PP03 the proposal would be in keeping with the surrounding buildings to the site and similar to the design (if not scale) of the permitted dwelling house on the site. If considered under PP04 the proposal must be considered against the fall-back option which could be built-out without further consideration of the LPA. The proposal would be within the settlement area, though the waste-water drainage situation has not been established.

- Possible Alternative Use

The proposal would be unlikely to have an alternative use outside the domestic activity of the site.

- Summary Conclusion

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The sites location within an urban built-up area in the AONB is a key consideration. www.conservancy.co.uk

The positioning of the proposal would have a localised impact on the character and appearance of the site and the immediate surrounds. The proposal lies within the historic central area of the settlement and has reflected its setting in the design and appearance of the building.

The scale of the works would be an increase on the earlier permission for a four-bedroom house, but in comparison the proposed five-bedroom dwelling would reflect and represent much of the character and design of the earlier approved scheme.

The proposal would have a visual impact on the AONB, but this limited due to its largely enclosed location within this urban built-up area of the AONB. Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

The control of lighting associated with the new dwelling would need to be restrained and proportional to the desire to maintain the character and ambiance of the AONB.

The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection. The requirement to make suitable mitigation towards the Solent Bird Aware programme would however be a necessity.

Other Comment

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as any overlooking impact to neighbouring property and gardens, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

A copy of this planning assessment report is attached to the consultation comment response to the LPA for information and for open transparency public view.

Chichester Harbour Conservancy manage and advise on the
Chichester Harbour Area of Outstanding Natural Beauty
One of the UK's National Landscapes

Final report following CHC Consulted Delegated Decision Process with Members

Site assessment 01-03-2021 LPA request reply 19-02-2021 Comment to LPA: 08-03-2021

LPA Planning Case Officer: Lesley Wells

Chichester Harbour AONB: David Rothery – Principal Planning Officer

This comment and recommendation is made having regard to the Policy framework:

- Chichester Harbour AONB **Landscape Character Assessment** (CBA update 2019)
- Chichester Harbour **Management Plan** (2019-2024)
- Chichester Harbour **AONB Planning Principles** (Management Plan version April 2019)
- Chichester Harbour **AONB Joint Supplementary Planning Document** SPD (2017)
- National Planning Policy Framework (Revised 2018)
- National Planning Practice Guidance (2014)
- Havant Borough Local Plan (2011/2014)

Visit our webpage – www.conservancy.co.uk/page/planning

One of the UK's National Landscapes



Chichester Harbour Conservancy

The Harbour Office,
Itchenor, Chichester, West Sussex PO20 7AW
T: 01243 512301 E: info@conservancy.co.uk

