

Houghton, Michelle

From: David Rothery <David.Rothery@conservancy.co.uk>
Sent: 23 April 2020 09:53
To: Toole, Joseph; Havant Planning and Development Mailbox New
Subject: APP/20/00219 - and - APP/20/00220 - 23, Tower Street, Emsworth, Hampshire
Attachments: reply APP20.00219 EMS wall raised noobj.pdf; report APP20.00219 EMS new wall height increase noobj.pdf

From: David Rothery – on behalf of Chichester Harbour Conservancy (Area of Outstanding Natural Beauty unit)
To: Joseph Toole – Local Planning Authority Planning Case Officer

23, Tower Street, Emsworth, Hampshire
Planning Application: **APP/20/00219** (and associated LBC case **APP/20/00220**)
Proposal for erection of garden wall on top of existing concrete retaining boundary sea wall

No objection

Please find enclosed the consultation comment letter relating to the proposed development that falls within / lies adjacent to, the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and a public copy of the Chichester Harbour AONB Planning Assessment Report for your information and open transparency public view.

This consultation comment has been made via the Chichester Harbour Conservancy fully delegated decision route. This **cover email**, the **consultation response** and the **assessment report** are all [suitable for open public viewing](#).

The delay in making this consultation comment results from the current limitations in the normal operational role and working practice of the CHC due to the coronavirus Covid-19 restrictions imposed for a safe workplace environment.

D Rothery

Mr D Rothery
Principal Planning Officer
Chichester Harbour Conservancy - Harbour Office - The Street - West Itchenor - West Sussex - PO20 7AW

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

Please note that I work part-time / job-share for two-days a week

Chichester Harbour Area of Outstanding Natural Beauty (AONB) Unit

Chichester Harbour Conservancy Area of Outstanding Natural Beauty – one of the UK's National Landscapes

Planning
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

Chichester Harbour Conservancy

www.conservancy.co.uk

23 April 2020

St George's Day

To the planning case officer,

Dear Joseph Toole,

23, Tower Street, Emsworth, Hampshire

Planning Application: **APP/20/00219** (and associated LBC case **APP/20/00220**)

Proposal for erection of garden wall on top of existing concrete retaining boundary sea wall

Thank you for consulting The Chichester Harbour Conservancy concerning the above planning submission. The Conservancy is a non-statutory consultee.

The landscape of Chichester Harbour was recognised as nationally important when it was designated as an Area of Outstanding Natural Beauty (AONB) in 1964, through the National Parks and Access to the Countryside Act of 1949. The Conservancy was established by the Chichester Harbour Conservancy Act of 1971. The purposes of the Conservancy are the responsibility for navigation and the conservation of nature. The Countryside and Rights of Way Act of 2000 formally established the Conservancy as the Joint Advisory Committee for the AONB, with the purpose to conserve and enhance the natural beauty of the landscape.

In its role in managing the Chichester Harbour Area of Outstanding Natural Beauty (AONB), The Conservancy has considered the submitted proposal against the Conservancy's planning guidance and principles - including The Chichester Harbour Management Plan (2019-2024), The Chichester Harbour Planning Principles (Management Plan version April 2019), The Chichester Harbour AONB Landscape Character Assessment (CBA update 2019), and The Chichester Harbour AONB Joint SPD (May 2017), adopted by both Chichester District Council and Havant Borough Council.

Under the Chichester Harbour Conservancy officer fully delegated decision process, the Local Planning Authority (LPA) is hereby advised that the Conservancy makes the following comment in relation to the above application.

Chichester Harbour Conservancy Recommendation – No objection

The Conservancy recommends the following suggested considerations –

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms / to match the existing on site

Given its setting, the proposal for a raised garden wall 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 wall 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.

A copy of the Chichester Harbour Conservancy AONB Unit Planning Assessment Report is attached to this consultation response for your information and for open transparency public view.

Should you require any further clarification with regards to this recommendation please contact the CHC AONB Planning Unit.



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



The delay in this consultation assessment and response to the LPA has been brought about due to the current limitations in the normal operational role and working practice of the CHC resulting from the coronavirus Covid-19 restrictions imposed for a safe workplace environment.

It is noted that as of 23 April 2020 (the date of this dispatch) the LPA web site still shows this proposal as still pending a decision.

Yours Sincerely,

D Rothery

David Rothery
Principal Planning Officer
Chichester Harbour Conservancy AONB Unit

Visit our webpage – www.conservancy.co.uk/page/planning
One of the UK's National Landscapes

CHICHESTER HARBOUR
AREA OF OUTSTANDING NATURAL BEAUTY
PLANNING ASSESSMENT REPORT

CHC AONB Unit Report: Fully Delegated Decision Process

www.conservancy.co.uk

23, Tower Street, Emsworth, Hampshire

Planning Application: **APP/20/00219** (and associated LBC case **APP/20/00220**)

Proposal for erection of garden wall on top of existing concrete retaining boundary sea wall

Chichester Harbour AONB Unit Recommendation – No Objection

Suggested considerations –

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms / to match the existing on site

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 Assessment identifies the Landscape Character Areas by defining 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. A landscape strategy is then established 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).



