

Thames Farm Action Group (TFAG)
Rambler Cottage, Reading Road, Lower Shiplake, Oxon RG9 3PH

**Comments to: The Inspector Re Land Rear of Crossways, Appeal, on behalf of:
Peter Boros and Thames Farm Action Group.**

**APPEAL AGAINST THE DECISION OF
SOUTH OXFORDSHIRE DISTRICT
COUNCIL TO REFUSE PLANNING
PERMISSION FOR:**

Proposed erection of 20 dwellings with
associated access, landscaping & parking

**LAND TO THE REAR OF
CROSSWAYS, READING ROAD,**

LPA REF: P20/S2103/FUL

Case Officer: Simon Dunn

1. This matter relates to an Appeal against the refusal by South Oxfordshire District Council for planning permission for the erection of 20 dwellings with associated access, landscaping and parking on land to the rear of Crossways, and located at Reading Road, Lower Shiplake, RG9 4AA.
2. This objection and representation is prepared by and on behalf of Peter Boros of Rambler Cottage Reading Road Lower Shiplake, resident, who lives immediately opposite the subject site; and also of the Thames Farm Action Group (TFAG). TFAG, of which I am Chairman of the steering group, is a residents pressure group which has been very actively involved in the Thames Farm Development which lies adjacent to the subject premises to the North.
3. I am a retired former Fellow of the RICS, an honours graduate in Estate Management and I hold a Master's degree in Business Administration. Most of my 40 year career has been involved in the Planning and Development arena on behalf of clients seeking Planning Permissions.

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4. TFAG is supported by approx. 1,500 residents who have signed a petition and a further approx. 220 residents of Shiplake Villages, many of whom have contributed to funding TFAG's work or are assisting in other ways.
5. There are a variety of planning policy reasons that have been provided by SODC and others as to why this Appeal should be dismissed, and we support those reasons in full.
6. There are also a variety of infrastructure deficiency reasons for refusal including the non-availability of water and drainage facilities, and no certainty of how these might be provided to this site if developed in isolation.
7. SODC has also demonstrated its compliance with the 5 year Housing land supply threshold and as such those reasons of policy remain intact and applicable.
8. The applicant has however challenged SODC's compliance with the 5 year land supply threshold and so the Inspector may choose to determine a failure to comply. I deal with this issue below in more detail.
9. There is also now however, an overriding and fundamental legal and planning principle as to why this site should not be given planning permission, and it is that fundamental point of principle that this objection will primarily refer to and focus upon.
10. The Applicant has sought to demonstrate its ability to provide drainage facilities to the subject site by reference to the drainage solutions proposed for Thames Farm, the next door site and which has an extant outline consent for the construction of up to 95 dwellings granted at Appeal ref APP/Q3115/W/16/3161733 in response to Application P16/S0970/O, dated 18 March 2016, and granted 02 August 2017.
11. That Planning Permission contains a condition precedent, condition 11 as set out in full below:

"11. No development shall commence until a drainage strategy, detailing all on and off site surface and foul drainage works, has been submitted to and

approved in writing by the local planning authority. No discharge of foul or surface water from the site shall occur before the drainage strategy has been completed and brought into use.

Reason: to safeguard the water environment and to prevent flooding of the area”

12. This condition has not been discharged despite 3 attempts by the site owners to do so, and may not be capable of being discharged at all.
13. The above site and its current permission therefore is no longer a relevant method of providing drainage facilities as a result of that permission being incapable of being carried out. This follows the recent determination by SODC that the drainage proposals for the site put forwards are deficient, and would require a fresh planning application to be submitted and determined in its favour, in order to permit the site to be grouted to a depth of c 16m across a very significant proportion of its surface area. A copy of the refusal to permit this additional element of development at Thames Farm is attached hereto (P21/S4749/LDP) and was issued on 13 January 2022 following on from the Application of 08 November 2021 for a Lawful Development Certificate. That application, was the land owners 3rd attempt to discharge; the earlier attempts having been withdrawn, albeit still on record at the SODC planning portal.
14. The consequence of that decision is that the applicant here cannot demonstrate that it can comply with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (Revised 23 July 2019) and the 6 tests set out therein (and also in governmental guidance): [Use of planning conditions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/use-of-planning-conditions) .
15. The 6 tests which also make up para 55 of NPPF are recited below relative to the grant of a planning consent with conditions:
 1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise; and

6. reasonable in all other respects.

