

DELEGATED DECISION REPORT

APPLICATION NUMBER

191124

Treetops, Symonds Yat, Ross-On-Wye, HR9 6BP

CASE OFFICER: Mr Ollie Jones
DATE OF SITE VISIT: 21 May 2019

**Relevant Development
Plan Policies:**

**Herefordshire Local Plan – Core Strategy
Policies:**

SS1: Presumption in favour of sustainable development
SS6: Environmental quality and local distinctiveness
LD1: Landscape and townscape
LD2: Biodiversity and geodiversity
LD3: Green infrastructure
SD1: Sustainable design and energy efficiency
SD3: Sustainable water management and water resources

Whitchurch and Ganarew Neighbourhood Development Plan

The Neighbourhood Development Plan was sent for examination on 13th March 2019, and therefore the Policies are afforded moderate weight in the decision-making process at this present time.

WG1: Promoting sustainable development
WG8: Sustainable design
WG14: Conserving the landscape and scenic beauty, both within and outside the Wye Valley AONB
WG15: Enhancement of the natural environment

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 15: Conserving and enhancing the natural environment

Relevant Site History: None

CONSULTATIONS

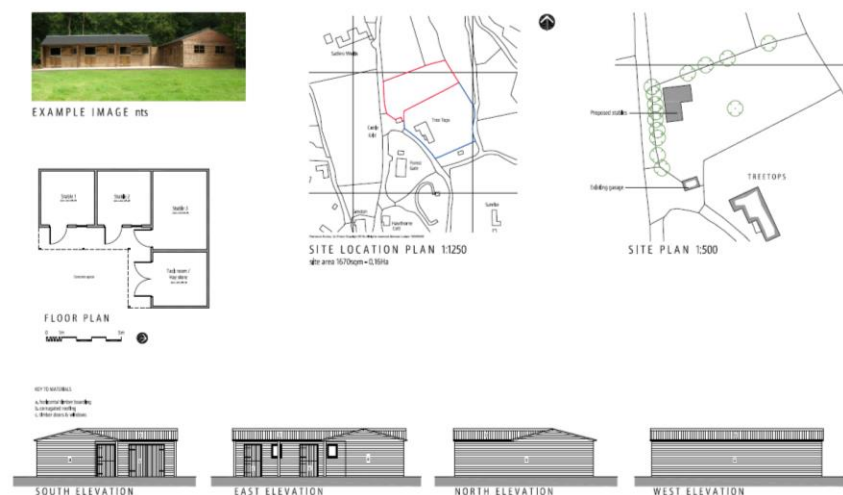
	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X	X			
Transportation	X			X	
Tree Officer	X			X	
Ecology	X		X		
Site Notice	X	X			
Local Member	X		x		

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application relates to land to the immediate north of the dwelling of 'Treetops' which is situated on the eastern side of the unclassified road (U71235). The paddock, which comprises 0.16 hectares, is accessed by a gateway which is taken from the vehicular access point to the dwelling. A small garage is situated close to the entrance and beyond this is the boundary between the paddock and the curtilage of the dwelling which is demarked by a mature hedgerow. The site is initially relatively flat but then slopes away steeply to the east. Mature trees line the boundary with the unclassified road as well as along the norther boundary. The site is clearly used for the keeping of horses due to an array of equestrian related paraphernalia. It is confirmed that this use is for recreational purposes only. The site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB). A PRow footpath runs from north to south to the east of the site (WC78).

The application seeks planning permission for the erection of a stable which would be sited in the north-western corner of the site, the part in which the topography is most level. The proposed buildings would form an L-shaped footprint and would be set in from the boundary with the unclassified road by 4.5 metres. The footprint would occupy a footprint of 64.95 metres squared. The stable would be 11.4 metres in length with the eastern projection extending out 5.4 metres. The ridge height of the building would be 3.2 metres. It would be of a typical equestrian vernacular and as such would read clearly as a stable block, formed from timber cladding and sitting below a dual-pitched and shallow, corrugated roof. The block would comprise four stables, together with an additional room on the eastern projection which has is proposed to be utilised for storage. A concrete apron would front the stable block, following the building around extending 1.5 metre from the front elevation of the block. All openings would be of timber construction. The applicant intends to deal with any surface water run off through a soakaway.



