

For questions regarding this agenda please ask for Chris Punnett - email: chris@conservancy.co.uk

9th December 2009

CHICHESTER HARBOUR CONSERVANCY - PLANNING COMMITTEE

A meeting of the Conservancy's Planning Committee will be held at **2.15pm** on **Monday 14th December 2009** at **County Hall, Chichester**.

JOHN DAVIS

Manager & Harbour Master

AGENDA

1. Apologies

2. Declaration of Interests

Members and officers are invited to make declarations of personal or prejudicial interests that they may have in relation to items on the agenda and are reminded to make declarations at any stage during the meeting if it then becomes apparent that this may be required when a particular item or issue is considered.

3. Minutes of the Committee meeting held on 16th November 2009 (page 3).

4. Urgent Matters

Items not on the agenda which the Chairman of the meeting agrees should be considered as a matter of urgency due to special circumstances (if members have any urgent matters they are asked to consult the Chairman before the meeting commences).

5. Development Control Applications

To consider planning applications upon which the Conservancy has been consulted, which members have been notified of previously, and to make recommendations to the appropriate local planning authority (page 19).

6. Proposed Protocol Between Natural England And Chichester Harbour Conservancy For Spatial Planning Matters Affecting Chichester Harbour AONB

To consider the report of the Manager & Harbour Master (page 27).

7. Development Control - Delegated Action

To note action taken by the Manager & Harbour Master, with the agreement of the Chairman, in submitting observations on planning applications upon which the Conservancy has been consulted by the local planning authorities, comments on which were required before the date of this meeting (page 37).

8. Appeal decision: 5 Leander Road, Bosham

To note the Inspector's decision in respect of Appeal reference no. APP/L3815/A/09/2106335 (page 41).

Date of Next Meeting: The next meeting of the Committee will be held at **11.15am on Monday the 18th January 2010**, at County Hall, Chichester.

Committee Members

From the Conservancy:

Chichester DC: Mr Adrian Moss and Mr David Myers
Deputy: Mr John Connor

Hampshire CC: Mr Tim Knight (ex officio as Vice-Chairman of the Conservancy),
Mr Frank Pearce and Mr Alan Rice
Deputies: Mrs Ann Buckley and Dr Ray Ellis

Havant BC: Mrs Sheila Pearce and Mrs Virginia Wilson-Smith
Deputy: Mr Terry Hart

West Sussex CC: Mr Bill Acraman, Mrs Louise Goldsmith (ex officio as Chairman of
the Conservancy) and Mr Pieter Montyn
Deputy: Mrs Deborah Urquhart

From the Advisory Committee:

AC Cons' Members: Mr Steven Schrier and Mr Peter Taylor
Deputy: Mr Nick Fox

Local residents: Mr Richard Meynell

Farming/landowning: Mr Simon Sprackling

Environmental: Mr Steve Gilbert

Additional two reps: Mr Peter Henshaw and Mr Peter Wills

CHICHESTER HARBOUR CONSERVANCY

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held at County Hall, Chichester on 16th November 2009.

Present:

Mr Steven Schrier (Chairman)

Mr Peter Henshaw

Mr Tim Knight

Mr Richard Meynell

Mr Pieter Montyn

Mr Adrian Moss

Mr David Myers

Mr Frank Pearce

Mrs Sheila Pearce

Mr Alan Rice

Mr Peter Taylor

Mrs Virginia Wilson-Smith

Officers: John Davis (Manager & Harbour Master), Linda Park (Planning Officer) and Chris Punnett (Administrative Officer).

APOLOGIES

199. Apologies were received from Mr Steve Gilbert and Mrs Louise Goldsmith.

MINUTES

200. **Resolved** that the minutes of the meeting of the Committee held on 19th October 2009 be approved as a correct record and signed by the Chairman.

MATTERS ARISING

Caravans at Lock Lane, Birdham

201. A member referred to an enforcement issue he had raised at the previous meeting, which had not been minuted, and enquired as to the position. The Planning Officer advised that she had raised this with Chichester District Council, and been informed that enforcement action was being taken.

FB/09/02431/OUT – Salthill Road, Fishbourne (minute no. 185 refers)

202. The Committee was advised by a member that this application, which the Conservancy had recommended should be refused, had been permitted by Chichester District Council, principally because previous objections by Natural England and the Environment Agency had been withdrawn.

203. The Manager & Harbour Master advised that he was disappointed by the approach of Natural England, which had withdrawn its objection to this application in the light of mitigation measures identical to those proposed for the Graylingwell development at Chichester. Such mitigation measures were not appropriate for a site such as this, so close to the harbour, and furthermore Natural England had given an assurance that the Graylingwell package would not set a precedent for other sites. This was precisely what had happened in this case, and he was extremely concerned for the precedent which would be set for other sites identified during preparation of the Local Development Framework (LDF).

DEVELOPMENT CONTROL APPLICATIONS

204. The Committee considered a report detailing the Manager & Harbour Master's recommendations to the local planning authorities on Development Control applications, a copy of which is attached to the signed minutes. The Planning Officer presented the applications, utilising a PowerPoint presentation to identify and describe the applications and sites.

09/53376/016 - Yacht Building Yard Mill Rythe Lane Hayling Island PO11 OQG - demolition of existing substandard buildings used for marine associated industrial purposes. erection of new buildings for marine associated industrial purposes and offices. provision of 40 new pontoons. the removal of temporary buildings

205. The Manager & Harbour Master advised the Committee that this new application forms a resubmission, and includes additional information to address the majority of the Conservancy's concerns, although certain detailed aspects remained to be resolved. In this connection he circulated to members at the meeting a copy of an email sent to the applicant's agent by Havant Borough Council (HBC) on 12th November, raising a number of matters of concern, a copy of which is attached to the signed minutes.
206. Members noted from the HBC email that on design grounds the office element of phase 1 should be subservient to the remainder of the building, but that this contained three floors (not two as stated in the email) and that the top floor was intended as storage for chandlery stock. The Committee agreed that the design of the buildings was acceptable to the Conservancy for the location and intended purpose.
207. The Committee considered the information contained in the Manager & Harbour Master's report, as detailed below:

"Hayling Yacht Company (HYC) is a family owned boat yard located on the east coast of Hayling Island, at the head of the southern part of Mill Rythe, a tidal inlet of two arms divided by the headland of Verner Common. The site lies within the AONB and in the rural area as defined in the Havant Borough Local Plan, and the tidal areas it extends into are the subject of various European nature conservation designations including a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) for wild birds, a Ramsar wetland of international importance, and a Special Area of Conservation (SAC).

"The boat yard has been operating on the site since 1935, and provides customers with dry land winter storage, maintenance and repair service and facilities, osmosis treatment and pontoon berthing. The business currently employs 12 people and has five business tenants on site. It is located within the Mill Rythe industrial area, which contains various other commercial uses including a car breakers and an aluminium fabricators. Currently the business has winter storage for approximately 220 yachts, 116 pontoon berths and 70 swinging moorings.

"HYC houses several buildings including two large corrugated metal boat sheds located close to the water and which are in need of replacement; a two-storey office building set behind these as viewed from the water, and an osmosis treatment shed. There are also several temporary buildings and structures on the site. The large boat sheds and other buildings are visible from the wider landscape and water to the north, including from the foreshore public footpath, and from the water to the east and southeast, including from

the main Harbour channel, viewed in the context of the surrounding boats and their masts, the adjacent industrial buildings, and against a backdrop of mature trees.

"An application was submitted in May 2009 (reference 09/53376/015) for the redevelopment of the site through the demolition of the existing buildings and the erection of two large replacement buildings, shown as 'phase 1' and 'phase 2'. It was also proposed to transfer 38 swinging moorings to finger berths which would be partly located on a new pontoon (constructed from wooden walkways and polystyrene floats) to be positioned to the south of the existing southernmost pontoon (in the approximate position of an existing unused, unauthorised pontoon), and partly located on the south side of an existing pontoon, where two large houseboats are currently located. As part of this reorganisation, the two existing houseboats would be relocated 38 metres further south, to the outer (south) side of the new pontoon.

"The application was withdrawn as a result of the requests for further information from the Council, the Conservancy and Natural England to enable an informed assessment of the application. We concluded that the application lacked sufficient information relating to both the landscape and ecological impact of the proposals and therefore we requested further information, including coloured elevation plans/photo montages to show the existing and proposed 'Harbour scene' (with phase 1 only and with both phases completed for comparison purposes), and the proposed site layout/parking with only phase 1 completed; details of the proposed materials and finishes for the buildings including colour (and proposed detailing of the office/ancillary element of phase 1 including the balcony), details of any proposed roof lights; details of proposed external lighting; details of the proposed programme/timing of the works; further information to demonstrate the ecological impact of the proposals including any loss of intertidal habitat, details and impacts of the proposed dredging works (and proposals to address any impacts); proposals to provide satisfactory waste disposal from the houseboats; and information to show which 'temporary structures' (as referred to in the statement) would be removed as part of the redevelopment.

"The proposed replacement buildings would be carried out in two phases, and have not changed since the previous application. Phase 1 relates to the smaller of the two boat sheds and would be sited approximately 16 metres further towards the Harbour than the existing building. This phase of the proposals comprises two different elements, both being higher than the existing shed (which is 7.1 metres high). The main section would provide three workshop areas and be clad in vertical profiled metal with three large roller-shutter doors, a brick plinth and a mono-pitched roof 7.6 metres high. The office element, which would be the closest part to the Harbour, would have a mono-pitched roof 8 metres high (almost a metre higher), and would provide a chandlery, offices, a store, laundry, small kitchen, shower/locker rooms and toilets and would be clad in 'horizontal' cladding, to include a lean-to porch element and windows. A balcony element (2 metres deep) is shown on the east side of the office element facing the Harbour, with a balustrade made up of square proportioned elements, and materials have now been specified as being stainless steel handrails and uprights with stainless steel rigging wire.

"Phase 2' would provide five workshop areas and would be L-shaped with five large roller-shutter doors and mono-pitched roofs varying between 8 and 9 metres high. The entire building would be clad in vertical profiled metal with a brick plinth. This phase relates to the larger of the two boat sheds, and would be sited further away from the Harbour than the existing building, with a smaller footprint and a roof approximately 40cm lower than the existing shed. Overall, once phase 2 has been completed, there would be a reduction in footprint of the buildings on the site of approximately 400 square metres. Rooflights have now been shown on the elevation plans for clarity, although are not included in the axonometric drawings. The proposed colour has also been confirmed as being 'Corus Juniper Green' (a dark green agreed on in pre-application discussions). Photo montages of the proposed buildings have now been provided, which show proposed phases 1 and 2 separately as viewed from the water within Mill Rythe.

