

Land at 17 King Street, Emsworth, Hampshire

Planning Application: **APP/20/00534**

Proposal reduction of whole crown by approx. 1.5m to Cherry (T1) Leaving a crown of approx. 2.5m-3m height and 2.5m spread. Clean out the crown of dead and rubbing branches

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).



- 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 SPD provides detailed guidance on the level of acceptable development within the AONB. All development within the AONB should follow the guidance as closely as possible. The adopted 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 tree lies within the AONB occupying a built-up urban location. The red-line application site does not have a boundary with a coastal frontage. The proposal would therefore have a visual impact the character of the AONB 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 bounded by a high wall from Kings Street and the side mews road also named Kings Street. The tree is set back from the boundary serving this small enclave of dwellings

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 seems incorrect, as No.17 King Street lies north of The Fishermans, not south of this road.

Applicants Approach

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

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

Chichester Harbour Conservancy

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. Given the tree works nature of the proposal, this is regrettably not unusual or unexpected, and is unfortunate given the protected status of the AONB.

Planning Assessment

- Policy Considerations

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

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 to improve light into garden, reduce leaf litter and tidy the shape of the cherry tree. The proposed works to the single tree would 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 cherry tree is not noticeably visually prominent as an established landscape feature in this area.

- 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 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

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.



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

Site viewed 20-07-2020 LPA request reply 28 July 2020 Comment to LPA 21 July 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** (adopted 17.10.16 and Management Plan version April 2019)
- Chichester Harbour **AONB Joint Supplementary Planning Document** SPD (2017)
- National Planning Policy Framework (Revised 2018)
- National Planning Practice Guidance (2014)
- Havant Borough Local Plan (2011/2014)
- Havant Borough Design Guide (2011)
- Emsworth Conservation Area CACA & Management Plan
- Emsworth Design Statement
- Draft Emsworth Neighbourhood Plan (2018)

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