16. The guidance and legislation state that planning conditions should be kept to a minimum, and **only** used where they satisfy the tests.

17. SODC in determining the subject Application stated inter alia :

“The proposal fails to demonstrate an appropriate drainage strategy for the site, including its location in a Source Protection Zone 1. The proposals are therefore contrary to policies ENV12 and EP4 of the South Oxfordshire Local Plan 2035 and paragraphs 163 and 165 of the National Planning Policy Framework”.

18. The 2021 NPPF Glossary definition of ‘deliverable sites’ indicates that these are those that are:

“Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.

In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).***
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”***

19. In its supporting statement, the applicant here, says:-

“As with the neighbouring Thames Farm development (see DB10 Condition 11) drainage is a matter that can be subject to a planning condition which will require an appropriate and acceptable drainage

solution to be submitted to and approved by the Council prior to commencement of development”

The point however is that the applicant is **relying** upon a solution to that drainage issue being identified and implemented quickly in order to make its development a viable proposition. However, recent events have demonstrated that there is no obvious ‘easy fix’ for this issue, either in terms of a physically and legally viable proposal, nor in terms of one that can be readily implemented without a further Planning Application for a very substantial engineering operation that would be required at Thames Farm, and which would involve a very significant and costly grouting and vibro-compaction operation across the entire site and to a depth of c 16m in places.

20. The applicant in order to seek to overcome this issue has also sought planning consent for a lower density of development of only 11 houses. This was done to try and maintain on site infiltration and to avoid having to have the off-site disposal of surface water.
21. Objections from the statutory consultees to the recently determined LDC Application P21/S4749/LDP for Thames Farm, have stated that not only is the proposal defective and unproven in terms of the engineering and flooding outcomes of such a proposal, but also that the scheme/drainage proposal would require the agreement of land owners (whom have objected to those proposals) to demonstrate that the scheme could both be implemented and also, that subsequent maintenance of the drainage could be demonstrated.
22. The 6 tests therefore required by para 55 of NPPF cannot be demonstrated to be capable of reasonably being met within the life of any consent that might be granted in respect of the subject site.
23. The applicant further argues that because of the landscaping buffer to be provided at Thames Farm frontage, its scheme can proceed without unduly impacting visibility and character issues. It should be noted however, that the major landscaping belt referred to has not been

provided due to safety and other issues brought about by the discovery of major dissolution features beneath the ground at Thames Farm.

24. This landscaping may not of course, ever be provided since the Thames Farm development has stalled, and at the present time there is no guarantee that that development will ever take place, or take place in accordance with the current outline consent.
25. The Inspectors attention is also drawn to Planning Application P21/S4616/FUL, being the lower density Application for only 11 houses by the Applicant referred to above. SODC has rejected that Application on 7 April 2022, and in addition to the policy issues for the subject application, the report on this application decision refers to the ground condition and drainage issues that would preclude this site from being developed in isolation at the higher density envisaged by the subject application.
26. A copy of the decision notice and Officers report of 7 April 2022 is contained in the attachments to this document.
27. The inspectors attention is also drawn to the Application No. P21/S4271/RM and Thames Waters observations to that application of 17 November 2021. This states inter alia:

“Thames Water are currently working with the developer of application P21/S4271/RM to identify and deliver the off site water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 32 dwellings but beyond that upgrades to the water network will be required. Works are on going to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn’t outpace the delivery of 32nd dwelling until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan”.

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28. The above statement confirms that there is currently insufficient capacity in the water supply network to even supply that development in full, let alone any further development at Crossways or elsewhere.
29. Finally, recognising that it may be possible that the Inspector here finds against SODC in terms of the application of policy matters due to a failure by SODC to achieve/comply with its 3/5 year housing land supply targets, I would respectfully submit that the applicant would still not be able to demonstrate a workable solution to the issue of drainage, nor the provision of a major landscaping belt on the eastern/frontage boundary of Thames Farm.
30. I would respectfully request therefore that the Appeal be dismissed if not for other planning policy reasons then for the reason that there is no reasonable prospect of delivery as the scheme is reliant upon the determination of a second highly contentious Planning Approval, for which no submission has even been made.