"As before, the proposed redevelopment would involve employing three additional members of staff, taking the total to 15. The car parking layout would be reorganised to provide a block of 26 spaces in between the two new buildings, and 11 spaces behind them as viewed from the Harbour (an increase of 21 spaces). The proposal would include the removal of 12 out of the 17 trees on the site (although these are generally small, poor quality trees). The plans include a small area of proposed soft landscaping to the rear of the 'phase 1' building, adjacent to an electricity substation.

"Further information has been submitted to show the location of the swinging moorings to be removed, which are located within Mill Rythe, out into the main channel and beyond. The number of these moorings to be transferred onto pontoon berths has also now been increased from 38 to 42, and consequently, the length of the proposed new pontoon has also increased from the previous application.

"The Conservancy's Management Plan policies and development plan policies are supportive in principle of improvements to boatyards as these are a vital part of the Harbour's infrastructure. However, boatyards need to evolve appropriately with the environmental impacts being carefully considered in accordance with the relevant AONB and nature conservation policies, and this is a sensitive site which is visible for some distance from the Harbour and public footpaths. Visual intrusion from boatyard sheds is highlighted as a key issue at Mill Rythe in the Chichester Harbour AONB Landscape Character Assessment. It also points out that boatyards and industrial sheds are prominent in some open views across the area. The location of the site adjacent to various European nature conservation designations also makes it important that any impact on these sites is carefully considered.

"The proposed new pontoon has been increased in length from the previous application so that it extends into the navigable channel. We have therefore asked that the pontoon be reduced in length and are awaiting amended plans. We remain of the view that the proposed new pontoon and finger berths and the relocation of the houseboats would not be significantly detrimental to the wider AONB landscape, since they would be viewed mainly in the context of the existing boat yard. Also, the relocation of the existing swinging moorings onto fixed pontoon berths can be supported in principle as per policy J5 of the Management Plan given the benefits to the safety of navigation in the Harbour by creating more space in the channels.

"The photo montages are a useful tool in considering the landscape impact of the proposed new buildings. While we previously raised concerns relating to the increased size and bulk of proposed phase 1, on balance it is felt that with the use of the dark green cladding agreed (for the roof as well as the walls) and with suitable controls over the colour finish and materials of the proposed windows/roller shutter doors and rooflights (which should be of dark or non contrasting colours to minimise their visual impact), the wider landscape impact would be acceptable. This would certainly be the case once phase 2 is completed, as its reduced height and footprint and its position set further back into the site in comparison with the existing building would help to offset the increased bulk of the phase 1 building once the redevelopment is completed. The supporting statement now suggests that following the installation of the new pontoon and relocation of the houseboats by the end of 2009, it is proposed to carry out phase 1 starting in Spring 2010. We would therefore hope that there would not be a significant delay before phase 2 is carried out, in order to complete the redevelopment with the environmental benefits it should bring. However, the applicant states that this depends on the health of the national economy.

"An external lighting statement has been submitted which indicates that the existing floodlights would be removed and replaced with flat glass lanterns mounted under the eaves of the new buildings, with horizontal and forward cut-off to avoid sky glow or light spillage beyond the site. This should be more environmentally sensitive than the existing lighting; however, we would wish to see a suitable condition imposed to agree the details and location of any lighting and to restrict its hours of use, as recommended in the submitted statement.

"It is argued that the ecological impacts of the new pontoon and berths would be off set by the surrendering of 42 existing swinging moorings located further out in Mill Rythe and the main Harbour channel. Mitigation calculations have now been submitted which estimate that the area of intertidal disturbance from the new pontoon, the new berths and the moving of the houseboats would be significantly less than the area of intertidal mudland currently disturbed by the swinging moorings (3444 square metres as opposed to 5230 square metres). Further information is also provided regarding the bottom levelling that would take place to accommodate the new pontoon. We note that Natural England has concluded on the basis of this additional information that the proposals would be unlikely to have a significant effect on the interest features of the SPA/Ramsar/SAC site, but have asked for suitable conditions to be imposed on any permission granted, relating to securing the wasting of the existing 42 swinging moorings as presented in the application through a legally binding mechanism; the timing of construction works and the use of best practice to minimise disturbance; reasonable precautions being undertaken to ensure no pollutants enter the Harbour; restricting vehicle movements within the SSSI to a minimum; and spoil being removed from the site within one week of production. Natural England also recommends that there should be a general clear-up of the intertidal area within the immediate vicinity, and this reflects advice that has consistently been given to the applicant by the Conservancy.

"Details of an on-board 'LectraSan' sewerage treatment system for the houseboats has been submitted, in which a toilet is linked to a treatment tank which treats the sewage over a short period by eliminating most of the bacteria and viruses before discharging it into the Harbour. Natural England has advised that the interests of the Solent European Marine Site would be better served if the current untreated sewerage discharge into the Harbour were changed so as treatment/disposal was made terrestrial. We agree with this statement and following further investigation, have concluded that the proposed 'LectraSan' system would not be acceptable since while this system does provide some bacteriological and viral treatment, it is not approved for inland waterways in the UK and is more suited to open coastal waters than estuaries. There are systems of holding tanks and pumps that could discharge sewage into the shore side drainage system from the two houseboats and we would ask that such a system is required by condition to avoid sewage sludge being discharged directly into the Harbour."

208. The Manager & Harbour Master advised at the meeting that it had now been confirmed that the site was not connected to mains drainage. As a consequence, even if the sewage from the houseboats was treated ashore, the proposals may mean that it was then discharged into the harbour. He suggested that the Environment Agency should be consulted on this and asked to confirm that such discharges are acceptable, bearing in mind the protected status of the harbour.
209. The Committee agreed that the prosperity of such marine-related businesses was important to the economic well-being of the harbour. Members were supportive of the proposals but wished to ensure that the opportunities for environmental improvements for this sensitive site within the AONB were incorporated in any permission to be granted. They noted that although further information has been presented to address the majority of the Conservancy's concerns the application still lacks clarity on certain points. They agreed that it was particularly important that suitable conditions were imposed, followed up and agreed in writing prior to the commencement of the development, in order to ensure that the proposals are carried out sensitively and appropriately.
210. **Resolved** that Havant Borough Council be advised that the Conservancy proposes no objection, but asks that the following matters be negotiated if possible:

- (i) Details of materials and finishes (including colour) for proposed windows, doors, roller-shutter doors and rooflights to be agreed;
- (ii) Proposed metal cladding for the walls and roofs of both buildings to be in 'Corus Juniper Green' as indicated;
- (iii) Details and positions of proposed external lighting to be agreed and managed by condition (including hours of use);
- (iv) Details of an alternative sewage system for the houseboats be agreed and implemented which pumps the sewage ashore and not into the Harbour, subject to the Environment Agency confirming that in the absence of mains drainage, discharge of the resulting effluent into the harbour is acceptable and will not have an adverse effect on water quality;
- (v) A suitable condition to be imposed to agree details of the temporary structures to be removed from the site (as referred to in the supporting statement but not shown on the plans);
- (vi) Conditions as requested by Natural England to be imposed.

BO/09/03509/FUL - Land South Of Hook Lane, Bosham, West Sussex - agricultural barn and access

211. The Committee considered the information contained in the Manager & Harbour Master's report, as detailed below:

"The application relates to an agricultural holding of some 67 hectares north of Old Park Wood on the Bosham peninsula. The site itself relates to a field directly north of Old Park Wood where it is proposed to site an agricultural barn for the storage of grain and machinery from the farm, some 290 metres south of Hook Lane. The farm currently has no storage or drying facilities on site.

"Planning permission was granted in 2006 (BO/06/04763/FUL refers) for the erection of a barn for the same purpose further north and west towards Hook Lane, and to the east of the Church Farm commercial development. The Conservancy raised no objection to this application. The Council's agricultural advisor concluded that the barn was reasonably necessary for the purposes of agriculture within the holding. This approval has not been implemented and has almost expired.

"The current application proposes an identical building to the approval, but in a new alternative position further southeast, adjacent to Old Park Wood, with the installation of an access track across the field boundary leading from Hook Lane to the site. This alternative position is being sought due to the applicant having problems negotiating access to the approved location with the adjoining landowner.

"The barn would be 39.2 metres long and 13.2 metres wide, with elevations clad in feather-edge wooden boarding in a tarred (black) finish, under a clay tiled roof rising to 9.8 metres high. The proposed access track would consist of two parallel tracks one metre wide, each of compacted rubble (150mm deep), with the crevasses filled with topsoil and seeded with hard wearing grass track mix. There would remain a central grassed area two metres wide between the two tracks. The proposed barn would include a small hardsurfaced area in front which would be treated in a similar manner. It is proposed to provide new native hedgrow planting to the south and east of the barn.

"We are supportive in principle of a facility which would enable the safe, secure storage of goods for the agricultural unit, and which has been demonstrated as a necessary facility for the farm during the previous application. The proposed design remains unchanged and would be sympathetic to the open, rural landscape setting, being of a low form and of rustic, natural materials in dark tones to minimise its visual impact. Conservancy officers discussed the various options for the alternative siting of this barn with the applicant prior

to this application. The proposed siting was considered to be the option with the least landscape impact in this very open, rural part of the AONB. The proposed siting is also considered to be preferable to the approved siting, being significantly further from the public footpath running along Hook Lane to the north, and viewed against the backdrop of the mature woodland to the south.

"The existing field boundary hedgerow which would be retained alongside the access track, in combination with the proposed new planting would help to soften the visual impact of the proposed barn. Furthermore, the land levels dip in the vicinity of its exact siting which would further help to minimise any visual intrusion from the building. Due to the proposed use of 'eco-mix' and grass for the access track, it is not considered that it would have a detrimental landscape impact as it would have a natural appearance and would follow the existing field boundary."

212. The Committee considered the construction of the track to be acceptable, but Members were puzzled by the location proposed for the barn, being well away from any other buildings and in an isolated position on the extreme edge of the farm. Members also queried the design of the barn, as in all other such applications which came before the Committee applicants usually stated that such an attractive traditional design was not suited to modern farming techniques or machinery. They accordingly agreed to ask that the Council's agricultural adviser advise on the justification for the barn in the style and location proposed.
213. **Resolved** that Chichester District Council be advised that the Conservancy proposes no objection, but asks that the following matters be negotiated if possible:
- (i) The Council's agricultural adviser to be asked to advise on the justification for the barn in the style and location proposed;
 - (ii) The proposed barn to be restricted to agricultural use only (as per conditions 4 and 5 of permission 06/04763/FUL);
 - (iii) The existing hedgerow alongside the proposed access track to be retained and supplemented as necessary;
 - (iv) The proposed hedgerow planting to the south and east of the proposed barn to be carried out as soon as possible following completion of the building and to be of a native species typical of the AONB (as per condition 6 of permission 06/04763/FUL).
 - (v) The proposed materials for the entrance from Hook Lane onto the access track to match those used for the track or to be agreed in writing.

