

APPLICATION NO.	P23/S1793/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	24.5.2023
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Stark Building Materials UK Ltd
SITE	99 Reading Road Henley-on-Thames, RG9 1BY
PROPOSAL	Removal of conifer trees and chain link fence along southern boundary and replace with timber fence.
OFFICER	(New ecological and landscaping information submitted 28th November 2023, proposing biodiversity net gain through replacement tree and hedge planting). Caitlin Phillpotts

1.0 INTRODUCTION AND PROPOSAL

1.1 This application is referred to the District Council Planning Committee as the officer's recommendation of approval conflicts with the views of Henley Town Council. The local ward member has also exercised his right to call it in within the prescribed period.

1.2 The site

The application site, shown on the attached map at **Appendix A**, is an existing builders merchant located off Reading Road within the built-up limits of Henley. The site is adjacent to the Henley Reading Road Conservation Area, it does not fall within it. The site is not within a designated national landscape.

1.3 In 1984 and 1986, planning permission was granted for an expansion of the trade facilities on site, including the provision of storage sheds and an extension of the collection centre. A condition of consent required a landscaping scheme to be agreed with the Council prior to commencement and thereafter maintained to the Council's satisfaction, with a requirement for any trees or hedges subsequently lost to be replaced within three years of the completion of the development. There is no record of the condition having been discharged and no agreed scheme on file.

1.4 Planning permission is sought for the removal of the hedging along the south-eastern boundary and its replacement with a 3-m high acoustic timber fence. Following issues raised by Officers, the boundary treatment would now be supplemented by replacement hedge and tree planting. An ecological report has been supplied demonstrating a biodiversity net gain.

1.5 The proposed plans are attached as **Appendix B**. All associated documents and consultation responses can be viewed on the council's website: www.southoxon.gov.uk

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Henley-on-Thames Town Council – Objection

- 22nd June 2023: Recommend refusal due to the adjacent conservation area and failure to conform with the NPPF requirement to enhance the ecology of the site. There is no indication of the condition of the trees and ecology and biodiversity reports should be supplied. The loss of habitat and effect on the subterranean drainage is also a concern. A replanting strategy is required and demonstration that the replacement would be better for biodiversity
- 13th December 2023: Recommend refusal reiterating previous observations and reinforce the need for further green screening along the boundary. It is considered that the proposal would be unneighbourly and out of character with the street scene. An ongoing maintenance strategy should be supplied.

Forestry Officer (South and Vale) –

- Initial response: No objections from an arboricultural perspective. The trees proposed for removal are of low arboricultural quality and should not be considered an arboricultural constraint to development. Ecological advice should be obtained from the Countryside Officer. The general tree protection condition should be attached to secure adequate protection of the retained trees and consideration should also be given to securing some replacement planting along this boundary, such as a hedge that could be managed by pruning.
- Considers the scheme for new tree and hedgerow planting is acceptable, noting, a brief Arboricultural Method Statement which details the steps to be undertaken to prevent damage to retained trees during the installation of the boundary fence and a condition to secure landscaping implementation will be required

South -Highways Liaison Officer (Oxfordshire County Council) – No objection

Ecology Officer (SODC)

- Verbal advice provided 29th June 2023: The existing conifers are a non-native species with limited biodiversity value. It would be difficult to justify a refusal on the basis of significant ecological impacts. A mitigation strategy should be looked at prior to removal – including timing, sensitive measures, pre-felling check. Replacement planting would be a benefit e.g. tree pits, flowering species such as cherry.
- Further advice 29th November 2023: The submitted biodiversity metric information does demonstrate an appropriate biodiversity net gain on

site. We'll need to secure the ongoing management of the hedgerow/tree line with a planning condition.

The Henley Society (Planning) – Objection, in line with HTC comments

Neighbour Objections (24) – Key issues raised:

- The proposal would not preserve the character and appearance of the Reading Road Conservation Area
- The conifer trees were a requirement of the 1980s consent and the landlord has not properly maintained the boundary. If the trees were cropped annually this would not be an issue
- The removal of the trees would result in neighbouring properties being exposed to the sight of the builder's yard and increased noises associated with its operation.
- The revised plan allows for deciduous tree species which would be poor substitutes for the coniferous cypress trees.
- Additional planting should be provided to replace the existing ash trees behind 1-15 Park Road which currently provide minimal screening
- The removal of the trees would result in significant drainage issues
- The proposed fencing would not provide adequate protection against debris falling from the yard
- The proposal would not provide a biodiversity net gain and would result in a loss of attractive habitat by birds and other wildlife.

