

DELEGATED OFFICER REPORT

Site Address:	66-67 Bath Road, Emsworth, PO10 7ES		
Proposal:	Installation of Glass and Aluminium extensions to raise the existing flood defence wall by 330mm.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00610	Expiry Date:	20/09/2024
Applicant:	Mr Thuillier		
Agent:	Mr Quantrill	Case Officer:	Robert Riley
	Architectural Services		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 A detached house in a prominent waterside location, a minor headland, at the southern end of Bath Road. To the south is the car park to the Emsworth Sailing Club. The Mill Pond lies to the north. The front boundary adjoins a narrow section of Bath Road.
- 1.2 The detached house is sited approximately centrally in its plot surrounded by lawns and some sporadic shrubs and flower beds, notably there is a mature willow tree at the north east corner. The house is an attractive mid C19th house in good repair.

2 Planning History

APP/10/00907 - Fell 1No. Pear tree and crown reduce by 33% 1No. Weeping Willow tree within Emsworth Conservation Area. , RNO,21/01/2011

APP/13/01069 - Crown reduce by 2.5m 1No. Willow within Conservation Area of Emsworth. , RNO,03/12/2013

APP/14/00780 - Repair and raise sea boundary walls and new low wall/replacement gates., PERM,18/09/2014

APP/16/00454 - Erection of detached garage and potting shed (following demolition of existing garage)., PERM,22/06/2016

APP/16/00960 - Erection of detached garage and potting shed following demolition of existing garage; single storey rear extension; extend porch; new brick wall and entrance gates to west boundary; extend flood defence wall to north and east boundary., PERM,08/11/2016

APP/17/00265 - Crown reduce 1No. Sycamore by 1m and remove dead limbs back to suitable growth points; Re-pollard 1No. Willow back to previous pruning points, all with pruning wounds no larger than 75mm, within Conservation Area of Emsworth., RNO,18/04/2017

APP/17/00356 - Fell 1No. Sycamore within Conservation Area of Emsworth., RNO,03/05/2017

APP/20/00011 - Pollard 1No Willow to previous pruning points no larger than 75mm and pruning to a suitable growth point. Tree within Conservation Area of Emsworth., RNO,14/02/2020

APP/21/00724 - Addition of store to garage and extension to create store with balcony to house.. PERM,16/09/2021

APP/22/01119 - Willow tree (1) pollard - Re-pollarding to previous works within conservation area of Emsworth, RNO, 17/01/2023

3 Proposal

3.1 Installation of glass and aluminium extensions to raise the existing flood defence wall by 330mm.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
-----	--

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1	(General Design Policy)
--------	-------------------------

Listed Building Grade: Not applicable.

Conservation Area: Emsworth

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Recommendation – No objection, subject to –

- Samples of the proposed materials being agreed - the Conservancy's preference would be for a weathered look concrete to match the existing wall;
- Glazed panels to be angled at 3 degrees to the vertical to reduce glare, in accordance with the submitted design and access statement;
- A construction and Environmental Management Plan be agreed prior to the work commencing, to include the timing of the work being outside the overwintering bird season (1st October to 31st March).

Officer reasoned justification

Following a site visit made 11.9.24 and having regard to the Policy framework* below, and The Conservancy's initial pre-application advice under reference GEN/24/00494, dated, 22 May 2024, the design of proposed altered sea wall, which would be highly visible from many public vantage points in sub-character area B of the Emsworth Conservation Area, would be acceptable.

The sea-wall itself abuts the tidal Emsworth Mill Pond (which is not part of the Chichester Harbour SSSI). The street frontage to the plot is marked by a 7 brick high wall, back-planted with a hedge, rising up to a 17 brick high element by the vehicular access point. Land to the south is an open surface car park, with the boundary there marked by a 10 brick high wall, topped with a timber close-boarded fence (the latter fencing to be replaced - ?? – case officer please clarify with the applicant) by either heightening the wall or adding the glazed panels held in aluminium frameworks anodised in a grey colour. The glass will be angled at 3° to further reduce any glare. The plot sits within EA flood zone 3 (highest risk) and is part of the Chichester Harbour National Landscape (NL – formerly AONB).

The sea wall has previously been heightened under decision APP/16/00960 on the north and east boundary. It is now proposed to raise a further 330mm. The FRA says this will match the height of the existing wall fronting Bath Road.

The proposals seem predicated more on the basis of a fear that the property might become flooded, based on a flood event 9-4-2024, where several neighbours were affected and yet the water level only came within 75mm of the property's 2016 heightened sea/millpond wall top. No calculations per se have been undertaken by a civil engineer to justify the 330mm extra sought.

