

Planning

HEAD OF SERVICE: ADRIAN DUFFIELD



Listening Learning Leading

Peter Boros

Contact officer: [REDACTED]
planning@southoxon.gov.uk
[REDACTED]

By email:

[REDACTED]

Textphone users add 18001 before you dial

Our reference: PE/S0269/20
& COM 1477/1

23 December 2020

Dear Mr Boros

Stage one complaint: Thames Farm, Reading Road, Lower Shiplake Application references: P20/S2808/DIS and P20/S1303/NM

Thank you for your email dated 7 December 2020 raising concerns about the handling of the above applications. I am sorry that you have been given cause to complain but thank you for taking the time to bring these matters to my attention.

I have had regard to the concerns and comments you have made in your various emails and the covering statement submitted with the petition that has over 1000 signatures.

In light of your concerns I have reviewed the way the council has dealt with the request to vary a pre commencement condition and the drainage details submitted pursuant to condition 11 of planning permission P16/S0970/O. I have discussed the applications with the case officer, [REDACTED], and have addressed the points you have raised below.

In summary, you believe that the council is in breach of its own policies in dealing with various matters that affect the development of the site. You have questioned how the terms of the planning permission were varied by agreement 'to delete certain preconditions' without any form of public consultation and have expressed concern that the drainage details are being assessed without engaging the full planning process and public consultation.

I know that you are very familiar with the planning history of this site and aware that planning permission was finally granted on appeal by an independent Planning Inspector. Since that appeal decision was issued the site has changed ownership and the current owners have sought to amend one of the planning conditions and

have submitted information pursuant to the conditions that require details to be agreed with the council. I can confirm that the applicant has followed legitimate processes in both of these cases.

Understandably many local residents have followed the processes closely and expressed their concerns about the site. Whilst there is no formal requirement for the council to carry out public consultation in connection with these matters or publish comments on the situation, we have displayed all the information we have received to date on the council's website in the interest of transparency.

I note your criticism of the way the council has stored and displayed information, but the public response indicates the vast majority of interested parties have found and been able to comment on the relevant information.

You refer to officer decisions having been made in full knowledge of major problems on the site and poor ground conditions. I am afraid I don't agree. Planning applications on this site have gone through the full application and appeal processes without that information coming to light. Had my officers had any awareness of the complexity of the ground conditions during the determination of the outline planning application or the reserved matters application, I can assure you those matters would have been brought to the fore at the earliest possible stage. Indeed, it was only after the details of the development had been approved through a reserved matters application that the scale of the problems became apparent.

You refer to the fact that the current owners, Taylor Wimpey, have spent a lot of money on the access arrangements and believe it's now difficult for the council to determine that the drainage information is not acceptable. I can assure you that the council are assessing the drainage information on its own merits and that assessment is not influenced by the site owner's decision to carry out some significant works at the entrance of the site.

You note that a Flood Risk Assessment (FRA) was not submitted alongside the drainage details. As you are no doubt aware this matter has now been acted on and Taylor Wimpey have been asked to produce a full FRA.

In your opinion the developer has been given too much latitude and local residents have been 'vigorously fended off'. I would expect my officers to work with an applicant to try and find solutions, as encouraged by the National Planning Policy Framework, but I do not see any evidence of local residents having been fended off. To the contrary the case officer has done her very best to keep as many interested parties as possible informed of all key developments.

I note you believe that the developer is following an undemocratic process and is making covert use of technicalities to maintain a low profile and circumvent proper scrutiny. In your opinion the developer should have been required to submit a fresh planning application which would be the subject of full public scrutiny. I acknowledge your view but procedurally the council was not able to insist that either the variation of the condition or the submission of drainage details triggered a requirement for another full application for the whole development.

I am sorry that you gained a perception of bias towards the developer. As I have explained the council is required to work with the developer but that doesn't mean that the submitted information is not rigorously and independently assessed by officers and the expert consultees.

[REDACTED], from the council's legal and democratic service, has explained that the council's petition scheme excludes the consideration of a petition relating to a planning application. The background to this is that planning applications tend to generate significant public interest and it is not unusual to receive petitions with many hundreds of signatures. It would be unmanageable if each of these was to trigger a requirement for full council's consideration. In addition, full council has delegated its responsibility for making decisions on planning applications to the planning committee, where its members have appropriate and regular training.

You state that the variation of the condition approval should be revoked immediately, and it is debatable whether planning permission should ever have been granted if the site circumstances had been known. As touched on earlier, decisions on this site have been through the application, appeal and the judicial review process and that cannot be further challenged.

I am aware you have been in regular contact with the case officer and she has explained that the flood risk assessment is not expected to be submitted until next year. Once we have received that assessment it will be uploaded onto our website and the public will be able to make comments for a minimum of 14 days. My officers will continue to work closely with our expert consultees and relevant organisations including Oxfordshire County Council, the Environment Agency and Thames Water.

I hope this letter helps to reassure you that we are considering the drainage matters very carefully and through the correct planning process. Local residents can continue to record their views and contribute to that assessment.

If you are not satisfied with my response, you may write to the Chief Executive (via complaints@southandvale.gov.uk or at South Oxfordshire District Council, 135 Eastern Avenue, Milton Park, Milton, OX14 4SB) within six weeks of the date of the response letter and ask for your complaint to be investigated further at stage two of the council's complaints process.

You must explain why you are dissatisfied with the original response and what outcome you expect to achieve in pursuing a stage two investigation. We will let you know we have received your request and will escalate your complaint to the department's head of service who will respond to you within 15 working days.

Yours sincerely

[REDACTED]

[REDACTED]
Development Manager