Chichester Harbour Conservancy

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

- 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 proposal.

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.

In addition, the following Planning Principles are also appropriate for consideration –

- Planning Principle PP03: Replacement Dwellings and Domestic Householder Extensions

The Planning Principles currently do not have any specific planning principle approach relating solely to curtilage boundary structures, outbuildings, fencing enclosures, or gates within the AONB. However, Planning Principle **PP03** may offer an acceptable approach whilst technically not being specific to such a proposal for such structures. The 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.

In this situation, the character and appearance of the garden boundary wall is to be considered within the setting of the site and the surrounding environment.

- Joint Chichester Harbour AONB SPD

The Chichester Harbour Area of Outstanding Beauty Joint Supplementary Planning Document (2017) Section 2 indicates four overarching principles that any development proposed in the AONB should be guided by to protect, conserve, and enhance natural beauty and wildlife. 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.

The Joint Chichester Harbour AONB Supplementary Planning Document (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.

The adopted Chichester Harbour AONB Joint SPD (2017) 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.

Relevant Planning History –

The planning application history includes the following relevant case-

APP/18/00762 (and associated LBC case **APP/18/00763**) - Proposal for installation of wooden trellis fencing to existing wall in internal courtyard. Commenting on 29 August 2018 CHC raised no objection. The application was Approved by the LPA on 14 September 2018.

APP/15/00851 (and associated LBC case **APP/15/00852**) -. Replace listed wall to Tower Street access with new boundary wall reusing original materials and matching new materials where necessary and remove earth mound. Commenting on 16 September 2016 CHC raised no objection. The application was Approved by the LPA on 6 October 2016.

Contextual Consideration –

The site lies within the AONB occupying a built-up town location. The red-line application site has a boundary with a coastal frontage. The proposal would therefore have a visual impact to both the character of the AONB harbour coastal waters as well as the AONB countryside in this town locality. The application property is a Grade II listed building. The site lies within the Emsworth Conservation Area.

Location and Existing Development –

- Site Location

The application site is located to the south of Emsworth town. The site is situated to the west of Tower Street, where access is taken from and the dwelling itself is located to the west side of the site and along the Chichester Harbour coastline. To the north, east and west of the application site are other properties.

- Existing Property

The house is set back from the coastal footpath frontage and sits on higher level land. The southern boundary comprises a concrete finished wall with a staircase set into the wall and set back into the raised grounds of the site. A horizontal timber two-railing fence sits on top of the existing wall.

Proposal –

The proposal is for removal of the timber railing and replacement with a concrete faced brick wall with a top section made from a wooden fence enclosure. This would raise the solid area of the wall and offer more screening and better (if required) defence against high waves from the harbour waters. The stairwell retaining wall would also be increased in line with that on the boundary.

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.

The principle of the proposed works to site sea wall would not be a significant concern to the character of the locality, subject to detailed consideration and assessment of potential and probable impact.

- Applicants Approach

The applicant/applicant's agent have made various references 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 however 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/applicant's agent has failed to make any reference to, or to consider the LPA Local Plan Policy specifically addressing the AONB (Policy 43).

- Visual Impact within the AONB Landscape

The proposed works are like those that existing to nearby properties fronting the coastal footpath and harbour waters. In this regard the proposed works would sit within a similar setting to others in the locality. That accepted, the proposal has to be considered on its own acceptability within the AONB.



In this regard, visually the raising of the concrete wall would be an improvement on the current wall and timber railing fence that sits on top of the boundary.

- Summary Conclusion

Given its setting, the proposal for a raised garden wall 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 wall 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.

The application includes a Design and Access Statement, and a Heritage Statement both of which have been considered alongside the planning application submission documents.

The delay in this consultation assessment and response to the LPA has been brought about due to the current limitations in the normal operational role and working practice of the CHC resulting from the coronavirus Covid-19 restrictions imposed for a safe workplace environment.

Site viewed 15-04-2020 LPA request reply 3 April 2020 Comment to LPA 23-04-2020

LPA Planning Case Officer: Joseph Toole

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** (adopted 17.10.16 and 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)
- Havant Borough Design Guide (2011)
- Emsworth Conservation Area CACA & Management Plan
- Emsworth Design Statement
- Draft Emsworth Neighbourhood Plan (2018)

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

One of the UK's National Landscapes