BO/09/03383/FUL - The Wheelhouse, Bosham Hoe, Bosham, Chichester, West Sussex, PO18 8ES - replacement dwelling

214. The Committee considered the information contained in the Manager & Harbour Master's report, as detailed below:

"Wheelhouse' is a detached house on the northeast corner of the Bosham Hoe estate, fronting onto Furzefield Creek. A small woodland is situated directly to the west, which precludes views of the dwelling from the main Harbour channel. The property is surrounded by a mature hedge and trees on all boundaries. It is one of the smallest properties in the immediate area and was built in the post-war era, having white-painted elevations and a clay tiled roof, and a detached flat roofed garage sited to the eastern side, close to the foreshore, although not visible from the Harbour due to its low form being hidden behind the existing hedge. There are views of the main property above the hedge marking the shoreside boundary as one approaches the head of the Creek by boat.

"The application seeks permission for the demolition of the existing house and garage and the erection of a larger replacement dwelling of a traditional design. The new dwelling would have a footprint of 251 square metres (an increase of 86% over the existing footprint), and would extend about 8.6 metres further towards the edge of the Harbour. The house would comprise four distinct elements, including a garage with studio above constructed from brick elevations under a clay tiled roof just over 6 metres high with dormer windows and rooflights to light the studio; the main part of the house with a hipped slate tiled roof just under 9 metres high with dormer windows above rendered painted elevations (with traditional sash windows with Georgian glazing bars and a balcony facing the Harbour); a projecting two-storey element towards the Harbour with a lower hipped roof 7.9 metres high, and a single-storey conservatory to the southwest side with a flat roof and roof lantern. It is stated that muted, natural colours will be used for the painted render and that window frames would be painted pale grey, pale green or light brown in accordance with the AONB Design Guidelines.

"Conservancy officers held a pre-application meeting with the agent where we gave general advice about design and materials and raised several concerns about the impact of the proposed increase in bulk and footprint, in combination with the increased proximity of the new dwelling to the Harbour's edge. We asked that if possible the house be reoriented and resited so that it is set further into the western/southern part of the plot and therefore not extending so close to the Harbour. We pointed out the vulnerability of the hedge screening to removal or reduction by future occupiers to gain better views onto the Harbour and therefore felt that the siting and bulk of the proposed building needed to be acceptable in their own right. We also commented that we would prefer to see the dormer windows on the northwest elevation facing the Creek replaced with rooflights which would be less visually prominent, and that the extent of glazing on this elevation could also be reduced.

"The application has been submitted with only minor changes made to the garage element of the proposal (the element projecting closest to the Harbour's edge) since the pre-application discussion. The width of the garage has been reduced by approximately one metre and the roof has been redesigned to a part-hip, with the gable-glazing replaced with a dormer set into the hip. Consequently the dormer on the garage roof facing the Creek (northwest elevation) has been slightly reduced in size from the previous plans.

"Unfortunately no elevations or plans of the existing dwelling have been submitted, so it is difficult to compare precisely the shape, size and bulk of the proposed dwelling with the existing situation. However, we remain concerned about the increased footprint and height (and therefore bulk) of the proposed dwelling in combination with the proposed forward projection towards the Harbour in comparison with the existing dwelling, in particular, the projecting two-storey element and the garage element (incorporating two floors) which would both come significantly closer to the Harbour than the existing building, with the garage element coming within approximately two metres of the boundary with the Creek (the existing dwelling is set back over eleven metres).

"Whilst we find the overall design of the proposed dwelling acceptable, and we can appreciate that it is commensurate in size with other surrounding dwellings (including the one currently being constructed at 'Mariners' adjacent to the site); these other dwellings are generally set back a good distance from the Harbour's edge. The current proposal is effectively trying to place a much larger dwelling than existing in the narrowest part of the plot (and therefore coming very close to the Harbour). With the resultant increase in bulk this would be clearly visible from Furzefield Creek, even with the existing hedge in tact, which would be vulnerable to removal by future occupiers even with strengthening of this hedge with additional planting of native species as proposed as part of the application."

215. The Committee agreed with the Planning Officer that the token changes made to the garage element of the proposal are insufficient to overcome the Conservancy's significant concerns regarding the landscape impact of the forward projection and increased bulk of the proposal in combination. Members agreed that the dwelling should be reoriented and moved further west/south into the wider part of the plot, with the garage element relocated away from the Harbour. However, as only token changes have been made following pre-application discussions, which did not address the Conservancy's concerns, members felt they had no option but to recommend refusal of the application as submitted.
216. **Resolved** that Chichester District Council be advised that the Conservancy recommends that the application be refused.

WI/09/03424/FUL - Tidemark Spinney Lane Itchenor Chichester West Sussex PO20 7DJ - demolition of existing dwelling to build one new dwelling

217. Mr Taylor declared a prejudicial interest in this matter as a close neighbour of the applicant, and withdrew from the meeting during its consideration.
218. The Committee considered the information contained in an email to members sent after the agenda for the meeting had been dispatched, due to the late receipt of details of changes to the submitted application, as detailed below:

"These were the Conservancy's comments on the original application: -

"'Tidemark' is a very large detached dwelling fronting the Harbour on Spinney Lane. It is very prominent as viewed from the water to the north due to its exposed position, white elevations and the substantial width of built frontage facing the Harbour. It is set within a wooded, rural part of the landscape (outside any defined built-up area within the Local Plan) and is also visible from the public footpath running along Spinney Lane itself, to the south, although it is less exposed from this perspective due to a mature boundary hedge in excess of 2 metres high along the road boundary. The east and west boundaries are lined with mature trees and hedges. The existing building is made up of various elements including several gable features and is finished in white render, with black mock tudor boarding and matching window frames, and orange plain tiles to the roof. There are also several outbuildings, including a tennis pavilion close to the waterside (opposite a tennis court also situated close to the waterfront), a workshop building and garage/cottage outbuilding to the west side of the main building, and a larger garage building to the east side, close to the boundary with the road.

"This application seeks permission to replace the existing dwelling with a new 6-bedroom family dwelling with a slightly reduced footprint, from 645, to 630 square metres. The new building would have a frontage to the Harbour with three gable elements, all of which would mostly comprise square glazed elements. The new building would be sited no closer to the water than the existing, although it would continue parallel to the water at the closest point of the existing building, without stepping back on its eastern side as the existing building does. The roof would be the same height as the highest element of the existing roof (although floor levels inside have been raised 300mm to accord with flood prevention guidelines). The overall width fronting the Harbour would be similar to the existing main part of the building, without the existing double-gable-fronted extension on the western side.

"The proposed side elevations include roof eaves extending down to the top of the ground floor with dormers above, which helps to reduce the mass of the building. The front elevation facing Spinney Lane includes one fairly central gable element with glazing of a

similar style to those on the Harbour elevation, made up of square portions and filling the full width and height of the first floor. This front elevation would have a low-eaved hipped roof element extending southwards on the west side giving the building an overall L-shape, and would provide storage, a utility room, games room and a double car port. Materials would be beige-coloured render within a framework of natural timber tudor-style beams and matching window frames, with a small brick plinth running along the bottom of the building, and a clay tiled roof.

"We are supportive of the slight reduction in built frontage facing the Harbour and the softer palette of materials chosen for the new dwelling. However, in conjunction with Council officers, we raised various concerns in a meeting with the architect about the proposed design of the new dwelling, in particular relating to the excessive extent of glazing under the 3 proposed prominent gable elements fronting the Harbour, since we consider that these would significantly increase the prominence of the building and would create large, unsympathetic, reflective areas as viewed from the wider landscape. The impact of this glazing would be particularly noticeable on these 3 projecting elements, as there are no design features incorporated to reduce this impact, such as overhanging roofs to provide shade and interest for example. We also considered that the most exposed, Harbour elevation would be the most bulky of all 4 proposed elevations, and raised concerns about its repetitive design which it was not felt was sympathetic enough for this extremely sensitive location. We therefore asked if the design could be amended to help to break up its massing, such as the lowering of gable eaves to add interest to this most exposed elevation, and the introduction of recessed elements, both of which are features of the existing building. We commented that the treatment of the side elevations with eaves extending down to the top of the ground floor works well by substantially reducing the perceived massing of these elevations- we would therefore prefer to see this solution used on at least part of the Harbour facing elevation. Proposed recommend refuse."

"Further comments were made on a set of revised plans: -

"The architect has amended the plans in an attempt to address the concerns raised with regard to the extent of glazing and the composition of the north (Harbour-facing) elevation. The glazing on the 3 gable features has been reduced by 25% by halving the width of the outer panels at both ground and first floor level; the window frames have been altered to provide thicker vertical dividing bars (giving greater overall vertical emphasis - this has also been altered on the south elevation), and the 3 gable faces above the large glazed areas fronting the Harbour have been clad in timber.

"Whilst the reduction in extent and changes to the design of the glazed gable elements goes some way towards overcoming our concerns with the visual impact of the large glazed areas fronting the Harbour; the issue of the massing and repetitiveness of the Harbour-elevation has not been addressed through the simple addition of timber cladding. Whilst this may help to soften the overall visual intrusion of the building, it will not help to break up its bulk and massing. The applicant argues that the 3 gable features are being retained to respect and reflect the design of the existing building. However, the 3 gable features on the existing building are all different, with varied rooflines and eaves extending below the main roof behind, and are set onto a staggered building line - we feel that this varied design helps a great deal to add interest and to break up the monotony and repetitiveness of an otherwise very large elevation. We would still wish to see the proposed Harbour elevation treated in a similar way in order to achieve this, or the lower roof design proposed on the side elevations introduced on part of the Harbour-elevation as suggested above. Overall we do not consider that the current plans are sympathetic enough for this extremely sensitive location.

"We would also question the apparent absence of sustainable measures for the construction and operation of the building presented with the application, or the submission of a landscaping scheme, as additional planting could help to soften the impact of the building. Propose recommend refuse."

