

CHICHESTER HARBOUR
AREA OF OUTSTANDING NATURAL BEAUTY
PLANNING ASSESSMENT REPORT

CHC AONB Unit Report: Fully Delegated Decision Process

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14 King Street, Emsworth, Hampshire

Planning Application: **APP/20/00762 – RETROSPECTIVE SUBMISSION**

Proposal for blocking up 1x external door on north-west elevation (**Retrospective application**)

Chichester Harbour AONB Unit Recommendation – No objection

Suggested considerations –

- no conditions offered as proposal is retrospective, the works having already taken place

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.

- 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), Policy 6 (Water Quality), Policy 8 (Thriving Wildlife), Policy 13 (Prosperous Economy), and Policy 15 (Historic Environment and Heritage Assets), together with Policy 9 (Health and Wellbeing) being of particular relevance.



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- 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.

- Joint Chichester Harbour AONB Supplementary Planning Document

The Joint Chichester Harbour Area of Outstanding Beauty Supplementary Planning Document (2017) requires that any development proposed affecting the AONB should be guided by measures to protect, conserve, and enhance natural beauty and wildlife (Section 2 overarching principles). The SPD is adopted by both Havant Borough Council and by Chichester District Council as part of their planning policy and development control approach.

The SPD provides detailed guidance on the level of acceptable development within the AONB. All development within the AONB should follow the guidance as closely as possible. Section 8 (page 17) 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. A Landscape Visual Impact Assessment may be necessary in sensitive areas of exposed wide landscape character. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

- Local Planning Authority - Local Plan Document

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/20/00763: Listed Building Application for blocking up 1x external door on north-west elevation (Retrospective application). Pending determination.

Numerous other applications for this Listed Building within the Conservation Area and for tree works and various alterations to appearance of building (door, window, porch changes).

Contextual Consideration

The site lies 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 area of the AONB. The area is part of Emsworth, positioned within the central core of the settlement. The red-line application does not have a boundary

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with a coastal frontage. The proposal would therefore have a visual impact to the character of the AONB built-up environment in this urban locality.

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The site is understood to lie within a Conservation Area. The property is also believed to be a building on the scheduled list of buildings of historic or architectural importance. No information has been provided but the site is assumed as being within Flood Risk Zone 1: Low Probability of flooding.

Site Location and Existing Development

The application site is located to the central south part of the Emsworth settlement area. The site is situated to the north side of King Street. The building is set back from the street frontage. The property is the eastern end of a short terrace of three substantial dwellings. The east elevation faces a small side garden area to a gravelled driveway that serves the site.

Submitted Proposal and Supporting Documents

The application proposal has been carried out. The works related to the closing up of an external doorway to the ground floor of the north-western elevation to the rearward projecting part of the building. The area of work is totally screened from public viewpoints. This work has been completed in matching brickwork. Internally a wall has been opened to enable a shower room to be created and accessed from a wash-room.

It is noted that a Design, Access and Heritage Statement, and a Flood Risk Form has been submitted in support of the proposal. The supporting documents have been considered alongside the planning application submission form and plans/drawings.

Applicants Approach

The applicant has made no reference the application proposal within its context and setting of the Area of Outstanding Natural Beauty (AONB) in the submitted documents for the proposal.

The proposal has apparently therefore been made without acknowledgement of the status of the AONB and Management Plan. There is no recognition made to the AONB planning policy documents relevant to the consideration of the proposal (see above in Planning Approach section). Furthermore, the applicant has failed to make any reference to, or to consider the LPA Local Plan Policy specifically addressing the AONB (HBC Core Strategy Policy CS12).

The proposal has apparently therefore been made without the expected due professional understanding, care or oversight that would be considered appropriate in this regard. Given the small scale householder nature of the proposal, this is regrettable and not unexpected, and is unfortunate given the protected status of the AONB.

Planning Assessment

- 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.

In general planning terms, the principle of –

1. the proposed use and activity resulting from the development
2. the proposed physical works and finished treatment and appearance
3. the proposals appearance and impact within the AONB Landscape



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would require a full and detailed consideration and assessment of potential, possible, and probable impact of both (1) the use and activity and (2) the physical works, to the character and appearance of the site and locality within the AONB landscape.

The principle of the proposed use and activity would not be a significant concern due to the use being unchanged as part of the residential use of the host property.

The indicated changes to the physical appearance of the property have been carried out. The works to block-up a former external doorway have been carried out without harm to the character or appearance of the building or the area in general. The proposed and implemented works are considered to have little discernible impact on the AONB area.

- Wildlife and Biodiversity

Natural England provide guidance on the protection of protected wildlife species. Protected Species of wildlife are legally protected under Wildlife and Countryside Act 1981 (as amended) (Section 5) and The Conservation of Habitats and Species Regulations 2010, making it an offence to intentionally or recklessly (1) deliberately kill, injure or capture bats; (2) deliberately disturb bats, including in particular 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 affect significantly 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 proposed and implemented works have no change or increase in the floor space of the dwelling and would similarly not alter the profile of the building envelope. The works close off a doorway entrance. The impact to the perceived disturbance of wildlife areas is therefore limited.

The proposal should not obviously impact on existing wildlife habitats. The proposal would not therefore be viewed as harmful to the wildlife or biodiversity of the site.

- Possible Alternative Use

The proposal would be unlikely to have any implication for an alternative use or activity outside the domestic activity of the dwelling

- Summary Conclusion

The proposal would have a localised impact on the dwelling and the immediate surrounds. The proposal would have a minimal impact on 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 proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

Other Comment

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.

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.

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Chichester Harbour Conservancy manage and advise on the
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Plans viewed 20-10-2020 LPA request reply 15 Oct 2020 Comment to LPA 20-10-2020
LPA Planning Case Officer: Selina Donophy
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)

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