

Land at 12 Seafarers Walk, South Hayling, Hayling Island, Hampshire

Planning Application: **APP/20/00474**

Proposal to fell 1x Pine (Area Order 2 of TPO1358) and prune crown by 2m to another Pine tree

Chichester Harbour AONB Unit Recommendation – OBJECTION

The Conservancy raises an objection to the proposal and recommends refusal of the proposal.

- There is no cogent case submitted to justify the removal and loss of this large tree within the front garden area of the property which has a positive visual presence within the landscaped front garden setting of the properties along this end stretch of Seafarers Walk.

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

APP/11/01474 – Proposal tree work to crown reduce by 1m and crown raise to 4m, 1x Pine tree within Area Order 2 of TPO 1358. No record of a CHC comment being made on the LPA public access website. Application approved by LPA on 4 November 2011.

Contextual Consideration

The tree lies within the AONB occupying a semi-rural countryside 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 countryside locality. The site does not lie within a Conservation Area or 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 northern front garden of the property, which is set back from the private drive serving this small enclave of dwellings at the end of Seafarers Walk. The Pine tree is relatively close proximity to the front of the two-storey house.

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.

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

Chichester Harbour Conservancy

Local Plan Policy specifically addressing the AONB (HBC Core Strategy Policy CS12). 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. www.conservancy.co.uk

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.

Planning Assessment

- Policy Considerations

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The principle of the proposed works to fell and remove the tree would not be acceptable without clear justification and reasoning. No such justification or reasoning for the felling of the tree have been submitted with the application to the LPA that warrants the removal of this established large tree in the landscape.

- The AONB Landscape

The proposed works are sought due to the pine tree causing damage to a path and reducing natural daylight into the windows of the north elevation of the property. Repair of the path would not require the removal of the tree. Improving light to the north elevation is possible through less dramatic tree works, as demonstrated by the 2011 tree work application. This is again a potential solution to the indicated problems without the loss of the tree.

The removal of the single tree would be noticeable in the context of the immediate surroundings in this semi-rural area within the AONB. The offer of the provision of a replacement tree is noted, but this would be unlikely in the short to medium term to replace the size and scale of the tree sought to be felled, which provides a visually established landscape feature in this area of lower level landscaping.

- 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 fell the tree is 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 visual impact on the AONB within this small residential enclave on the edge of the countryside area.

Given its setting, the proposal is considered to result in the loss of a prominent tree and natural landscape feature. The loss of the tree would be detrimental to the character and the appearance of the Area of Outstanding Natural Beauty (AONB).

The proposal is likely to have an impact on the AONB in terms of landscape character and 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.

Site viewed 15-07-2020 LPA request reply 23 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)

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