The only observation Conservancy Officers have is why was the currently proposed wall height not proposed at the time of APP/16/00960 (itself not subject to a FRA prepared by a civil engineer, but merely predicated on the basis on being within flood zone 3)? Surely the flood risk assessment then would have recommended the current addition too?

The Conservancy has recently commented on a similar proposal at land opposite 56 Bath Road on 22 April 2024, under reference APP/23/01057. No objection was raised subject to suggested conditions relating to –

“1) The Council being satisfied that the proposed wall would provide an effective flood prevention measure for the application property and would not increase the risk of flooding elsewhere or compromise the structural integrity of the existing sea wall;
2) Samples of the proposed materials being agreed - the Conservancy's preference would be for a weathered look concrete to match the existing wall;
3) A construction and Environmental Management Plan be agreed prior to the work commencing, to include the timing of the work being outside the overwintering bird season.”

The proposals would not have an adverse impact on the AONB or the purposes of its designation and the character and appearance of the Emsworth Conservation Area would be preserved. The Conservancy's preference, however, would be that if no detailed calculations have been carried out to justify the heightening sought, then it would prefer that the proposed works not be carried out. The photograph on page 1 of the design and access statement is interesting as an illustration of the power of nature, but as the caption says, this was at a time that the plot had no flood defences.

***Policy framework**

NPPF (December 2023): paragraphs 1-3, 6-13, 20, 28-30, 38-43, 47-48, 55-56, 131, 135-136, 139-140, 157-158, 165, 170, 174, 180, 182, 186, 191, Chapter 16, 224-225;
NPPG (2014 onwards): ID6-ID8, ID18a, ID21a, ID26;
Havant Borough Local Plan (Core Strategy) 2011 - CS11, CS12, CS16, DM8, DM9;
Havant Borough Local Plan (Allocations) 2014 - AL1, AL2, DM20, DM25;
ENP – 'Made' Emsworth Neighbourhood Plan (2021): policies H1, WF1 (e), D1, D2 (a);
Chichester Harbour AONB Management Plan 2019-2024: 1, 2 and 15;
CHC Planning Principles (adopted by The Conservancy 16 October 2017 onwards) – 01, 03, 10;
Joint Chichester Harbour AONB SPD (2017);
Borough Design Guide;
Emsworth Conservation Area CACA & Management Plan ;
Emsworth Design Statement.

Officer note:

Regarding the latter fencing, the applicant has stated

"Just to confirm that the wall to the south side of our property, that is between our property and the sailing club car park is higher than the other walls bounding our property and as such does not require any additional height, and therefore we will not be adding glass and aluminium channel to this section.

You mentioned the fence which is behind this wall i.e. in our property and I can confirm that this has recently been replaced and it will remain in place".

Additional officer note:

Regarding the need for the sea wall, officers are of the opinion that despite no documents provided justifying the level of increase of the height of the sea wall, in consideration of the limited and acceptable impacts in light of suitable ecological and arboricultural mitigations, that there would not be the grounds to warrant a refusal of this planning application.

Coastal Engineering

We have no objection in principle to the proposed development but are able to offer the following comments and advice.

The submitted drawings, plans, elevations and Flood Risk Assessment all seem realistic and proportionate.

The proposals are in keeping with the North Solent Shoreline Management Plan policy here to Hold the Line (maintain or upgrade the existing standard of protection provided by defences) for this unit (5a16 - Emsworth Yacht Haven to Maisemore Gardens). Please note, the applicant should check with the Environment Agency to determine whether an Environmental Permit is required for these works:
<https://www.gov.uk/guidance/flood-riskactivities-environmental-permits>

Due to the current unfavourably declining condition of Chichester Harbour, it is also recommended that Natural England be consulted to ensure that there will be no adverse impacts on the Harbour as a result of this development.

Officer note:

Natural England has been subsequently consulted during the application process.

Conservation Officer**Site / Location**

The application site is located on Bath Road in Emsworth. It comprises a detached, two-storey property, which sits adjacent to the Mill Pond. The site is located in the Emsworth Conservation Area, which is a designated heritage asset. On the opposite side of the Mill Pond, there is a Grade II listed building – Tide Mill (Quay Mill).

Legislation

When assessing the proposal, the following legislation and policy context is taken in consideration.

