

Houghton, Michelle

From: David Rothery <David.Rothery@conservancy.co.uk>
Sent: 10 November 2020 09:27
To: Stewart, Maria; Havant Planning and Development Mailbox New
Subject: APP/20/00909 - Land at 12 Tower Street, Emsworth, Hampshire
Attachments: reply APP20.00909 EMS tree works noobj towerst.pdf; report APP20.00909 EMS tree works onobj towerst.pdf

From: David Rothery – on behalf of Chichester Harbour Conservancy (Chichester Harbour Area of Outstanding Natural Beauty unit)

To: Maria Stewart – Local Planning Authority Planning Case Officer

Land at 12 Tower Street, Emsworth, Hampshire

Planning Application: **APP/20/00909**

Proposal to fell 1x.Tree of Heaven (Emsworth Conservation Area)

No objection (planning tree work condition controls suggested)

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

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

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

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D Rothery

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

Mr D Rothery

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

Principal Planning Officer

Chichester Harbour Area of Outstanding Natural Beauty (AONB) Unit

Chichester Harbour Conservancy - Harbour Office - The Street - West Itchenor - West Sussex - PO20 7AW

Chichester Harbour Conservancy manages and advises on the Chichester Harbour Area of Outstanding Natural Beauty

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

Chichester Harbour Conservancy

www.conservancy.co.uk
10 November 2020

To the planning case officer,

Dear Maria Stewart,

Land at 12 Tower Street, Emsworth, Hampshire
Planning Application: **APP/20/00909**
Proposal to fell 1x Tree of Heaven (Emsworth Conservation Area)

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

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

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

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

Chichester Harbour Conservancy Recommendation – No objection

Suggested considerations –

- no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts)

The positioning of the proposal would have a localised impact on the character and appearance of the immediate surrounds. The proposal would have a minor visual impact on the AONB within this urban street setting.

Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

The proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

It is noted that the submitted tree work proposal makes little acknowledgement of the sites location within the Area of Outstanding Natural Beauty (AONB). The AONB landscape includes open



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countryside, rural hamlets and villages, urban built-up market towns as well as the harbour waters, all of which are subject to a higher level of relevant scrutiny and where proposals are subject to more stringent planning guidance to ensure that the end result respects and enhances the inherent qualities of such a sensitive location. The proposal has apparently been made with a level of understanding that would be considered minimal in this regard. This is regrettable and unfortunate given the protected status of the AONB.

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

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

Yours Sincerely,

D Rothery

David Rothery
Principal Planning Officer
Chichester Harbour Conservancy AONB Unit

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CHICHESTER HARBOUR
AREA OF OUTSTANDING NATURAL BEAUTY
PLANNING ASSESSMENT REPORT

CHC AONB Unit Report: Fully Delegated Decision Process

www.conservancy.co.uk

Land at 12 Tower Street, Emsworth, Hampshire

Planning Application: **APP/20/00909**

Proposal to fell 1x Tree of Heaven (Emsworth Conservation Area)

Chichester Harbour AONB Unit Recommendation – No objection

Suggested considerations –

- no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts)

Planning Approach

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

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

- Landscape Character

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

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

- Management Plan

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



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- Planning Principles

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

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

- Joint Chichester Harbour AONB SPD

The Chichester Harbour Area of Outstanding Beauty Joint Supplementary Planning Document (2017) requires that any development proposed in the AONB should be guided by to protect, conserve, and enhance natural beauty and wildlife (Section 2 overarching principles). The SPD is adopted by both Havant Borough Council and by Chichester District Council as part of their planning policy and development control approach. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

Relevant Planning History

There is no recent or relevant planning history available for this site on the LPA public access website.

Contextual Consideration

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

The location of the tree is within a built-up area of the AONB. The area is part of Emsworth town, positioned within the central part of the settlement. The red-line application does not have a boundary with a coastal frontage. The proposal would therefore have a visual impact to the character of the AONB built-up environment in this urban locality.

The site is within the Emsworth Conservation Area. It is not known if it would affect the setting of a building on the scheduled list of buildings of historic or architectural importance.

Location and Existing Situation

The tree is located to the rear garden of the property, which is accessed via a driveway serving nos 12 and 14 Tower Street.

Submitted Proposal and Supporting Documents

The proposal is for tree works as specified in the description. It is noted that there are no documents submitted in support of the proposal. The submitted tree location plan is poor but adequate.

Applicants Approach

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

Chichester Harbour Conservancy

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

The proposal has apparently therefore been made without acknowledgement of the status of the AONB and Management Plan, and without the expected due professional understanding, care or oversight that would be considered appropriate in this regard. This is regrettable and unfortunate given the protected status of the AONB.

Planning Assessment

- Policy Considerations

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

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

- The AONB Landscape

The proposed works are sought due to deteriorating growth (Application form Q7), though further details or expansion are not provided. The proposed works affecting this single tree would be unlikely to be noticeable in the context of the immediate surroundings of this rear garden in this urban area within the AONB. The existing size and scale of the tree does have a visual presence, but it is unlikely that this is either noticeable or prominent as an established landscape feature in this area.

It is noted that the Council's Landscape advisor has no objection to the tree works proposed.

- Wildlife and Biodiversity

The proposal would obviously impact on existing wildlife habitats, removing a potential nesting and roosting habitat. Consideration of bird and bat activity should be protected with any authorised work, if agreed, being carried out outside the nesting/roosting periods. The proposal to cut back the tree is not viewed as harmful to the wildlife or biodiversity of the site.

- Summary Conclusion

The positioning of the proposal would have a localised impact on the character and appearance of the immediate surrounds. The proposal would have a minor visual impact on the AONB protected landscape within this urban street setting.

Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

The proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

Other Comment



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

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as equated loss of light and cause of shadowing.

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Plan viewed 10-11-2020 LPA request reply 4 Nov 2020 Comment to LPA 10-11-2020
LPA Planning Case Officer: Maria Stewart
Chichester Harbour AONB: David Rothery – Principal Planning Officer

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

- Chichester Harbour AONB **Landscape Character Assessment** (CBA update 2019)
- Chichester Harbour **Management Plan** (2019-2024)
- Chichester Harbour **AONB Planning Principles** (Management Plan version April 2019)
- Chichester Harbour **AONB Joint Supplementary Planning Document** SPD (2017)
- National Planning Policy Framework (Revised 2018)
- National Planning Practice Guidance (2014)
- Havant Borough Local Plan (2011/2014)
- Havant Borough Design Guide (2011)
- Emsworth Conservation Area CACA & Management Plan
- Emsworth Design Statement
- Draft Emsworth Neighbourhood Plan (2018)

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