Proposed plans/elevations

Representations:

Tree Officer:

11th June 2019

"The proposed stable block is appears on drawing 747-PL01 to be set within the rooting area of mature road side trees within the setting of the Wye Valley AONB, there are no statutory restrictions (TPO/Cons area) on the trees.

As this has the potential to put constraints on the trees I would request that a BS5837:2012 tree report is supplied containing the following information:

Tree Survey

Arboricultural Impact Assessment

Tree Protection Plan

Tree Method Statement (if deemed necessary by report author)

Conditions

CK9

Tree Tops, Great Doward Tree Report – Mark Potter

CKA

Retention of existing trees

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 2 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework."

17th July 2019

"Despite some inaccuracies and contradicting information in the accompanying tree report it does contain sufficient information to demonstrate the stable block can be erected without damaging the trees, specifically the line of mature Oak trees located reference T1 –T5 within the tree report. Conditions will be added to ensure the trees are retained prior to and during the construction and adhere with policies LD1 & LD3 of the core strategy".

Transportation:

"Further information required, please confirm if the stables are going to be used for domestic or business use. If domestic use, then no objections to the proposals. if business use, please provide details of vehicle movements to the site".

Ecologist:

“The site falls within the River Wye SAC/SSSI catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” The initial Habitat Regulations Screening Assessment identifies surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that surface water for the proposed stable block will outfall soakaway and so there will be No Likely Significant Impacts on the R. Wye SAC.

The site also falls within the Upper Wye Gorge SSSI/Wye Valley Bat SAC Core Sustenance Zone for bats. Providing that no trees are removed and no external lighting is to be used on the new stable building, there are no Likely Significant Effects on the SSSI/SAC.

Tree & hedgerow protection

The applicant has not indicated that any trees will be removed, and due to the ecologically sensitive nature and location of the site, the following condition is advised:

No tree shall be cut down, pruned, cut or damaged in any manner during the proposed works.

To ensure that all habitats are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD2.

As good practice, the applicant should consider establishing a Tree Root Protection Zone around trees and hedgerows during proposed works.

Nature Conservation protection – Lighting

Due to the ecologically sensitive nature and location of the site, no external lighting should illuminate the new stable building or surrounding trees/hedgerows.

No external lighting should illuminate any boundary feature, or adjacent habitat.

To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

Prove Biodiversity Enhancement (Net Gain)

As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure these enhancements a reasonable condition is suggested below.

Within 3 months of completion of the approved works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO bird nesting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

To ensure Biodiversity ‘Net Gain’ and species and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

Legal Duty of Care

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. Any breach of this legal Duty of Care would be a criminal offence. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted”.

Whitchurch and Ganarew Parish Council

“No objections to this application but do have concerns / appreciate if matters can be addressed regarding the water and drainage situation when the stable block is being cleaned”

Local Member was informed of the recommendation via email on 19/07/2019. Delegated authority agreed.

Pre-application discussion:

None

Constraints:

U71235
Adj Contaminated land
Adj PRow
SSSI Impact zone
Article 4
AONB – Wye Valley

Appraisal:

Principle, design and amenity

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Whitchurch and Ganarew Neighbourhood Area, where the Plan which published a draft Neighbourhood Development Plan (dNDP) for examination on 13th March 2019. At this time the policies in the dNDP can be afforded moderate weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration.

In consideration of the proposed scheme, Policy SD1 of the CS is of relevance in the first instance. SD1 addresses sustainable design and state that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting the scale, height and proportions and massing of surrounding developments. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and the extent to which the proposal is considered overbearing. This policy is echoed by Policy WG8 – Sustainable building and site design of the dNDP.