Planning (Listed Building and Conservation Areas) Act 1990

With regards to development in designated conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework (revised November 2023)

Chapter 16 of the NPPF relates to the Historic Environment including paragraphs 195 – 214. The building subject to this application is not listed but is deemed to be a non-designated heritage asset (as set out in the introduction) and therefore the following paragraphs are most relevant to the determination of this application:

Para 205 states that:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Para 206 states that:

‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'*

Para 207 states that:

'where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development

Para 208 states that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

Para 209 states that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)

Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of the Havant Borough

Policy CS11 (4) states that planning permission will be granted for development which:

'Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest'.

Policy CS16 – High Quality Design

Policy CP16 (1a) of the Core Strategy states that:

'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*
- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

Policy DM20 (Allocations Plan) - Historic Assets

Policy DM20 states that;

'Planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

- 1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.*

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Assessment

A heritage statement has been submitted with the application in accordance with Policy DM20 of the Local Plan.

The proposal is to raise the existing flood defence sea wall by 330mm with a glass and aluminium extension. This is response to severe flooding in early 2024. Permission was granted in 2016 to increase the height of the wall which has been implemented. This extension would be further to that increase. The proposed wall would be constructed in non-reflective glass, in between aluminium supports anodised in a grey colour to blend in with the existing wall.

Given the context of the property, immediately adjacent to the Mill Pond edge, it would not be unusual to view a flood wall in context with the property. The proposed wall would mainly comprise glass, therefore still allowing views through to the property, which contributes highly to the Mill Pond setting and character of this part of the conservation area.

Overall, it is considered that the proposal would not result in harm to the significance of the Emsworth Conservation Area and is in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the relevant parts of the, the NPPF and the adopted Local Plan.

Conclusion

NO OBJECTION

Councillor Charles Robert

No comments received

Councillor Grainne Rason

No comments received

Councillor Reuben Mychaleckyj

No comments received

Ecologist

It would be sensible to undertake a brief HRA using our proforma. This will at least document that we have considered impacts to the nearby SAC, even if we conclude (with corroborating information from NE) that there is not likely to be an issue.

During the application process, a Construction Environmental Management Plan was requested by the Council's Ecologist. The agent submitted a Construction Environmental Management Plan to the officer and a HRA AA form was written up and consulted with Natural England.

Regarding the Construction Environmental Management Plan, the Council's Ecologist confirmed that they have reviewed the submitted CEMP and satisfied with it in the context of the likelihood of impacts. The Council's Ecologist assisted in the drafting of the Council's HRA and included the key measures from the CEMP.

Emsworth Residents Forum, c/o Emsworth Community Centre

This is a well considered design, paying appropriate attention to the prominent position of the property on Emsworth Millpond and its general visibility from a large area around the millpond. We believe that where it is not planned to install glazing on top of the existing wall, the proposed increase in height extension of the existing flood defence wall is appropriate,

Engineering/Drainage

No comments received

Environment Agency

We have no objection to the proposal as submitted.

Natural England Government Team

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Officer note:

Due to the sensitive location in close proximity to ecology, a Construction Environmental Management Plan was requested by the Council's Ecologist. The agent submitted a Construction Environmental Management Plan to the officer and a HRA AA form was written up and consulted with Natural England. Following this, Natural England was reconsulted whereby no comments were received, in light of the Council's ecologist lack of objection officers consider this acceptable and it forms part of the recommendation.

Property Services Manager

No comments received

Arboriculturist

The proposal to improve sea defences has the potential to impact on the on-site Willow, as such I would request an AIA to include AMS and TPP for this application before making comment. The willow is likely to be considered an important feature by Langstone Conservancy and it is a nice semi-mature specimen, however it would be easily replaced by a tree of the same species should there be a need for its removal and sea defences are required to take priority in this case.

Following communication between the officer and the agent and applicant, the agent did not agree with the request of the Council's Arboriculturist for the need for an AIA to include AMS and TPP for this application. In light of this, communication between the officer and the Council's Arboriculturist was undertaken whereby he further commented:

Under the circumstance – no TPO etc and the resilience of the species – yes, I raise no objection to this application and if you do permit please can I ask that you condition their protocol.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 16

Number of site notices: 1

Statutory advertisement: 16/08/2024

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Flood risk and defence
- (iii) Appropriateness of design and impact on the character of the area, the Emsworth Conservation Area and the national landscape (formerly known as AONB)
- (iv) Effect on neighbouring properties
- (v) Ecology
- (vi) Arboriculture
- (vii) Biodiversity Net Gain (BNG)

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Flood risk and defence

7.3 In the high risk / functional flood plan areas of flood zone 3, water-compatible development, such as flood defence infrastructure is acceptable under the NPPF and related guidance if it is safe, does not result in a loss of floodplain storage, does not impede water flows and does not increase flood risk elsewhere. Local policy DM25 provides support for development for flood risk management in Emsworth, albeit it is not concerned with householder development and is directed towards the wider flood alleviation of the Emsworth Area. Nevertheless, the proposal is intended to increase flood defence at this particular property, which is consistent with the thrust of DM25.

