

APPLICATION NO.	P15/S2854/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	21.8.2015
PARISH	SHIPLAKE
WARD MEMBERS	Paul Harrison & Will Hall
APPLICANT	Chesterton Commercial Group
SITE	Chelford House, Reading Road, Lower Shiplake, RG9 3JN
PROPOSAL	Variation of Conditions 13 (Landscaping) and 14 (Tree Protection) of planning permission P14/S1361/FUL (Erection of detached house and garage and formation of vehicular access) to allow for removal of existing boundary trees and to provide a revised landscaping scheme with native trees (planting scheme altered to include evergreen trees as shown on amended plan received 15th October 2015).
AMENDMENTS	One – see above
OFFICER	Paul Lucas

1.0 INTRODUCTION

1.1 This application is reported to the Planning Committee as a result of a conflict between the Officers' recommendation and the views of Shiplake Parish Council.

1.2 The application site, shown on the OS extract at **Appendix 1**, is a residential plot within the built up confines of Lower Shiplake with a detached dwelling and garage presently under construction. A mature Cedar at the rear part of the site and some of the Leylandii along the north-eastern site boundary were removed in September 2015 in conflict with the previously agreed tree protection measures approved under Condition 14 of the original planning permission for the dwelling. The trees that have been removed and those remaining on the site are not subject to any statutory protection. The northern site boundary is with a private driveway serving Chilton House to the north-east and Pinecroft to the east of the application site. There are no special designations on this site.

2.0 PROPOSAL

2.1 The application seeks to regularise the situation by variation of Conditions 13 (Landscaping) and Condition 14 (Tree Protection) of planning permission P14/S1361/FUL. The variation to Condition 13 involves the submission of an alternative planting scheme, which seeks to replace the removed Cedar and the removed Leylandii and the remaining Leylandii with the following heavy standard and root balled tree species: Himalayan Birch; Pyramid Hornbeam; Scots Pine; Douglas Fir and numerous shrubs and herbaceous ground cover planting. The proposed landscaping scheme was amended during the course of the application to provide more evergreen species. The variation to Condition 14 involves the retention of the current tree protection measures installed on site for the duration of the development. These differ from the approved measures in that the protective fencing excludes the trees that have already been removed. Upon completion of the development, it is the applicant's intention to replace the remaining Leylandii with the proposed tree and shrub planting.

2.2 The landscaping plan can be found at **Appendix 2**. Other documents in support of the

application can be viewed on the Council's [website](http://www.southoxon.gov.uk), www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Shiplake Parish Council:

- Response to original landscaping: the application should be refused as the design statement provides insufficient reasons for removal of the subject trees or variation of the original conditions and their removal would adversely affect the character and amenity of the area.
- Response to amended landscaping: given the ongoing history of breach of good planning practice, we see no reason to change our earlier decision on this matter

Forestry Officer (South Oxfordshire District Council) - No objection to amended planting scheme

Neighbours – Two representations of objection/concern, summarised as follows:

- Removal of the Leylandii would be harmful to the character and appearance of the surroundings
- Keeping the Leylandii would retain the visual barrier between the site and the adjoining driveway
- Retention of side and rear boundary planting would prevent any discernible loss of light, outlook or privacy to the occupiers of Chilton House and Pinecroft
- Planning permission obtained under false pretences
- Replacement of existing Leylandii with a collection of small shrubs would not make good the resulting loss of screening and privacy
- If trees are removed, should impose condition to provide high construction fence along the boundary with the driveway similar to the one along the front of the site
- Developer removed trees from the site frontage prior to submitting the original planning application
- Developer should give notice to neighbours if they are to remove more trees

3.2 All consultation responses can be viewed in full on the Council's [website](http://www.southoxon.gov.uk).

4.0 RELEVANT PLANNING HISTORY

4.1 [P14/S3767/DIS](#) - Approved (12/05/2015)

Discharge of conditions Conditions(s) 3 (ground levels), 5 (materials), 13 (landscaping), 14 (arboricultural) of planning application P14/S1361/FUL.

A copy of the originally approved landscaping and tree protection details are attached as **Appendix 3**.

[P14/S1361/FUL](#) - Approved (15/11/2014)

Erection of a two-storey 5-bedroom dwelling and attached garage incorporating construction of new vehicular access and landscaping and alterations to existing vehicular access to Chelford House (Additional highways information received 27th May 2014) (Dwelling and garage repositioned and first floor balcony removed as shown on amended plans received 8th July 2014)

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSB1 - Conservation and improvement of biodiversity

CSEN1 - Landscape protection

CSM1 - Transport

CSQ2 - Sustainable design and construction
CSQ3 - Design
CSR1 - Housing in villages
CSS1 - The Overall Strategy

- 5.2 South Oxfordshire Local Plan 2011 policies;
- C4 - Landscape setting of settlements
 - C6 - Maintain & enhance biodiversity
 - C9 - Loss of landscape features
 - D1 - Principles of good design
 - D2 - Safe and secure parking for vehicles and cycles
 - D3 - Outdoor amenity area
 - D4 - Reasonable level of privacy for occupiers
 - D10 - Waste Management
 - EP2 - Adverse affect by noise or vibration
 - EP3 - Adverse affect by external lighting
 - EP6 - Sustainable drainage
 - G2 - Protect district from adverse development
 - H4 - Housing sites in towns and larger villages outside Green Belt
 - T1 - Safe, convenient and adequate highway network for all users
 - T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008 – Section 3
Trees and Development - Best practice guidance 2008
Shiplake Parish Plan

- 5.3 National Planning Policy Framework
National Planning Policy Framework Planning Practice Guidance
The policies within the SOCS and SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against these relevant policies.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The planning issues that are relevant to the planning application are whether variation to the landscaping and tree protection conditions would:
- Be in keeping with the character and appearance of the site and the surroundings;
 - Safeguard the living conditions of neighbouring residential occupiers and provide suitable living conditions for future occupiers.

