

Houghton, Michelle

From: David Rothery <David.Rothery@conservancy.co.uk>
Sent: 07 July 2021 12:34
To: Stewart, Maria; Havant Planning and Development Mailbox New
Subject: APP/21/00630 - Land at 28 King Street, Emsworth,, Hampshire
Attachments: reply APP21.00630 EMS DT OBJ fell tree kingst.pdf; rept APP21.00630 EMS DT OBJ fell ash tree kingst.pdf

Chichester Harbour Area of Outstanding Natural Beauty : SUMMARY OBSERVATION

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

To: Maria Stewart – Local Planning Authority Planning Case Officer

Location: **Land at 28 King Street, Emsworth,, Hampshire**

Planning Application: **APP/21/00630**

Proposal: **Felling of Ash tree within Conservation Area (claimed due to inappropriate location)**

Chichester Harbour AONB Recommendation: **OBJECTION** (planning refusal reasoning suggested)

This consultation comment is a Chichester Harbour Conservancy fully delegated assessment.

Please find enclosed the consultation comment letter relating to the proposed development that impacts on the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

This [summary observation cover email](#), the [consultation response](#) are both [suitable for open public viewing](#).

David Rothery

Principal Planning Officer



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Chichester Harbour Conservancy manage and advise on the Chichester Harbour Area of Outstanding Natural Beauty

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CHICHESTER HARBOUR CONSERVANCY

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Havant Borough Council
Public Service Plaza
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Hampshire PO9 2AX

7 July 2021

To the planning case officer, Maria Stewart.

Location: **Land at 28 King Street, Emsworth,, Hampshire**

Planning Application: **APP/21/00630**

Proposed **felling of Ash tree within Conservation Area (claimed due to inappropriate location)**

Thank you for consulting The Chichester Harbour Conservancy concerning the above planning submission. The Conservancy is 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. This duty of purpose, for and within the AONB, *also applies to proposals outside* the designated area but impacting on its natural beauty.

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 Havant Borough Council and Chichester District Council.

The Conservancy makes the consultation comment under the Chichester Harbour Conservancy 'Delegated Procedure' route. A copy of **the Chichester Harbour AONB Unit Planning Assessment Report** together with **the AONB recommendation** is attached for your guidance and for open transparency public view.

It is noted that as of the date of this consultation comment dispatch, the LPA web site still shows this proposal as still pending a decision. If you require any further clarification with regards to this recommendation, please contact the CHC AONB Planning Advisory Case Assessment Team.

Yours Sincerely,

David Rothery
Conservancy Principal Planner
Chichester Harbour AONB Unit
Chichester Harbour Conservancy



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CHICHESTER HARBOUR AREA of
OUTSTANDING NATURAL BEAUTY
(AONB) Unit
Planning Consultation
Development Assessment Report

Chichester Harbour AONB Unit : Recommendation Report (Tree Works)

Location: Land at 28 King Street, Emsworth,, Hampshire

Planning Application: **APP/21/00630**

Proposed felling of Ash tree within Conservation Area (claimed due to inappropriate location)

Chichester Harbour AONB Unit Recommendation –OBJECTION

Objection refusal reasoning –

- the works to fell and remove this tree (in association with the loss of an adjoining tree under APP/21/00283 dated 30 June 2021) would on the basis of no clear or reasoned justification, remove an established part of the natural landscape within the AONB in this urban location to the detriment of the visual appearance and character of the AONB.

Scope of Assessment Consideration

In considering the implications and impact within or to the Area of Outstanding Natural Beauty protected national landscape, the appearance and character of the tree within the surrounding AONB landscape setting is assessed.

Planning Approach

The statutory purpose of the Area of Outstanding Natural Beauty (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.

The submission site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Proposals impacting on the AONB are subject to more stringent planning guidance to ensure that development respects and enhances the inherent qualities of such a sensitive location. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

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. The landscape covers both built-up urban environments as well as rural countryside and coastal areas.

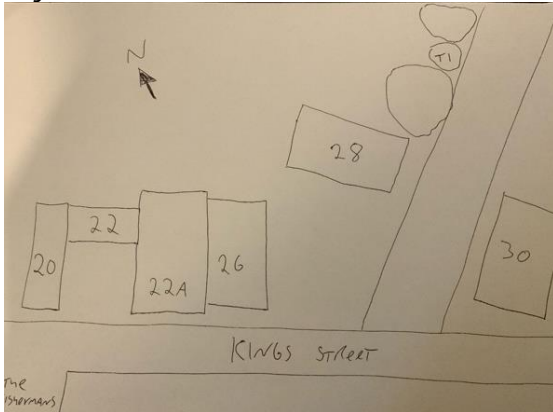
This comment and recommendation is made having regard to the applicable AONB Policy -

- 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 – LPA adopted)
 - National Planning Policy Framework (Revised 2018)
 - National Planning Practice Guidance (2014)
- and in particular the following relevant AONB Planning Principles –
- AONB **PP01**: Chichester Harbour as a Protected Area,

Relevant Recent Planning History

APP/21/00283: Fell 1x Sycamore (T1) within conservation area. CHC comment not sought by the LPA for this submission. Application Allowed by LPA on 30 June 2021.

