

Dear Emma,

Whilst not within the AONB, this site directly adjoins it, so the Conservancy are disappointed not to have been consulted about this application, made valid 18.10.16.

61B Brook Gardens, Emsworth, PO10 7JY

APP/16/01030 – Change of use of amenity landscape land to residential garden with a Deed of Release of the obligations in the S106 Agreement

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – Holding objection.

Following a site visit made 31.10.16 and having regard to the Policy framework* below, it is noted that these trees are visible in the wider landscape and have good amenity value positively contributing to the landscape qualities of the immediately adjoining AONB.

They can be clearly seen from Public footpath number 56 and the permissive pathway that goes north from that up to Havant Road, Emsworth.

I note that 61a and 61b Brook Gardens appear to have been built out under HBC planning permission reference number 99/63010/1, subject to a S.106 planning agreement requiring the developer and their successors in title to maintain the application site as amenity land.

It would seem from the draft deed of variation that the application site is now wholly owned by Richard Hugh Crawford and Linda Louise Shillingford, residing at 61b Brook Gardens.

Whilst the change of use to private garden land rather than ‘amenity land’ is not of itself objectionable, it is the lack of certainty regarding the trees which stand on the land which is of more interest to the Conservancy.

The application does not appear to be supported by any report by an arborist and for all the Conservancy knows, the applicant’s intention may be to fell all the trees on the land. That would be regrettable and harmful to the setting of the AONB, including any wildlife the trees may support (bats for example and nesting birds).

Looking at the Council’s Tree Officer comments, it would appear that none of the trees are covered by a TPO and that the only thing protecting them is the S.106 – details of which are not available on-line.

The Conservancy therefore objects to the application, until such time that the fate of these trees is known.

If the S.106 is to be varied, then it should be made clear which trees would remain, with the varied agreement setting out that unless the retained trees become dead, dying or dangerous, it would be the applicant (and their successor in title)’s responsibility to maintain the trees in accordance with sound arboricultural practice, preferably quoting some British Standard number in this regard.

The Conservancy would wish these options to be more fully explored and lodges a holding objection in the interim, with a view to the council also making a Tree Preservation Order to retain these trees.

Yours sincerely

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