Neighbour No strong Views (1)

- Future proposals should expand the area of boundary replacement

Neighbour Support (1)

- The trees have to be removed as soon as possible, as they are causing nuisance issues

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P17/S0744/FUL](#) - Approved (18/04/2017)

Alterations to south elevation of building to include the removal of window/entrance doors and form new aluminium display window and entrance doors. Form new aluminium entrance doors in south eastern elevation. External brickwall to south and south eastern elevations to be over clad. Erection of timber fence and alterations to internal gates.

[P96/S0327](#) - Approved (17/10/1996)

Erection of new fencing and placing of portacabin to house mess facilities and transport office.

[P86/S0176](#) - Approved (14/05/1986)

Proposed storage sheds and extension to trade collection centre; access. (Amendment to design of buildings as approved SO/S/483/84).

[P84/S0483](#) - Approved (08/05/1985)

Extension of trade collection centre, demolition of existing storage sheds and building of new storage shed. (As amended by plans accompanying Agents letters dated 13 February 1985, 17 April 1985 and 18 April 1985).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposal is not EIA development.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development
DES2 - Enhancing Local Character
DES6 - Residential Amenity
DES8 - Promoting Sustainable Design
ENV1 - Landscape and Countryside
ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
ENV3 - Biodiversity
ENV6 - Historic Environment
ENV8 - Conservation Areas
EP4 - Flood Risk
HEN1 - The Strategy for Henley-on-Thames

5.2 Joint Henley and Harpsden Neighbourhood Plan (JHHNP) Policies:

ENV2: Biodiversity
ENV3 – Trees
SD3 – Local Character

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The main material planning considerations are as follows:

- The principle of the proposed development
- The impact upon the character and appearance of the area
- The arboricultural and ecological impact
- The impact upon residential amenity
- The impact upon flood risk

6.2 The principle of the proposed development

The removal of a hedge would not normally constitute an act of operational development requiring planning permission in its own right. Moreover, Permitted Development (PD) rights allow for a fence to be erected at a commercial property up to 2 metres in height without the need for planning permission. This is set out under Part 2, Class B of the Town and Country Planning (General Permitted Development) Order (as amended).

6.3 Several respondents to the planning consultation have raised as an issue the planning condition attached to the 1986 consent. Officers acknowledge that this required a landscaping scheme to be agreed with the Council and implemented prior to commencement of the approved scheme. This would have required replacement tree planting to be undertaken to compensate for any trees lost within the first 3 years following completion of the development.

10. That a scheme for the landscaping of the sites southern boundary including the construction of screen fencing and planting of live trees and shrubs largely in accordance with plan 6116/1005/7 accompanying the application, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The scheme shall be implemented as approved within twelve months of the commencement of the sheet materials and cement store and thereafter be maintained in accordance with the approved scheme to the complete satisfaction of the Local Planning Authority. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within three years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs as the case may be of a species first approved by the Local Planning Authority be planted and properly maintained in a position or positions first approved by the Local Planning Authority.

6.4 There is, as noted by a respondent, a subsequent Southern Area Planning Subcommittee report (8th April 1987) on file which identified specific breaches of the landscaping conditions, including: the failure to agree and implement a planting scheme at the southern boundary within the required timescale, the absence of an appropriate screen wall, and the erection of a chain link fence more than 2m in height. The report recommended that enforcement action is pursued. The Council does not, however, have any further documents confirming that a planting scheme was ever subsequently agreed and implemented in accordance with approved details. Moreover, there is no record of a formal enforcement notice having been served.

6.5 If there has been a breach of planning control, the 10-year period of immunity has long since expired. Had the landscaping scheme been formally agreed in accordance with the condition, the planting would have been afforded protection for a 3-year period, which has also expired. Officers have no evidence that the conifer hedging proposed for removal is protected by any planning conditions. It is considered highly unlikely that permission would be required for its removal and the principle of the proposed development is therefore acceptable.

6.6 The visual and landscape impact

The existing hedging is not a species of particular arboricultural quality or high biodiversity value. It is also not within the conservation area boundary. This is a

view shared by the Council's Forestry Officer who does not consider the conifers to be a constraint to development. They recommend that consideration is given to replacement planting of species which are easier to maintain.