7.4 The Environment Agency (EA) has raised no objection, and likewise, the Coastal partnership has confirmed no objection to this proposed height increase of the sea wall.

(iii) Appropriateness of design and impact on the character of the area, the Emsworth Conservation Area and the national landscape (formerly known as AONB)

7.5 The application site is within the Chichester Harbour National Landscape (formerly known as Area of Outstanding Natural Beauty). The site is also within the Emsworth Conservation Area and is within the setting of Emsworth Mill Pond and Tide Mill which is a Grade II Listed Building.

7.6 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 requires that new development; Responds to, draws inspiration from and respects local context and: Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site. Policy CS11 of the of the Havant Borough Local Plan (Core Strategy) 2011 seeks to protect and where appropriate enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to Conservation Areas and Listed Buildings. Policy CS12 of the Havant Borough Local Plan (Core Strategy) 2011 seeks to conserve and enhance the qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).

7.5 The special qualities of the National Landscape (as defined in the Chichester Harbour AONB Management Plan) include; 'The particularly strong historic character and associations' and 'The picturesque harbourside settlements.'

7.6 Policy H1 of the Emsworth Neighbourhood Plan requires that 'Any new development or alteration to an existing structure that affects, or has the potential to affect a heritage asset (whether designated or undesignated) will be required in its design, scale and materials to conserve or enhance the significance of the heritage asset, the wider historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan.

7.7 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.8 Paragraph 201 of the NPPF 2023 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.
- 7.9 The Emsworth Conservation Area is significant because it comprises an old town located between two small creeks (adapted for mill ponds), with a medieval layout of streets and alleyways. It grew in importance from the 13th century and was especially prosperous in the 18th century as a port with fishing and trade.
- 7.10 Tide Mill is important being a Former tide mill, in use as a sailing club it dates from C18, C20. It comprises of a plain rectangular structure, of brick with a tile roof. It features a symmetrical east elevation of 2 storeys and attic with 5 windows. It also features red brickwork in Flemish bond and rubbed cambered arches and casements. In the north gable there are upper and lower doorways. To the west is a lower building, once containing the power machinery. Associated with the mill is a sea wall, extending across the shallow valley, with sluices, which encloses a millpond, fed by a stream, but once also by a high tide (via the sluices). The building has recently been modernised (with new dormers) for use as a sailing club.
- 7.11 Emsworth MillPond is important being a former tidal inlet located within the conservation area, featuring Tide Mill to the east of the Emsworth Millpond.
- 7.12 This application seeks the Installation of glass and aluminium extensions to raise the existing flood defence wall by 330mm. The proposed wall would be constructed in non-reflective glass, in between aluminium supports anodised in a grey colour to blend in with the existing wall.
- 7.13 Given the context of the property, immediately adjacent to the Mill Pond edge, it would not be unusual to view a flood wall in context with the property. The proposed wall would mainly comprise glass, therefore still allowing views through to the property, which contributes highly to the Mill Pond setting and character of this part of the conservation area. In accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal would preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area.
- 7.14 With regards to the proposed impact upon the Emsworth Conservation Area and the national landscape (formerly known as AONB) , it is not considered the proposed installation of glass and aluminium extensions to raise the existing flood defence wall by 330mm would have a harmful impact upon these characters as it is not considered out of keeping with the surroundings and the appearance of the area. Furthermore the Council's Conservation Officer and Chichester Harbour Conservancy did not provide an objection regarding the design of the proposed increase in height of the wall. Overall, it is considered that the proposal would not result in harm to the significance of the Emsworth Conservation Area and it is considered that the proposal would conserve the special characteristics of the National Landscape (AONB) and is in accordance with Policies CS11, CS12 and CS16 of the HBLP (Core Strategy 2011) and ENP_D1 and ENP_H1 of the Emsworth Neighbourhood Plan. It is also considered to be in accordance with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the relevant parts of the, the NPPF and the adopted Local Plan".

(iv) Effect on neighbouring properties

- 7.15 In light of the proposed nature, scale and location of the proposed installation of glass and aluminium extensions to raise the existing flood defence wall by 330mm, officers consider the proposal acceptable regarding neighbourly impacts.
- 7.16 Consequently, it is considered that the proposal would not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy 2011) and Policy ENP:D of the Emsworth Neighbourhood Plan. It is noted no letters of objection were received with respect to the scheme.