219. The Planning Officer advised that further changes had now been made to the plans. The glazing on the three gable features had been further reduced by the removal of the lower sections of glazing at ground and first floor level on all three gables to take on the more conventional form of six bay windows over two storeys; further subdivision of the glazed panels had been introduced through small square sections at the top of each 'bay' window; and the central gable face roof has been changed to a part hip facing the Harbour. Whilst she would still prefer, as previously stated, to see the north elevation broken up further through the use of lower eaves and/or recessed areas; on balance, she felt that the changes made addressed the majority of the Conservancy's concerns. The further changes to the glazing work well to reduce the overall impact of the design, and the part-hipping of the central gable feature helped soften the rhythm and repetitiveness of the elevation, over which Members had previously expressed concern.
220. Members agreed that the changes now proposed did meet most of their concerns, and they agreed that on balance this was an application that they could now support.
221. **Resolved** that Chichester District Council be advised that the Conservancy proposes no objection, but asks that the following matters be negotiated if possible:
- (i) Any approval relates to the latest revised plans received on 10th November 2009;
 - (ii) Samples of materials and colour finishes for the external faces of the dwelling be agreed prior to construction (including window frames);
 - (iii) A landscaping scheme be submitted indicating the planting of native species between the new dwelling and the Harbour;
 - (iv) Details of sustainable construction/design be submitted, agreed and incorporated into the scheme.

WI/09/03423/DOM – Tidemark, Spinney Lane, Itchenor, Chichester, West Sussex PO20 7DJ - replacement of outer buildings (pavilion/workshop), replacement of garage with accommodation, extension link between cottage and gym, south/east access widening, replacement of swimming pool

222. Mr Taylor declared a prejudicial interest in this matter as a close neighbour of the applicant, and withdrew from the meeting during its consideration.
223. The Committee considered the information contained in the Manager & Harbour Master's report, as detailed below, but was advised that the measurements quoted were incorrect, and that all figures in italics below should be doubled:

"These were the Conservancy's comments on the original application:

"This second application seeks permission to replace the tennis pavilion, garden store and garage outbuildings with oak framed, cedar clad, clay tiled pitched roofed buildings, and to erect a link extension between the cottage and the gym outbuilding, also including some elevational changes. It is also proposed to replace the existing circular swimming pool located to the northeast side of the property and surrounded by a low hedge, with a rectilinear one in approximately the same position. Finally, it is proposed to widen the eastern-most vehicular access onto Spinney Lane.

"The existing tennis pavilion is located close to the waters edge on the western side of the plot, and is a flat roofed building with black timber boarding and white windows. It is proposed to replace this with a deeper building with a pitched roof rising to just over 2.9 metres high (the existing roof is 1.3 metres high), incorporating a verandah at the front, leading onto an area of timber decking.

"The existing garden store is a small brick building with a pitched roof located just behind the front (road) boundary hedge on the eastern side of the plot. It is proposed to replace this with a larger, squarer building with a hipped roof rising to 2.7 metres high (the existing roof is just over 2 metres high).

"The existing garage is a flat roofed building located within the front garden to the eastern side of the plot, with black timber boarding and white windows. It is mostly obscured from view by the front boundary hedge. The proposal is to replace this with a longer, pitched roof building with three open bays for car, boat and bike storage, and an enclosed section for use as a pool and plant room to the south of the new swimming pool. The new pitched roof would have hipped ends and would be just over 3.5 metres high to the ridge (the existing flat roof is just under 1.4 metres high). The west and north elevation would include roof lights (a playroom would be accommodated within the roof), including a set of double doors with side lights on the pool room element.

"The proposed link between the existing cottage and gym on the west side of the main house would involve a continuation of the existing pitched roof at the same height, and the insertion of timber cladding and timber framed windows beneath. The existing building would remain in white-painted brick and flint elevations with black window frames. The existing triple garage doors would be removed and replaced with new timber doors with top lights, and a central glazed door with full-height glazed side-lights. It is stated that all boundary planting would be unaffected by the proposals.

"The proposed changes with the most impact as viewed from the Harbour will be the proposed tennis pavilion which is located very close to the water, and also the garage which whilst being further back, is clearly visible from this perspective. The proposed tennis pavilion would involve a building of more sympathetic design and materials but of a significantly greater bulk. The most significant change would be the addition of a substantial pitched roof. We would question the need for such a large roof over this building and would be concerned about the visual impact of the increased bulk in this close proximity to the water. We would suggest a significantly lower pitch, or preferably that the building is designed with a flat roof as this would make it much less conspicuous as viewed from the water.

"The proposed garage is also of serious concern; because the increase in bulk as a result of the new pitched roof some 2.1 metres higher than the existing building, on a building of this length and width, would be substantial, and as a result of the loss of the hedge around the swimming pool to the north, the building would become more exposed as viewed from the Harbour. It would also become clearly visible from Spinney Lane above the front boundary hedge, and there is concern that it would become quite a dominant structure when viewed from both perspectives. We would therefore ask that a reduction in bulk of the proposed roof, and screen planting of native species are considered as ways of mitigating the impact of this substantial increase in bulk. This may mean relocating the proposed play room within the cottage/gym or main house instead.

"The proposed garden store replacement would be of a smaller scale and tucked into the corner of the frontage against trees and therefore would not be unduly intrusive as viewed from Spinney Lane. The proposed link extension would only be visible at an angle from either public perspective, being sited between the existing buildings. We would prefer to see the existing parts of the building either clad in timber to match the proposed link extension, or re-painted beige to match the proposed rendered elements on the proposed new dwelling, in order to tie in better with the remainder of the proposed scheme.

“Overall it is considered that the proposed replacement garden store and link extension would not have a detrimental impact on the AONB landscape, subject to the existing white-painted cottage and gym building elevations being re-finished to tie-in with the proposals. We would also, for policy reasons, wish to see suitable conditions imposed to ensure that the buildings remain ancillary to the main house and do not become separate dwellings in this countryside location.

“The proposed replacement swimming pool would have a minimal impact on the landscape provided no structures are erected around the pool and the extended ‘terrace’ is carried out in a sympathetic manner in terms of materials and height. However, there is significant concern over the impact of the proposed replacement tennis pavilion and garage, which would be substantially larger and higher than the existing buildings, with the garage becoming more exposed as viewed from the Harbour. Propose recommend refuse.”

“The application has now been amended to address these concerns. The proposed tennis pavilion has been amended to incorporate a flat rather than a pitched roof; the proposed garden store pitched roof has been significantly reduced in height and replaced with slate rather than clay tiles; and the proposed garage roof has also been substantially reduced in height and replaced with slate rather than clay tiles, and a new hedge is proposed around the swimming pool to replace the existing and to soften the impact of the proposed garage as viewed from the Harbour. The proposed accommodation previously proposed above the garage has been incorporated in a small increase in size to the proposed link extension to the cottage and gym building, extending southwards on the opposite side of the existing building from the Harbour.

“Overall these changes make a significant difference by substantially reducing the bulk of the three proposed new buildings, therefore they address the concerns previously raised. We would ask that the proposed hedge around the swimming pool is of a native species typical of the AONB. The proposed increase in size to the extension on the cottage and gym would be hardly perceptible from either the Harbour or Spinney Lane due to its position in the middle of the building where only glimpsed views are obtainable, and the continued use of a matching roof. We would still ask that the remainder of this building is re-painted or clad to match the proposed new buildings as to leave it white would be at odds with the remainder of the scheme.”

224. The Planning Officer advised that the latest changes made by the applicant largely met the Conservancy's concerns. She therefore recommended that the application be approved subject to conditions, including one to ensure that the buildings remain ancillary to the main house and are not used as separate dwellings in this countryside location. The Committee concurred with her view.
225. **Resolved** that Chichester District Council be advised that the Conservancy proposes no objection, but asks that the following matters be negotiated if possible:
- (i) The application is based on the latest revised plans and elevations submitted on 29th October, in response to the Conservancy's concerns;
 - (ii) Proposed hedgerow around swimming pool to be of a native species and to be kept as high as the existing hedge;
 - (iii) Proposed new buildings and accommodation to remain ancillary to the main house;
 - (iv) The entire cottage and gym building be re-painted or clad to match the proposed extension and other proposed outbuildings.
 - (v) Timber cladding to be left to weather naturally or treated in a dark stain and window frames and doors to be finished in a dark or non-contrasting colour to the elevations.

APPLICATION FOR A HARBOUR WORKS LICENCE: HAYLING YACHT CO, MILL RYTHE LANE, HAYLING ISLAND, PO11 0QQ

226. The Committee considered a report by the Manager & Harbour Master, a copy of which is attached to the signed minutes, and which included a draft works licence.
227. The Manager & Harbour Master advised the Committee that this Harbour Works Licence application arises from, and is an integral part of, the proposals for the wider development of the Hayling Yacht Company site, comprising construction of Marina Berths, transfer and wasting of moorings, a plough dredge and relocation of two houseboats. His report was therefore to be considered in conjunction with the planning application considered earlier (HBC ref. no. 09/53376/016 – minute no. 205 above refers), and determined at the same time.
228. There were four elements of the development proposals that require a Conservancy Works Licence, namely: construction of marina berths; transfer and wasting of moorings; relocation of houseboats; and a plough dredge of the new berthing area. The Conservancy has a policy of objecting to proposals for new marina berths unless they are compensated for by wasting existing moorings. This policy exists to try and control the total number of vessels in the harbour because it is already congested at busy times, sometimes dangerously so.
229. The proposals seek to create 41 new marina berths by wasting 42 moorings (one of which is currently unlicensed). This will be achieved by building a new pontoon that is 80 metres long, 2.5 metres wide and an average of 40 metres further into the harbour to the south of the existing pontoons. The pontoon will be connected to the shore by a further pontoon, as shown on the plans. The new pontoons would not have an adverse impact on navigation into Mill Rythe and the wasting of swinging moorings in Mill Rythe would create more space in the approach channel and be beneficial to navigation. The sizes of vessels licensed to use the new pontoon berths will be related to the type of moorings wasted, namely 11 x Class 2 moorings (up to 14m) and 31 class 3 moorings (up to 9m). The list of moorings to be surrendered by number, including the Conservancy ones if so approved, are shown in the draft licence at Annex A to the report.
230. Hayling Yacht Co have identified 28 of their own swinging moorings in Mill Rythe to waste, one of which is unlicensed, and have asked the Conservancy if they could provide 14 licensed but currently redundant moorings to make up the numbers to 42. The Conservancy has moorings available in Cockle Rythe and could lease these to Hayling Yacht Co at the standard Conservancy annual charge for these sites. The Conservancy would not wish to lay its own moorings on these sites because Cockle Rythe is already overcrowded with moorings and there is no demand for them. This action would assist the boatyard and is recommendable.
231. It was proposed to move the two licensed houseboats in the boatyard to the outside of the new pontoon. Despite some reservations over the impact this may have on the landscape of the AONB it is considered acceptable. The houseboats currently discharge untreated macerated sewage into the harbour and this is not acceptable. The applicant has proposed that in future the sewage is treated by an American system known as Lectrasan before discharge into the harbour. While this system does provide some bacteriological and viral treatment it is not approved for inland waterways in the UK and is not approved in Europe. It is more suited to open coastal waters than estuaries and Natural England have

stated that they would wish to see the sewage discharged terrestrially. There are systems of holding tanks and pumps that could discharge sewage into the shore side drainage system from the houseboats for a cost in the order of £5-6,000.