Noting the location of the site within the Wye Valley AONB requires the proposal to be assessed against CS Policy SS6 – Environmental quality and local distinctiveness. This policy seeks to ensure that development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness. Of pertinence to this application SS6 states that development proposals should be shaped through an integrated approach to planning landscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty. This policy goal is echoed throughout the dNDP.

The scale of the proposed stable block is considered acceptable, sitting comfortably in the north-west corner of the site which essentially, given the topography of the site, is the most appropriate siting. Given the presence of the mature trees/hedgerows which bound the paddock from both the highway, the dwelling and neighbouring fields, it is considered that the addition would be sufficiently screened as to not appear as an obtrusive or uncharacteristic addition to the landscape. Furthermore, the proposed materials (timber cladding) are considered appropriate for a building for its intended purpose and again, would not result in the proposal appearing as an alien addition to this rural landscape. The proposed stable block would be located a sufficient proximity away from neighbouring residential uses and as such, there would be no harm to the amenity of neighbours. In light of the comments from the Council's Transportation Engineer, the applicant has confirmed (in email dated 28/05/2019) that the proposed stable block is intended for recreational use only and therefore, the use would remain ancillary to the main house. As such, and taking into the local highways network which is characterised by narrow and winding single track lanes, there would be no increase in traffic generated by the provision of a stable block in this location. Therefore, it is considered that the scheme accords with CS Policy MT1.

Trees

Noting the proposals close proximity to the aforementioned trees which line the boundary of the site with road, concerns were raised with regards to the potential impact that the stable building could have on the health and integrity of the species. This is affirmed through their presence contributing to the landscape character of the area which is within the Wye Valley AONB and as such, the loss of these trees would be incredibly regrettable. As such, the Council's Tree Officer advised that the applicant should submit Tree Survey, Arboriculture Impact Assessment, Tree Protection Plan and a Tree Method Statement. The Tree Officer considers that submitted information to be satisfactory by virtue of its content and findings and thus considered that the proposal is acceptable with regards to the impact on the mature trees. Therefore, with a recommendation imposing the condition advised by the Tree Officer, the proposal would accord with the intent of CS Policy SS6 and LD1.

Surface Water

It is acknowledged that the proposal would be located atop of a field which falls away steeply from the highway. As such, concerns have been raised with regards to the management of surface water/foul water from the use of the stables, notably during periods of cleaning. The applicant intends to deal with this through the use of a soakaway. Noting that the site is within the River Wye SAC catchment, the ecologist considers this acceptable and considers that there would be No Likely Significant Impacts on the River Wye SAC. A safeguarding condition is recommended which ensures that surface water run off passes through trapped gullies which have an overall capacity which is compatible with the surface areas to be trained (i.e stable/apron). With the above in mind, the proposal would accord with the intent of CS Policy SD3.

Conclusion and Recommendation

With the above in mind, it is considered that the proposal would provide an addition to the site which presents a form of development that respects the existing and established character of this rural landscape, does not cause harm to the character and appearance of the Wye Valley AONB and finally, causes no harm to the amenity of neighbours. As such, the proposal is in accordance with CS Policies SS1, SS6, LD1, SD1 and SD3 and Whitchurch and Ganarew dNDP Policies WG8, WG14 and WG14. Therefore, the application attracts a recommendation for approval subject to the conditions as set out below.

RECOMMENDATION: PERMIT ☒ REFUSE ☐

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

1. C07 (747-PL01 – Received: 27 March 2019)
2. CBK
3. CBV
4. C60
5. No tree shall be cut down, pruned, cut or damaged in any manner during the proposed works.

Reason: To ensure that all habitats are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD2.

6. CKA – [2 years]
7. CK0 – [Tree Tops, Great Doward Tree Report – Mark Potter]
8. No external lighting should illuminate any boundary feature, or adjacent habitat.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)


9. Within 3 months of completion of the approved works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO bird nesting boxes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity 'Net Gain' and species and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

Informatives

1. IP1
2. The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. Any

breach of this legal Duty of Care would be a criminal offence. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted.

Signed:  Dated: 22/07/2019

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

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Signed: 

..... Dated: 23 July 2019.....