- 6.7 Whilst the existing vegetation is not protected currently, officers do consider that soft planting in this location contributes positively to the landscape character of the surrounding densely built-up environment. It was also clearly intended to help mitigate the visual impact of the utilitarian commercial buildings upon their setting.
- 6.8 The proposed fencing would have very limited visibility from public vantage points and the removal of the hedging would have a neutral impact upon the character of the adjacent conservation area. Closeboard fencing at the boundary of the commercial compound is not considered to be an issue in visual terms, provided that it is supplemented by appropriate, comprehensive soft planting in order to provide appropriate tree canopy cover and landscape mitigation.
- 6.9 Following discussions, the applicant has now provided a landscaping scheme, comprising a mix of approximately six native hedge species, covering a 132 sq.m area along the boundary, supplemented by 11 trees of two species at regular intervals.
- 6.10 The Council's Forestry Officer has considered the revised scheme and, subject to the implementation of the landscaping scheme shown on plan SC-01 B at Appendix 4 of the submitted Biodiversity Net Gain Report Ref.: R3608/a, and the submission of full details for the protection of all existing trees which are shown to be retained, raises no objections to the proposal. These elements should be secured by way of the suggested conditions.

Officers are satisfied that the proposal now complies with SOLP Policies DES1, DES2 and ENV1. It would also comply with JHHNP Policies SD3 and ENV3.

6.11 The ecological impact

The proposal is now accompanied by an ecological report, supported by biodiversity metric information which demonstrates that a 10% biodiversity net gain can be achieved on site.

- 6.12 The Council's Ecologist has been provided with the full metric spreadsheet and confirms that the headline figure is achievable based on the submitted information. They recognise that the existing conifer hedging is of low biodiversity value and in poor condition. They have no objection to the proposal, subject to conditions securing the planting. With appropriate conditions in place, officers are satisfied that the proposal complies with SOLP Policies ENV2 and ENV3

6.13 The impact upon residential amenity

The proposed 3-m high fence would replace a dense screen of significantly higher conifers. Whilst this would be likely to increase visibility of parts of the site from upper storey accommodation at some of the Park Road properties, the

impact of a development proposal upon private views is not a material planning consideration. There would be no significant impacts in terms of losses of daylight, sunlight or privacy.

6.14 The impact upon flood risk

Whilst a number of consultation responses raise issues in terms of flooding and the surface water drainage capacity within the area, the council has no control over the erection of an impermeable boundary treatment up to 2m in height. This would fall within Permitted Development (PD) rights. As the current proposal would have the same impact as a PD scheme which could otherwise be lawfully implemented, and there would not be supplementary hedging and tree planting, officers do not consider that there would be a material impact in terms of flood risk.

7.0 CONCLUSION

7.1 The proposal complies with the relevant Development Plan policies and national planning guidance. Officers are satisfied that the replacement of the currently unprotected boundary treatment is acceptable in principle and that the visual and landscape impact of the proposed fencing would be appropriately mitigated by the proposed planting scheme. Subject to the attached conditions, the proposal would demonstrate an appropriate biodiversity net gain within the site. There would be no overriding material impacts in terms of neighbouring amenity and flood risk.

8.0 RECOMMENDATION

That Planning Permission is granted, subject to the following conditions:

1 : Commencement 3 years - Full Planning Permission

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2 : Approved plans

That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 414021, 414025, 414021, 414 022A and 414 022B, except as controlled or modified by conditions of this permission.

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

3 : Tree Protection (General)

Prior to the commencement of any site works (including tree removal or fence clearance) or site clearance) a methodology for the protection of all existing trees which are shown to be retained, and which complies with the current edition of BS 5837: "Trees in relation to design, demolition and construction" shall first have been submitted to, and approved in

writing by, the Local Planning Authority. The agreed measures shall be kept in place during the entire course of development.

Reason: To safeguard trees which are visually important and in order to demonstrate an appropriate biodiversity net gain within the site, in accordance with Policies ENV1, ENV3, DES1 and DES2 of the South Oxfordshire Local Plan 2035.

4 : Landscaping implementation

The landscaping scheme as shown on the approved plan (APPENDIX 4 PROPOSED LANDSCAPE PLAN by Scarp, Ref. SC-01 B) shall be implemented prior to the first occupation or use of the approved development and thereafter be maintained in accordance with the approved scheme. In the event of any of the soft landscaping so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, replacement planting, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

Reason: To help to assimilate the development into its surroundings and in order to demonstrate an appropriate biodiversity net gain within the site, in accordance with Policies ENV1, ENV3, DES1 and DES2 of the South Oxfordshire Local Plan 2035.

Author: Caitlin Phillpotts

Email: Planning@southoxon.gov.uk

Tel: 01235 422600