232. The applicant has given an undertaking to dispose of the houseboats from the harbour when they come to the end of their natural life and not to replace them. This was reflected as a condition in the draft works licence. Until that time it was judged not unreasonable to place a condition on the Works Licence requiring the houseboats to discharge their sewage ashore. However, the Manager & Harbour Master reminded members that (as reported in minute 208 above) the site was not connected to mains drainage. As a consequence, even if the sewage from the houseboats was treated ashore, the proposals may mean that it was then discharged into the harbour. The Committee had earlier agreed that the Environment Agency should be asked to confirm that such discharges are acceptable, bearing in mind the protected status of the harbour.
233. It was proposed to plough dredge the new marina basin created between the new and existing pontoons to reduce the depth by about 30 cms. This will involve pulling about 1000m³ of mudland into the main channel and levelling it. The tidal dynamics in this part of the harbour are not high and there is a concern that it will cause shoaling in the main Mill Rythe channel. It will be a condition of the works licence that pre and post-dredge hydrographic surveys are undertaken and that if areas of shoaling are identified, they are to be levelled and removed by further plough dredging.
234. Members were advised that Natural England was not objecting to the proposed works, subject to conditions. However, there had been problems in the yard in the past with the construction of unlicensed pontoons, the discarding of rubbish, polystyrene blocks and old pontoons onto the foreshore and in the inter-tidal area, and a condition in the draft licence required that the foreshore and inter-tidal be cleared and that the practice of discarding material in this way ceases. Together with the discharge of sewage ashore this measure would help improve the environmental practices and condition of the site.
235. The Committee agreed that a works licence should be issued, and that the conditions detailed in the draft works licence attached to the Manager & Harbour Master's report were both necessary and appropriate to protect the harbour environment.
236. **Resolved** that a Works Licence be approved for the construction of new pontoon berths at Hayling Yacht Company, Mill Rythe, as shown in the application plans, subject (but not exclusive to) the following:
- (i) A total of 42 moorings (28 HYC, 14 CHC) as numbered in the works licence are to be surrendered and not relaid.
 - (ii) The Conservancy wastes 14 x C3 moorings in Cockle Rythe and lets them on an annual licence to the Hayling Yacht Co at the standard Conservancy mooring site charge.
 - (iii) The houseboats are moved to the outside of the new pontoon subject to the prior installation of a system acceptable to the Environment Agency that discharges all sewage ashore for treatment.
 - (iv) The houseboats are removed from the harbour at the end of their natural life and are not replaced.

- (v) A plough dredge of 1000m³ in the new marina basin is approved subject to pre and post-dredge surveys and remedial action should shoaling occur.
- (vi) All detritus is to be removed from the intertidal area and foreshore and the practice of discarding it into the harbour is to cease.
- (vii) The Conservancy's standard conditions for Works Licences apply and this includes the requirement for planning consent and the issue of FEPA and CPA licences;
- (viii) The Licence is subject to the Environment Agency approving the proposed terrestrial sewage treatment system.

DEVELOPMENT CONTROL - DELEGATED ACTION

237. The Committee considered a report on action taken by the Manager & Harbour Master, with the agreement of the Chairman, in making recommendations on behalf of the Conservancy on planning applications to Chichester District Council and Havant Borough Council, a copy of which is attached to the signed minutes.

238. **Resolved** that the report on action taken under delegated powers be noted.

REPORTS BACK FOR INFORMATION: APRIL TO JUNE 2009

239. The Committee considered a report by the Manager & Harbour Master, a copy of which is attached to the signed minutes.

240. **Resolved** that the report be noted.

The meeting started at 2.15pm and ended at 3.55pm.

Chairman

Next Meeting: The next meeting of the Committee will commence at 2.15pm on Monday the 14th December 2009 at County Hall, Chichester.

CHICHESTER HARBOUR CONSERVANCY**PLANNING COMMITTEE****14th DECEMBER 2009****REPORT BY THE MANAGER & HARBOUR MASTER****DEVELOPMENT CONTROL APPLICATIONS****CH/09/04314/OUT - MARSHALLS MONO LIMITED, BROAD ROAD, HAMBROOK, CHIDHAM, CHICHESTER, WEST SUSSEX, PO18 8RG****REDEVELOPMENT OF FORMER CONCRETE PRODUCTS FACTORY TO A TOTAL OF 86 DWELLINGS (12 NO. 1 BED FLATS, 18 NO. 2 BED DWELLINGS, 49 NO. 3 BED DWELLINGS AND 7 NO. 4 BED DWELLINGS) AND 2500SQM OF B1 BUSINESS EMPLOYMENT USE.**PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE4, BE11: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B1, B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

MANAGER AND HARBOUR MASTERS COMMENTS

'Marshalls Mono Plc' is a former concrete manufacturing and storage site located on the northern end of the Nutbourne East Settlement Policy Area, which is centrally positioned to the north of the Chidham peninsula. The site adjoins the railway and Nutbourne train station on its southern side and lies some 338 metres from the AONB boundary to the south. A public footpath runs around the east boundary of the site, and runs both northwards into the countryside, and southwards through the village to meet the A259/AONB. The majority of the site falls within the Settlement Policy Area, although a small portion of the western end was granted permission as an extension of the site into the open countryside in 2001, and technically still falls outside the defined built-up-area in the Local Plan. The site adjoins open farmland to the north, west and southwest.

The site accommodates three large production buildings and various storage areas and single-storey office buildings, and is bounded by hedges and trees. The southernmost and largest of the production buildings is visible across open fields from the A259/AONB boundary to the southwest, and also from the footpath leading north from the A259 further to the west.

The proposal involves the redevelopment of the site, following the closure of the factory in May 2009, with 86 houses and 2500 square metres of office and light industrial floorspace, utilising the existing access point from Broad Road. The housing would be a mixture of two and three-storeys in height (up to 11 metres high) and indicative elevations show traditional pitched roof buildings with gable features, pitched roof dormers and regularly spaced windows, with brickwork, flint and timber cladding to the elevations. The proposed office/light industrial units are shown with a similar design approach, 10 metres high to the ridge but with lower eaves.

A landscaping scheme has been submitted which includes proposals to plant along the southern (railway) boundary to supplement the existing planting by filling open gaps and adding taller growing planting of native species, 'to benefit the amenities of the proposed housing and the setting of the proposed development as a whole'. The existing belt of mixed native trees on the western boundary would also be interplanted with additional native species, and retained and managed.

In principle Conservancy officers are supportive of the use of this brownfield site, most of which falls within the Settlement Policy Area, for redevelopment for residential and business purposes, as this is preferable to building on a greenfield site which can have significant detrimental impacts on the countryside, Strategic Gap and the setting of the AONB.

The proposed development would have some impact on the setting of Chichester Harbour AONB given that the southwest part of the site is visible across open fields from the AONB boundary, from where the existing large industrial building is clearly visible, and the proposed housing and offices would therefore also be visible, and would extend further west along the southern boundary into this view. However, provided the supplementary planting of native species on the south and west boundaries is provided and the buildings take on the sort of traditional appearance and materials indicated on the illustrative plans, it is not considered that the proposed development would be unduly intrusive in the landscape or harmful to the setting of the AONB, in comparison with the appearance of the existing large industrial building. We would ask however to be consulted at the reserved matters stage in order to comment in more detail on the proposed design and materials in order to ensure that the buildings are not overly intrusive in the landscape.

The site lies within approximately 0.3 kilometres of the AONB and just over 1 kilometre from the Harbour foreshore footpaths around the head of the Bosham and Thorney channels, which are the subject of several international and national nature conservation designations (SAC, SPA, Ramsar, SSSI). As such, there is potential for increased recreational pressure from occupants of the new development using the foreshore footpaths, as these would be attractive and accessible to residents, as well as the footpath leading northwards out of the site. The application includes detailed information about protected species and habitats on the site but does not appear to address the issue of increased recreational pressure. We would raise this as a concern and would seek reassurance that this issue will be addressed; and in this respect the comments of Natural England with regard to appropriate mitigation of these impacts will be important.

The application states that the 86 new dwellings would be catered for by the recently constructed Hambrook Flood relief sewer; however, this does not address the issue of the inevitable increase in flows into the Harbour from the Chichester Waste Water Treatment Works. In our responses to applications for residential developments we are consistently having to draw attention to the fact that the present system is unable to cope with the volume of waste water during storm conditions, and that Natural England have recently confirmed that Chichester Harbour SSSI is in 'unfavourable' condition due in part to nutrient status / eutrophication.

In one of the busiest recreational boating harbours, discharges of primary treated sewage during storm discharge conditions is an unacceptable situation, and we remain concerned that 86 new dwellings, in isolation and combination with other proposed housing developments in this area, would put additional pressure on Chichester Wastewater Treatment Works which would pose a greater threat to water quality within the Harbour. To state that there is 'sufficient capacity' relates to dry flows and ignores the issue of storm flows which are a frequent problem in Chichester Harbour. We therefore still believe that the provision of suitable on-site wastewater treatment facilities or an alternative, appropriate solution to this problem, should be seriously considered in order to prevent the exacerbation of the existing problems, which is an unacceptable scenario in one of the busiest recreational boating Harbours in the South East.

Overall, we would not wish to raise an objection to this application but we would still ask that these two issues are addressed.

MANAGER AND HARBOUR MASTERS RECOMMENDATIONS

Propose no objection but ask that the issues of recreational disturbance and impact on Chichester Wastewater Treatment Works are addressed.

SB/09/04602/FUL - NUTBOURNE FARM BARN FARM LANE NUTBOURNE SOUTHBOURNE WEST SUSSEX.

RE-USE OF REDUNDANT STABLE BLOCK TO PROVIDE A SINGLE DWELLING.

PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE1, RE4, RE14, BE11: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policies A4, B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

MANAGER AND HARBOUR MASTERS COMMENTS

Nutbourne Farm Barns are located on the south side of Farm Lane, adjacent to the small parking area and the public footpath leading to the foreshore. The site lies within the rural area and is screened from the south by a group of trees. However, there are clear views into the site from Farm Lane and from the footpath some distance to the east of the site. Permission was granted in 2004 for use of the farm buildings as managed livery stables for 16 horses, and for ancillary stores and facilities together with parking and an exercise yard, and this has led to a successful ongoing enterprise. However, this scheme excluded a small dilapidated L-shaped barn located within the northern part of the site, adjacent to the dwelling to the north, 'Old Timbers'.

This application proposes to convert the dilapidated barn to a residential dwelling for occupation by a family member involved in running the stables. It is argued that an on-site presence at night would provide added security and safety for the horses and peace of mind for the owners who operate the stables. The proposed conversion would not involve any extension to the building and would retain the original flint walls and brick quoins under a clay tiled roof, with a new inner envelope containing the necessary insulation. New openings would be limited to the east elevation involving a pair of glazed doors, a wooden single door and a small window (frames would be wooden). The existing openings visible from Farm Lane would be altered to form stable-type doors with glazed panels above, and an additional small rooflight would be added. The proposed layout would incorporate a home office for use in association with the livery stables. Landscaping would involve two small paved areas on the east and west sides of the barn, with 2 parking spaces at the front (west) as an extension to the gravel driveway used for the livery stables, and a small private garden to the east mainly laid to lawn and bordered with plants. It is stated that the new dwelling would remain an integral part of the stable complex.

The applicants have submitted a report on the demand for commercial uses following a period of marketing for 11 months, which concludes that it is unlikely that a suitable tenant for a business use for the property will be found, due to a combination of the location (including the narrow access road), the small nature of the building, and the significant cost of conversion (although the building was offered rent-free for an initial period to allow for the cost of refurbishment by the tenant). The application also includes a bat and owl survey which found no evidence of either species using the barn.

Whilst it appears to have been demonstrated that a business use for the building is unlikely to be suitable (particularly due to the narrow access road), we would question why a tourism use has not been explored, as there is a shortage of holiday let accommodation within the AONB. However, the proposed alterations to the building are limited and therefore in our view are sympathetic to the character of the existing building and overall, the impact on the wider landscape would be limited given the limited changes proposed and the position of the building within the site. The level of activity associated with a single dwelling is not likely to be excessive, and the landscaping proposals shown would ensure that the building would retain its close relationship with the livery stable complex (obviously we would be anxious that no unsightly fences or boundary structures are erected which would harm the original setting of the buildings or their appearance within the wider landscape). We would also comment that given the close relationship of the barn with the remainder of the site, it would seem appropriate to limit its occupation to that of a person connected with the livery stables (as proposed in the application), and this would help to ensure that the building remains an integral part of the complex rather than being separated off in an unsympathetic manner. We would therefore ask that if permission is granted, this be subject to such a condition and also to the removal of permitted development rights for extensions, alterations, outbuildings and walls or other boundary structures around the building. We would also ask that the new timber windows and doors are stained or painted in a natural or dark colour appropriate to this exposed, rural context and the original character of the barn.

MANAGER AND HARBOUR MASTERS RECOMMENDATIONS

Propose no objection but ask that the following matters be negotiated if possible: -

- Occupation of the dwelling be limited to a person connected with the livery stables;
- Permitted development rights for extensions, alterations, outbuildings and boundary walls/fences be removed; and
- Window and door frames to be stained or painted in a natural or dark colour.

Nutbourne Farm Barns



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CHICHESTER HARBOUR CONSERVANCY**14th DECEMBER 2009****REPORT BY THE MANAGER & HARBOUR MASTER****PROPOSED PROTOCOL BETWEEN NATURAL ENGLAND AND CHICHESTER HARBOUR CONSERVANCY FOR SPATIAL PLANNING MATTERS AFFECTING CHICHESTER HARBOUR AONB****1 Introduction**

- 1.1 Natural England (formerly the Countryside Agency and English Nature) is the Government's statutory advisor on the natural environment, including landscape and ecology. They are a statutory consultee on planning matters for the Local Planning Authorities (LPAs) (Chichester District and Havant Borough Councils), and therefore their responses can hold significant weight both in shaping the Local Development Frameworks, and at the individual planning application level.
- 1.2 Chichester Harbour Conservancy has always worked closely with Natural England relating to many areas of our work. This includes our involvement in the planning system including our responses to planning applications, planning appeals and planning policy consultations where there are likely to be significant impacts on the AONB. Whilst Natural England does not have the resources to comment on every planning application within the AONB in the way that the Conservancy does; where they have commented, they have often not been as proactive or effective as we would wish in terms of fighting the cause for conserving and enhancing the landscape of the AONB, but instead, have focussed on their role in relation to the ecological impacts of development; and therefore, particularly in relation to planning application responses, the Conservancy has very often been a 'lone voice' in making specific comments on the landscape impacts of significant development proposals.
- 1.3 However, Natural England's statutory role relates to the conservation and enhancement of landscape as well as nature conservation, and in particular, the network of Nationally Protected Landscapes (including AONBs and National Parks). In recognition of their lack of landscape input at the local planning level, Natural England has devised a protocol template to be agreed with each of the Protected Landscape organisations, which is then to be locally tailored to suit the individual circumstances of that particular AONB. This would be an enduring protocol, which is particularly important given the high turnover of Natural England staff at the present time, because it would provide a reference for new staff on appropriate liaison with the Conservancy's planning officer.
- 1.4 Conservancy officers have recently met with their local Natural England contacts in order to discuss the protocol template and make any necessary amendments to suit the way in which planning matters are dealt with by the Conservancy, and a final draft of the protocol has now been prepared.

2. Proposed protocol between the Conservancy and Natural England relating to planning matters
 - 2.1 The protocol covers the ways in which it is proposed that the relevant planning contact from Natural England will liaise with the planning officer at the Conservancy relating to planning matters; including development plan documents (planning policy consultations), development management (planning application consultations), and planning appeals. The protocol is included below at Appendix 1.
 - 2.2 It includes (in Appendix 1 of the protocol) details of developments potentially giving rise to significant effects on the AONB and therefore those where liaison is most likely to be appropriate. In relation to planning applications, this relates to developments such as 10 or more dwellings outside existing settlements or housing allocation sites from the LDF, or other forms of major development such as outdoor sporting or leisure facilities, minerals or waste developments or significant infrastructure. However, it does include scope for liaison for other, smaller-scale development proposals which by virtue of their particular characteristics (e.g. prominent siting, location or design) would be likely to have a significant impact on the AONB. This would allow the Conservancy to 'flag up' any developments of potentially significant impact which do not fall into the usual categories, and to seek the involvement and support of Natural England. It also includes any development in or adjacent to sensitive sites such as nationally or internationally important sites for nature conservation, of which there are many in Chichester Harbour.
 - 2.3 The protocol suggests early liaison between officers by telephone or e-mail once they are in receipt of a planning consultation document or application where there are likely significant impacts on the AONB. It confirms in writing the way in which views will be exchanged or discussed and therefore will feed into each other's comments in the hope of making coordinated responses. It also makes a commitment that where Natural England makes no specific comments in relation to landscape, it will highlight the requirement to have regard to the conservation and enhancement of the landscape (section 85 of the Countryside and Rights of Way Act), will refer the LPA to the AONB Management Plan, and will advise that the Conservancy should be consulted on the proposal(s).
 - 2.4 The protocol also suggests that Natural England and the Conservancy hold regular liaison meetings to review the success of the protocol, and that annual joint training meetings should be organised to promote and develop our joint understanding of the special qualities of the AONB, the development pressures affecting it, and ways in which environmental enhancements could be achieved.
 - 2.5 Conservancy officers are very supportive of the proposed protocol and are hopeful that it will significantly improve liaison with Natural England officers by providing the right contacts and a basis for close liaison when it really matters. We are hopeful that the protocol will maximise the impact that we can have collectively in the planning process.

3 Recommendation

It is recommended that Members approve the protocol.



Protocol between Natural England and Chichester Harbour
Conservancy for spatial planning matters
affecting Chichester Harbour AONB

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Appendix 1 Developments potentially giving rise to significant effects on the AONB

Appendix 2 Natural England Government Team Contact Details

1. Purpose

- 1.1 This protocol, between the Chichester Harbour AONB Executive and Natural England, is intended to form a basis on which we can more effectively work, through the planning process, to fulfil our complementary roles in conserving and enhancing the natural beauty of the Chichester Harbour AONB.
- 1.2 Natural England and Chichester Harbour Conservancy will work pro-actively with Local Planning Authorities (LPAs) outside their formal consultation process, including the development of planning guidance and best practice for LPAs. This aims to assist LPAs in their preparation of LDFs and in determining planning applications; it will also ultimately help us to increase our effectiveness and efficiency in responding to planning consultations.
- 1.3 The protocol provides a structure for liaison on Local Planning Authority (LPA) development management and LDF consultations, working within LPA deadlines where possible. Also, through operation of the protocol, we will aim to develop common understanding of how we will react to development proposals affecting the AONB and improve clarity on the circumstances in which each organisation will respond.
- 1.4 Whilst recognising the Chichester Harbour AONB's existing fine quality landscape, which merits the highest level of protection, we will actively seek to identify opportunities for environmental gains consistent with the conservation of the AONB's natural beauty. This will include: increasing the understanding and enjoyment of the special qualities of the AONB; recreational and educational access; habitat restoration or creation; improvement of geological sites and addressing the impacts of climate change, all consistent with the needs of agriculture, forestry and other land uses compatible with the AONB's special landscape qualities.

2. Matters subject to the Protocol

2.1 Proactive work with Local Planning Authorities

- 2.1.1. The protocol recognises the importance of pro-actively working with LPAs outside the formal LPA consultation process. Natural England will work with Chichester Harbour Conservancy in its development of any planning related guidance and collation / dissemination of good practice for LPAs. This will provide guidance to LPAs in their preparation of LDFs and in determining planning applications. It will also ultimately help us to increase efficiencies in our processing of planning consultations.
- 2.1.2. Through planning advice, it is proposed that Chichester Harbour Conservancy will draft guidance for issues which are not covered within the Management Plan, but wish to see included in each LDF under preparation. The Conservancy and Natural England will discuss and

agree these in advance. This will supplement existing guidance (including the AONB Management Plan) where necessary and cover such policy issues as: housing, green infrastructure delivery, telecoms and overhead lines, use of renewable energy, employment, tranquillity, equestrian, infrastructure, permitted development, transport, minerals and waste, cultural heritage, and climate change adaptation. Natural England will ensure that all local advice is compliant with its national policies.