6.2 Visual Impact

Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 explain that the design, height, scale and materials of the proposed development should be in keeping with its surroundings and the character of the area should not be adversely affected. In considering the original application, the Council's Forestry Officer's opinion was that the development should be located outside the Root Protection Area (RPA) of the Cedar. However, this tree was not of sufficient quality to merit a Tree Preservation Order due to storm damage. Although there was no arboricultural objection to the removal of the Leylandii along the northern boundary, officers considered that their removal would be harmful to the character and appearance of the surroundings, where there is mature planting around many site boundaries. Consequently, planning conditions were imposed upon planning permission P14/S1361/FUL in order to secure the protection of the Cedar and Leylandii during the course of the development and provide new planting around the site frontage.

- 6.3 Officers have considered whether the removal of the Cedar and Leylandii trees and

their replacement with new indigenous planting would provide an acceptable form of screening for the proposed development. Conditions 13 and 14 do not require the retention of the existing trees beyond the construction phase. Consequently, whilst a future occupier would be obliged to maintain any new planting for a 5 year period, they would be entitled to remove the Leylandii at any point. In the Forestry Officer's opinion, Leylandii are a difficult species to manage and future occupiers would be tempted to minimise expense by removing them. If not properly managed the life expectancy of the Leylandii would be less than 20 years. In contrast, the Forestry Officer considers that the replacement planting including several large good quality trees, three of which would be evergreen, would have to be maintained for a 5 year period. The Douglas Fir would be an appropriate replacement for the Cedar. These trees would have a much greater life expectancy and would bring a longer term benefit to the character and appearance of the surrounding area and in officers' opinion this would mitigate the short term reduction in the amount of foliage on the site. It is important to note that this planting would be in addition to the comprehensive tree planting that has already been approved across the site frontage, which over the passage of time would provide significant enclosure of the site in public views. In the light of the above assessment, the proposal would comply with the above criteria.

6.4 Neighbour Impact

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. The main concern raised is the impact of the loss of the existing trees upon the living conditions of the occupiers of Chilton House and Pinecroft. The original planning permission entailed the formation of a gap in the Leylandii hedge next to where the attached garage is located. This meant that the proposed dwelling would be noticeable from some of the habitable rooms of Chilton House and from parts of the adjoining rear garden. The complete removal of the Leylandii would mean that the dwelling would be more visible from Chilton House whilst the replacement planting would be becoming established. The distance between the closest ground floor rooms of Chilton House and the garage wall of the proposed dwelling would be about 14 metres. The distance between the closest first floor windows of Chilton House and the north-east facing side elevation of the proposed dwelling would be about 22.5 metres. Consequently, the level of separation involved between the respective facing walls and neighbouring windows at Chilton House would be such that the rooms involved would retain acceptable levels of light and outlook. Both the garage and main roofs would be hipped away from the northern boundary. In views towards the site from the closest part of Chilton House's garden, the boundary hedge along this neighbour's side of the driveway would continue to provide some screening of the dwelling and garage, with this screening being increased by the replacement planting as this becomes established. The north-east elevation of the proposed dwelling would not contain any first floor windows so there would be no significant loss of privacy to the occupiers of Chilton House.

6.5 There would be a distance of about 30 metres between the rear windows of the proposed dwelling and the rear boundary with Pinecroft. This distance would be in excess of the recommended minimum window to window distance of 25 metres set out in Section 3 of the SODG 2008. Consequently, the removal of the trees on the boundary between Pinecroft and the proposed dwelling would not result in a significant loss of privacy to either property whilst the replacement planting is maturing. This level of separation would also be sufficient to prevent any discernible loss of light or outlook to the occupiers of Pinecroft.

6.6 In relation to concerns about the impact of construction activities, the applicant has

confirmed that the remaining Leylandii would not be removed until the development is completed. Therefore, the existing foliage would continue to provide adequate screening during the development process and no additional fencing would be required. The amount of garden area at the rear of the proposed dwelling would continue to comply with the recommended minimum standard of 100m² for dwellings of this size as set out in Section 3 of the SODG 2008. On the basis of this assessment, the variation to the conditions would be in accordance with the above criterion.

7.0 CONCLUSION

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would not materially harm the character and appearance of the area or the living conditions of nearby residents.

8.0 RECOMMENDATION

8.1 **To grant planning permission, subject to the following conditions:**

1. **Development in accordance with approved plans.**
2. **Landscaping as shown on plan to be implemented within first planting season of commencement of development.**
3. **Approved tree protection measures to be retained on site for the duration of development.**
4. **All other conditions as previous planning permission.**

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