The LPA planning report states "*The tree is set back off King Street towards the rear of the property and adjacent to one of the driveways. A boundary wall follows the driveway and it is also adjacent to a public footpath. The tree sits in the raised bed and appeared to be self seeded. A number of trees of varying condition and species forms this boundary. The applicant wishes to remove the tree as it is now causing significant damage to the wall, it is bowing and likely to fail at some point. The Sycamore's root ball is intertwined with an Ash (which is subject to a separate section 211 notice). The Sycamore is a suppressed, drawn up specimen of poor quality. As there are a number of trees along this boundary its removal will not be detrimental to the character or appearance of the conservation area, and more importantly, it cannot be retained or it will cause further damage to the wall. Due to its poor form, inappropriate location and its limited long term retention due to the visible damage to the wall the tree is not a suitable specimen to be made the subject of a TPO therefore no objection should be raised to its removal.*"

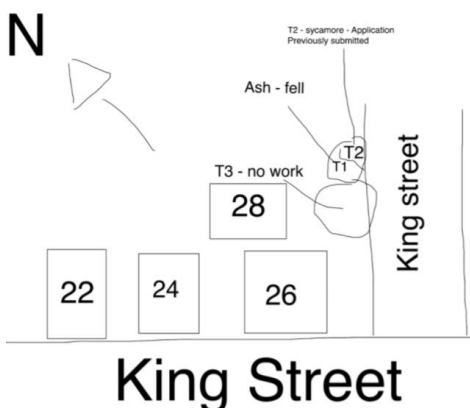


93/58227/000: Notification of intention to fell Sycamore in Emsworth Conservation Area (alt ref: 93/58227/TPO) at Holmwood House, 28 King Street.

Unfortunately, no details are available on the LPA public access web pages for this site other than a decision was issued on 6 May 1993. There is a clear indication that the decision made was then subject to a Planning Appeal with a PINS decision following. Details of that decision are not specified either.

Submitted Proposal and Supporting Documents

The proposed tree works are sought due to 'inappropriate location'. There is no clarification on this statement as part of the submission. The submitted plans / drawing for the identification of the tree the subject of the application is also poorly prepared. On the basis of the submission, the reasoning for the removal of the tree is unclear. The tree benefits from an equal status as a tree covered by a Tree Preservation Order (TPO) due to its location within the Conservation Area.



The submission includes no supporting documents. The submission makes **no** acknowledgement of the location context to the setting of the Area of Outstanding Natural Beauty (AONB) protected national landscape and fails to reference or confirm compliance with the AONB policies affecting the proposal. The lack of knowledge or understanding of the status of the AONB in the planning consideration is disappointing.

Planning Assessment

The consideration would require a full and detailed assessment of the potential, possible, and probable impact to the character and appearance of the site and the locality of the AONB protected landscape. The main AONB planning assessment issues to be considered for this site relate to:

- A. Consideration against the relevant AONB Planning Principle guidance
- B. Relevant and/or recent planning history implications for the proposal
- C. The locational positioning, perceived visual appearance and impact on the environmental character of the AONB protected national landscape
- D. The wildlife, biodiversity, ecology, and natural environmental effects of the AONB and any measures to mitigate the impact of ecological and environmental disturbance

AONB Planning Principle PP01: Relevant to this proposal is the statutory primary purpose is to conserve and enhance the natural beauty of the area. Great weight should be given to the protection of the landscape, the conservation of nature, and the special qualities of Chichester Harbour and its surrounding supporting hinterland.

The reason submitted for the tree works are unclear and incomplete. The result would be a loss of a mature tree and the diminution of the group tree effect, especially given the earlier acceptance of the removal of the adjacent Sycamore tree under APP/21/00283 on 30 June 2021 which the AONB was not consulted on.



The tree is part of a small group which are set back from King Street. The driveway is also a public footpath (see planning report notes for APP/21/00283) but which can also be observed from the public highway to the south and from the Harbour waters to the north and north-east of the site. The proposed works affecting the tree would be likely to be noticeable in the context of the immediate surroundings, from King Street along the driveway between no.28 & no.30 King Street and from views from the Harbour waters.

There are a few trees in the immediate area. The existing size and scale of the tree is not clear, but in the context of the other trees, it does have a visual presence. In this context, the loss of the tree it would be likely that the works would be noticeable as part of the prominent established landscape feature in this area.

The proposal would obviously impact on existing wildlife habitats, reducing potential nesting and roosting habitats. Consideration of bird and bat activity should be protected. The proposal to fell and remove the tree is viewed as harmful to the wildlife or biodiversity of the site.

Summary Conclusion

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is location within the built-up area environment within the AONB.

The positioning of the proposal would have a localised impact on the character and appearance of the site and the immediate surrounds, which includes the Harbour coastline and waters. The proposal would have a major visual impact on the AONB protected landscape within this localised setting.

Given its setting, the proposal felling is considered to be significant and prominent so as to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

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

Other Comment

The planning application will be considered by the LPA in terms of other aspects applicable to the planning merits of the proposal, such as any overlooking impact to neighbouring property and spaces, any perceived loss of privacy, any equated loss of light and cause of shadowing, noise generation and disturbance, traffic generation and on-site parking provision, and in terms of overall good building design and land-use neighbourliness.

This consultation assessment and comment response to the LPA is for open transparency public view.

Assessment 05-07-2021 LPA request reply 09-07-2021
Chichester Harbour AONB Case Assessor: David Rothery

Comment to LPA 07-07-2021
LPA Planning Case Officer: Maria Stewart

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Chichester Harbour Area of Outstanding Natural Beauty
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Visit our webpage – www.conservancy.co.uk/page/planning



Left: number 26 King Street, Centre: set back number 28 King Street, Right: number 26A King Street