2.2 Development Plan Documents

- 2.2.1 Natural England will liaise with Chichester Harbour Conservancy on core strategies, development control policy DPDs and other DPDs / SPDs affecting / relating to the AONB. This should also apply to related policies for which we have common objectives e.g. green infrastructure delivery, climate change adaptation, recreational access, renewable energy and conserving and enhancing wildlife habitats.
- 2.2.2 Working within LPA deadlines, Natural England and [Chichester Harbour Conservancy will liaise with each other as early as possible in the LPA's consultation window, agreeing a timescale for further liaison if applicable.
- 2.2.3 This may be by a telephone discussion or e-mailed summary relating to key landscape issues / common views or any potential divergence of opinion / our proposed respective positions relevant to the LPA consultation.
- 2.2.4 Natural England's response to the LPA will include reference to the AONB, where development is proposed within the designated area or could impact on its setting. Where Natural England makes no specific comments on landscape issues, it will refer the LPA to Chichester Harbour Conservancy's response as the JAC to the AONB.
- 2.2.5 Chichester Harbour Conservancy will notify Natural England as soon as is possible once in receipt of a relevant DPD consultation where the intention is to comment on the DPD concerned, and it considers the implications of the DPD to be major in terms of impact, controversy or likelihood of setting a precedent.
- 2.2.6 Chichester Harbour Conservancy will provide details of the relevant document along with key points that will feature in its response.
- 2.2.7 Where possible, draft responses to the LPAs will be exchanged between Natural England and Chichester Harbour Conservancy for further comment.
- 2.2.8 Chichester Harbour Conservancy will copy its submitted consultation responses to Natural England by e-mail and Natural England will copy its submitted responses to Chichester Harbour Conservancy.

2.3 Development Management

- 2.3.1 Natural England and Chichester Harbour Conservancy will liaise on relevant planning applications, within the AONB or its setting, which will be those potentially involving substantial adverse impacts (which may include interpretations of impacts such as: likely significant effects in EIAs; deemed unacceptable harm; significant adverse landscape impact or

where objectives of the designation would be undermined) or substantial opportunities for enhancement, in relation to the special qualities for which the AONB was designated.

- 2.3.2 The potential for adverse impacts will depend on the nature, scale or siting of development and the level of significance will involve judgement by the Natural England Government Team / AONB Planning Officer; however, the list of developments at appendix 1 can be used as a reference for helping to decide which applications to cross-refer.
- 2.3.3. Aiming to work within LPA deadlines, Natural England and Chichester Harbour Conservancy will liaise with each other as early as possible in the LPA's consultation window.
- 2.3.4 This will be a telephone discussion or emailed summary relating to key concerns / common views or any potential divergence of opinion / our proposed respective positions relevant to the LPA consultation.
- 2.3.5 Where possible, draft responses to the LPAs will be exchanged between Natural England and Chichester Harbour Conservancy for further comment, working within LPA deadlines where possible.
- 2.3.6 Copies of the final formal responses sent to the LPA should be exchanged.
- 2.3.3 Where Natural England makes no specific comments on landscape issues, it will refer the LPA to Chichester Harbour Conservancy in order to seek its comments, using the following standard paragraph:

Please be advised that this response does not infer support or objection from a landscape perspective. The proposal site is within Chichester Harbour Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 places a duty on local authorities to "have regard to" the purpose of conserving and enhancing the natural beauty of protected landscapes when making planning decisions that are likely to affect such landscapes. The Government has confirmed that AONBs have equal planning status in landscape terms to National Parks.

Please refer to the Chichester Harbour AONB Management Plan 2009-2014, and specifically to planning policies BD1 to BD3 for further guidance. The Management Plan can be found at the following link: <http://www.conservancy.co.uk/page/Management-Plan/307/>

A key aim of the Conservancy is to protect, conserve and enhance the natural beauty of the Chichester Harbour AONB. Natural England advises that Chichester Harbour Conservancy is consulted, to ensure that the proposed development is in accordance with the aims of the Conservancy.

2.4 Planning Appeals

- 2.4.1 Working within appeal deadlines, Natural England and Chichester Harbour Conservancy will liaise with each other at the earliest possible stage to establish what, if any, action each organisation intends to take in relation to the appeal and whether there are any areas of common ground or divergences of opinion between them (beyond those identified at the planning application stage).

2.4.2 Where we both intend to provide further representations or to appear at the appeal, we will ensure that any differences of opinion are fully understood by the Planning Inspector.

3. Ongoing liaison and review

- 3.1 The principal contacts shall undertake to hold regular liaison meetings at least twice a year to review the operation of this protocol and to discuss AONB wide planning issues and any such matters as are appropriate at the time.
- 3.2 The principal contact at Chichester Harbour Conservancy shall be Linda Park Planning Officer, Chichester Harbour Conservancy A Harbour Office, The Street, Itchenor, Chichester, PO20. Email: linda@conservancy.co.uk Telephone: 01243 512301.
- 3.3 The principal contact at Natural England shall be Marian Ashdown, Environmental Planning Adviser, South East Eastern Area Government Team, Natural England, Phoenix House, 33 North Street Lewes, BN7 2PH. Email: marian.ashdown@naturalengland.org.uk Telephone 0300 060 4050
- 3.4 Day to day liaison over planning matters should be directed to the relevant Government Team member for the LPA concerned (details of all relevant Natural England Government Team contacts are shown in Appendix 2).
- 3.5 These contacts may be subject to change within the protocol timescales. Natural England/AONB will inform each other of personnel changes at the first opportunity. Updated changes for contact details will not require any formal re-issuing of this protocol.
- 3.6 We will devise indicators to monitor the success of the protocol.
- 3.7 We will aim to organise annual joint training meetings to promote and develop our joint understanding of the special qualities for which the AONB was designated, the development pressures that could affect them and/or any ways in which environmental gains or enhancements could be achieved.
- 3.8 Subject to Natural England policy or guidance change, this protocol will apply until [*two years from Protocol date*], unless amended by agreement before this date.

I agree to the terms of the Protocol outlined above:

Signature:

Name:

Signed on behalf of The [] AONB [Executive/ Unit/ JAC]

Position: [Director/ Planning Officer] Date:

I agree to the terms of the Protocol outlined above:

Signature:

Name: Alan Law

Signed on behalf of Natural England

Position: Director, South East Region Date:

Appendix 1

Types of proposal on which we may potentially engage

Please note that the following is **only an indicative list** of where there could be substantial adverse impacts on the AONB landscape and will be used by Natural England / Chichester Harbour Conservancy in helping to determine the need for cross-referral. The list is not intended to be exhaustive, nor does inclusion on the list mean that Chichester Harbour Conservancy or Natural England would be involved in all such applications, as involvement in each individual case will be based on examination of the likely impacts and each application will be treated on its own merits.

Natural England liaison will be commensurate with its internal guidance on processing of reactive casework and available resources. The establishment of precedents may reduce the need for further liaison where there is a recurrence of similar planning applications. Also, whilst scale of development has been referred to in some cases below, it should be recognised that small scale but inappropriately sited development may also have substantial adverse impacts (see f below).

- (a) Residential: 10 or more dwellings outside existing settlements or outside LDF land allocations that lie within the AONB. Outside the AONB, only very large developments which would significantly affect the setting of the AONB will be cross-referred by Natural England.
- (b) Recreational and outdoor sporting facilities: sports stadia; lakes; commercial equestrian development; sites for motorised vehicle events; golf course / caravan and camping sites (>1ha) and other significant areas of holiday accommodation
- (c) Other major development: non-residential development, commercial or institutional, involving over 1000 square metres of floor space (e.g. offices, warehouses, farm buildings, schools, healthcare and training establishments)
- (d) Mineral workings and waste disposal operational areas
- (e) Utilities and other infrastructure: new roads, rail links, aircraft routes, major overhead electricity lines, cross-country pipelines, significant reservoirs or sewage treatment facilities, wind turbine developments (non domestic) and other significant renewable energy developments, telecommunications masts / towers.
- (f) Other development proposals: any proposals which by virtue of their particular characteristics (e.g. prominent site, location or design) are likely to have an effect on the landscape or special character of the AONB and / or set a precedent / have potential cumulative significance
- (g) Development in or adjacent to sensitive areas or sensitive sites e.g. nationally or internationally important sites for nature conservation.

Appendix 2

Natural England Government Team contact details for Chichester District Council:

Standard applications	Jo Clarke	jo.clarke@naturalengland.org.uk Tel: 0300 060 4060 Mob: 0790 151 3218
Large scale housing responses and LDF	Marian Ashdown	marian.ashdown@naturalengland.org.uk Tel: 0300 060 4050 Mob: 0797 077 0731

Last Updated – 09/12/09

CHICHESTER HARBOUR CONSERVANCY

PLANNING COMMITTEE

14th DECEMBER 2009

REPORT BY THE MANAGER & HARBOUR MASTER

DEVELOPMENT CONTROL APPLICATIONS DETERMINED UNDER MEMBERS DELEGATED POWERS

CHICHESTER DISTRICT COUNCIL

**AP/09/03331/DOM - ORCHARD HOUSE DELL QUAY ROAD DELL QUAY APPLIEDRAM
CHICHESTER WEST SUSSEX**

THE ERECTION OF A GARDEN STRUCTURE.

PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE4, BE11, BE12: Adopted Chichester District Local Plan 1999.
Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B3.
Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

MANAGER AND HARBOUR MASTERS COMMENTS

These were the Conservancy's comments on the previous application for a garden structure at the property: -

"Orchard House is a detached dwelling backing onto the waterfront in Dell Quay. The property is situated to the north of the Quay and directly south of a boat yard. The site lies within the rural area, and benefits from a large garden to the north of the property, with a raised seating area benefitting from views of the harbour. A 2-metre-high close-boarded fence marks the boundary with the foreshore footpath, which runs past the site. Several tall mature trees are present within the garden running along both side boundaries and also close to the boundary fence with the footpath.

The application seeks permission for the erection of a 'gazebo' structure on the raised seating area to provide shelter and shade. This would be of a modern design with a polished stainless steel frame ('marine grade' for durability), sliding hardwood panels, glass windows and a white-canvas awning above. A timber enclosure would be incorporated at the back of the structure for the storage of garden furniture. The structure would measure 6.3 metres wide, 2.2 metres high and just over 4.2 metres deep. The top of the proposed structure, being on the raised seating area, would be 1.72 metres above the level of the top of the boundary fence, and would be set back approximately 11 metres from the fence.