(v) Ecology

- 7.17 The Council's Ecologist was consulted on the application and stated "*It would be sensible to undertake a brief HRA using our proforma. This will at least document that we have considered impacts to the nearby SAC, even if we conclude (with corroborating information from NE) that there is not likely to be an issue*". A CEMP was received from the agent which was reviewed by the Council's Ecologist. A Habitats Regulations Assessment and Appropriate Assessment was undertaken and Natural England was consulted, whereby they left no comments.
- 7.18 A copy of the HRA/AA is attached to the case file.
- 7.19 A condition is recommended to ensure that the CEMP is adhered to in the construction process in order to not undermine the conservation aims of these designations nor affect protected species. Subject to these measures and conditions, the impact on Ecology is considered to be appropriately addressed.

(vi) Arboriculture

- 7.20 Due to a willow tree on site in close proximity to the proposed height increase of the sea wall, the Council's Arboriculturist was consulted during the application process. The Council's Arboriculturist originally stated "*The proposal to improve sea defences has the potential to impact on the on-site Willow, as such I would request an AIA to include AMS and TPP for this application before making comment. The willow is likely to be considered an important feature by Langstone Conservancy and it is a nice semi-mature specimen, however it would be easily replaced by a tree of the same species should there be a need for its removal and sea defences are required to take priority in this case*".
- 7.21 Following communication between the officer and the agent and applicant, the applicant and agent did not agree with the request of the Council's Arboriculturist for the need for an AIA to include AMS and TPP for this application. In light of this, communication between the officer and the Council's Arboriculturist was undertaken whereby he further commented: "*Under the circumstance – no TPO etc and the resilience of the species – yes, I raise no objection to this application and if you do permit please can I ask that you condition their protocol*".

- 7.22 In light of this, the following condition will be added to the decision notice if permission is forthcoming "*The development hereby permitted including demolition shall be carried out fully in accordance with the approved Arboricultural method statement unless otherwise agreed in writing by the Local Planning Authority*". In light of the following condition if permission is forthcoming, it is considered that with this condition that arboricultural impacts would be limited and acceptable and that this proposal would accord with Policy CS11 of the Havant Borough Local Plan (Core Strategy 2011).

(iv) Biodiversity Net Gain (BNG)

- 7.23 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character and appearance of the area, including the Emsworth Conservation area, it would preserve the setting of nearby listed buildings and the National Landscape (AONB) and would have a limited and acceptable impact on the neighbouring properties. It would furthermore with ecological and arboricultural conditions be considered unlikely to harm nearby ecology and arboriculture. On this basis it is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00610 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number: THUILLIER- FRAV2: FLOOD RISK ASSESSMENT:
Uploaded 29/8/24

Drawing Number: THUILLIER- V3: DESIGN AND ACCESS HERITAGE
STATEMENT: Uploaded 29/8/24

CEMP PLAN: Uploaded 29/10/24

Drawing Number: 14/077-001: PROPOSED SITE PLAN: Uploaded 29/8/24

Drawing Number: 14/077-003: EXISTING FLOOD WALL ELEVATIONS:
Uploaded 29/8/24

Drawing Number: 14/077-004: PROPOSED FLOOD WALL ELEVATIONS:
Uploaded 29/8/24

Drawing Number: 14/077-005: LOCATION AND BLOCK PLAN: Uploaded

29/8/24

Drawing Number: 14/077/001: EXISTING SITE PLAN: Uploaded 29/8/24

Drawing Number: SWAN HOUSE GA: PROPOSED FLOOD WALL -
ENGINEERING PLANS: Uploaded 29/8/24

Drawing Number: THUILLIER-V1: FULL PLANS: Uploaded 29/8/24

Arboricultural method statement set out in an email correspondence dated 20 September 2024

Reason: To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used for the extension to the wall have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory within the Emsworth Conservation Area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 (Allocations) 2014 and the National Planning Policy Framework 2023.

- 4 The development hereby permitted including any demolition, shall be carried out fully in accordance with the approved Arboricultural method statement received on 20 September 2024 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control the construction phases to prevent harm to trees together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 The development hereby permitted including any demolition, shall be carried out fully in accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control the construction phases to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations and the National Planning Policy Framework.

- 6 The Glazed panels shall be installed at a 3 degrees angle to the vertical in order to reduce glare.

Reason: Reason: In order to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, CS16, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.