Whilst the high boundary fence abutting the foreshore public footpath and the 11 metre set back would make any views of the proposed structure from this perspective limited; there would be views from the harbour at high tide and there are also likely to be more distant views from the Bosham peninsula. The proposed gazebo structure would be viewed against a backdrop of mature trees including Ash, Walnut and Alder. The proposed hardwood panels, if treated in a dark natural wood stain, would not be unduly visually intrusive within this planted setting. There is some concern however regarding the proposed stainless steel frame and white canvas awning. The supporting statement argues that the materials have been chosen to reflect the maritime influence. However, officers consider that in this planted shoreside setting, within the rural area, the angular polished stainless steel frame and white awning proposed would visually stand out, resulting in a prominent structure as viewed from the harbour and the Bosham peninsula - the computer visual submitted with the application demonstrates the contrasting nature of the proposed materials. It is felt that if the structure were to be constructed entirely from timber, stained in a dark, natural colour, with the proposed awning an 'earthy' colour (dark olive green/brown) rather than white, then this structure would be significantly less prominent and therefore would not be unduly detrimental to the wider AONB landscape contrary to Saved Policies C1, C4 and BE11 of the Local Plan. Propose recommend refuse."

The application was approved by the District Council, who considered that the structure would not be unduly prominent provided the steel frame is of a matt or brushed finish, and the awning a subdued colour (conditions were imposed to this effect).

This current application seeks an alternative to the approved scheme, of a more traditional design and materials. The proposed structure would be a small rectangular summerhouse measuring 3.6 metres wide, 2.4 metres deep and rising to 2.8 metres high with a pitched and tiled roof with hipped ends. Materials would be Scandinavian Redwood cladding painted either black or dark green, with cedar shingle tiles to the roof. The front elevation facing the Harbour would be glazed across its width, with vertically subdivided panels, and there would be 2 matching glazed panels on each side elevation.

Overall this more traditional design is felt to be less intrusive as viewed from the wider landscape and the proposed materials would work well to reflect the surrounding woodland hues, making this alternative design blend more effectively into its backdrop in wider views from the Harbour and Bosham peninsula. Of the colours proposed, we would prefer to see the black finish applied to reflect the traditional quay-side buildings nearby.

DATE CONSIDERED

08/12/09

CONSIDERED BY

Manager and Harbour Master under delegated powers - *sent out on 11-day dispatch but not red-carded by Members for discussion*

DECISION

The Local Planning Authority is advised that the Conservancy has no objection to this application.

SB/09/07119/FUL - THE MANOR HOUSE PRINSTED EMSWORTH HANTS

AMENDED DESIGN TO HOUSE AND GARAGE PERMITTED UNDER SB/08/04992/FUL.

PLANNING POLICY FRAMEWORK

PPS 7 paragraph 21; RE4, BE11, BE12: Adopted Chichester District Local Plan 1999. Chichester Harbour AONB Management Plan 2004-2009: BD1: Appendix 3: Policy B3. Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions.

MANAGER AND HARBOUR MASTERS COMMENTS

'The Manor House' is an impressive Grade II Listed Georgian building constructed from flintwork and brick with a tiled roof, located on the east side of Prinsted Lane. The property lies within a double width plot which falls within the Prinsted Conservation Area and mostly within the Settlement Policy Area, although the rear portion of the rear garden falls within the countryside and Strategic Gap. A number of large horticultural nursery buildings lie directly to the east of the site, and immediately to the north is a residential care home. The garden is bounded by a tall hedge to the north and east, and a flint wall separates this northern part of the curtilage from the garden directly behind the Manor House.

The Conservancy has commented on 2 recent applications for the erection of a dwelling within the grounds to the northeast of the Manor House. The first application proposed that the new building would straddle the boundary of the Settlement Policy Area (SPA), however, the Conservancy decided not to raise an objection, as it was not considered that the proposed dwelling would perceptibly encroach into the open countryside and Strategic Gap to an extent that would be harmful to the AONB, given the limited public views of the proposal. The second application proposed a dwelling of a reduced scale standing entirely within the SPA, and again, the Conservancy raised no objection, subject to conditions. However, the Council refused permission for both schemes, on the grounds of encroachment into the countryside and harm to the setting of the Manor House and the character of the Prinsted Conservation Area.

However, an appeal was lodged against both refusals, and the second application was subsequently allowed by the Inspector on the grounds that its reduced scale, simpler form and greater distance from the Manor House would mean that the impact of the proposed new dwelling on the setting of this Listed Building would be acceptable. The Inspector commented that there was no unacceptable conflict with the aims for the Strategic Gap, and it was also noted that the bulk and distance of the proposed dwelling from Prinsted Lane would mean that it would not be unduly intrusive in the street scene or harmful to the AONB, being seen beyond garage structures and screened to some extent by trees and shrubs on the front boundary.

This new application proposes amendments to the scheme allowed on appeal. The proposed garage would be slightly longer (with a storage area added) and sited closer to Prinsted Lane; there would be a single-storey element added to the south elevation of the house towards the rear; and several minor changes to the design of windows. The proposed materials would again be oak stained timber boarding with a clay tiled roof and stained timber windows.

This revised proposal would continue to have a very limited impact on the wider AONB landscape due to the amount of screening surrounding the site and the proposed position of new dwelling set back into the site some distance from Prinsted Lane and adjacent to the large nursery greenhouses to the east. The new dwelling would not be visible from the public footpath which runs to the south of the site due to the hedges and trees directly to the north and the nursery buildings which would block any views of the new dwelling. The revised siting of the garage would not in our view make the building unduly intrusive as viewed from Prinsted Lane, given its modest height, subject to a dark stain to the timber boarding and the retention and supplementation of the existing planting as shown on the plans.

DATE CONSIDERED

08/12/09

CONSIDERED BY

Manager and Harbour Master under delegated powers - *sent out on 11-day dispatch but not red-carded by Members for discussion*

DECISION

The Local Planning Authority is advised that the Conservancy has no objection to this application, but asks that the following matters be negotiated if possible: -

- Existing boundary planting and trees retained and a detailed landscaping scheme submitted to demonstrate this; and
- Materials used for the proposed dwelling and garage to be as specified on the submitted plan and of suitable colours within this planted context.



Appeal Decision

Site visit made on 17 August 2009

by **Elizabeth Mitchell MA DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
29 October 2009

Appeal Ref: APP/L3815/A/09/2106335

5 Leander Road, Bosham, Chichester, West Sussex PO18 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Stephen Smith against the decision of Chichester District Council.
- The application Ref BO/08/04714/COU, dated 13 November 2008, was refused by notice dated 19 January 2009.
- The development proposed is change of use from amenity land to incorporate into garden.

Decision

1. I allow the appeal, and grant planning permission for a change of use from amenity land to incorporate into garden at 5 Leander Road, Bosham, Chichester, West Sussex PO18 8QS, in accordance with the terms of the application, Ref BO/08/04714/COU, dated 13 November 2008, and the plans submitted with it.

Procedural matters

2. A fence has already been erected around the land subject to this appeal. It accords with the details provided in the planning application therefore I consider that this appeal is, in effect, retrospective. I also note that although the application relates to the change of use of the land only, the fence is necessarily part and parcel of the change of use. The parties have addressed the fence in their submissions and therefore I have considered it as being part of the application.
3. I also note that the West Sussex Structure Plan has, since the application was determined, been superseded by the South East Plan (SEP). I have therefore considered those SEP policies which the local planning authority has suggested are relevant to this appeal.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is in the ownership of a house at the junction of Leander Road and Taylor's Lane. It is part of a 1970's development which has, typical of that period, some areas of open plan garden falling within private ownership.
-

Immediately opposite the site is a new development which appears to be of flats and mews houses. The new properties are closer to the road and the boundary is marked by a low fence of posts joined by a rigid metal bar. It is too low to provide either privacy or security but marks the edge of the site at its boundary with the pavement.

6. The appeal site has, as noted above, been demarcated by the erection of a low fence comprising short wooden posts joined by a chain. It marks the boundary of the appellant's ownership, with a footpath which runs between the appeal site and a small piece of open space on the corner of Leander Road and Taylor's Lane.
7. In my opinion the low fence is similar to, and compatible with, that of the site opposite. It is of similar height and seems to me to have the same purpose that is to demarcate the boundary of the property. It is similarly too low to provide security or privacy and therefore, in my opinion, it has little effect on the overall appearance of the area or particularly the entrance to the development at the junction.
8. The local authority is concerned that the domestication of the land by the introduction of 'domestic clutter and paraphernalia' would be harmful to the appearance of the area. In my opinion as the land is clearly within the ownership of the appellant and, as it is a grassed lawn, is front garden space which is unlikely to be used for sitting out, the addition of other garden trees or shrubs would not be harmful to the general appearance of the area.
9. I note the concern that, because of its location at a junction adjacent to a small area of what appears to be public space, the garden area might be assumed to be in the public domain. The evidence provided with the planning application however demonstrates that it is in the ownership of the appellant and is not therefore available as public amenity space, although I acknowledge that it contributes to the open appearance of the estate at that point.
10. I also note the countryside context in which the site is situated and the agricultural land opposite. In my opinion however the settlement edge of Bosham is strongly defined in this area by both the 1970's development in which the appeal property is located and, particularly, by the new development opposite which is closer both to Leander Road and Taylor's Lane.
11. I note that the site is part of an Area of Outstanding Natural Beauty (AONB) but, in my opinion, the scale and context of the proposal are such that its effect on the AONB is minimal, and would not harm its natural beauty. I therefore consider that the proposal is generally compliant with SEP Policy C3 in that it respects its AONB context and setting. In my opinion SEP Policies BE1 and SP3 are less relevant to this appeal in that they deal with urban areas which are subject to redevelopment and 'renaissance'.
12. In my opinion therefore the proposal is also broadly compliant with the Chichester District Local Plan Policy BE11 in that it does not detract from its surroundings. In my view, the proposal is sensitive to its context and therefore also compatible with SEP Policy CC6, which is most applicable to the proposal, in that it contributes to the built environment.

13. I have considered the conditions which the local planning authority have suggested be applied in the event that planning permission is granted. I consider that as the fence has been erected conditions requiring its commencement within three years, and details of its appearance are no longer appropriate or necessary.
14. I conclude therefore that, the incorporation of this open area into garden land by the fence described in the application, and now erected, is acceptable in the street scene and does not adversely affect the character and appearance of the area. I therefore allow this appeal.

Elizabeth I Mitchell

INSPECTOR