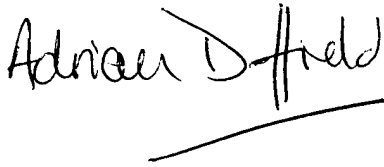
P. Boros

22 April 2022

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Appendices

1. SODC Decision Notice P21/S4749/LDP 13 January 2022
2. SODC Decision Notice P21/S4616/FUL 07 April 2022
3. Officers Report on P21/S4616/FUL 07 April 2022.



Head of Planning
13th January 2022

Notes

1. This Certificate is issued solely for the purpose of Section 191 and 192 of the Town and Country Planning Act 1990 (as amended).
2. This Certificate confirms that the use(s) or operation(s) specified in the application were not lawful on the date specified as the date when the application was correctly made, and therefore is liable to enforcement action under Section 172 of the 1990 Act.
3. This Certificate relates to the precise definition of the use(s) or operation(s) described in the application and specified herein, and to the land specified on the plan attached hereto.
4. If the applicant is aggrieved by the decision of the local planning authority, he/she may appeal to the Secretary of State for Communities and Local Government in accordance with the provisions of Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended). The exercising of this right of appeal should be undertaken by giving written notice to the Secretary of State.

Completed appeal forms should be sent to:

The Planning Inspectorate
PO Box 326
Bristol
BS99 7XF

For further information contact The Planning Inspectorate:
Telephone : 0303 444 5000
enquiries@pins.gsi.gov.uk
www.planningportal.gov.uk/planning/appeals/

OTHER INFORMATION

The Planning Portal contains a wide range of helpful planning-related guidance and services. You may wish to view their website (www.planningportal.gov.uk).

BUILDING OVER GAS MAINS AND SERVICES

Please note before you plan to dig, or carry out building work within the SGN gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact the SGN Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone SGN with general plant protection queries. See SGN details below: Phone 0800 912 1722 or email plantlocation@sgn.co.uk

For further information please refer to:

<https://www.sgn.co.uk/damage-prevention>

<https://www.sgn.co.uk/help-and-advice/digging-safely>

PLANNING

ELECTRONIC
VERSION

Planning Decision

P21/S4616/FUL

Westbourne Homes Ltd and Debrecq (Crossways) Ltd
c/o Woolf Bond Planning
The Mitfords
Basingstoke Road
Three Mile Cross
Reading
RG7 1AT

REFUSAL OF PLANNING PERMISSION

Application No : **P21/S4616/FUL**

Application proposal, including any amendments :

Proposed erection of 11 dwellings with associated access, landscaping & parking.

Site Location : **Land West of Reading Road Lower Shiplake RG9 4AA**

South Oxfordshire District Council hereby gives notice that **planning permission is REFUSED** for the carrying out of the development referred to above for the following reason(s) :

1. The proposed development fails to accord with the strategy for new housing set out in the development plan. The application site is located outside of the settlement of Lower Shiplake, is not a site allocated for development, and would not constitute infill development as identified in Policies H8 and H16 of the South Oxfordshire Local Plan 2035. As such, it does not fall within one of the categories where development is acceptable and is contrary to policies STRAT1 and H1 of the South Oxfordshire Local Plan 2035.
2. The proposed development would result in the loss of the role of the site as a transitional space between the settlement of Lower Shiplake to the east and open countryside to the west. The proposed development would encroach into undeveloped land and would diminish the open character of the site and its importance in the setting of the settlement of Lower Shiplake. The scale and massing of the market dwellings detracts from the appearance and character of the local area and do not provide a form of quality architecture. The proposed

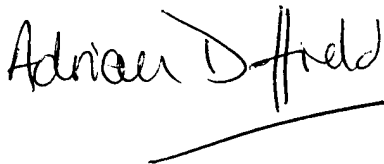


development is contrary to policies DES1 and ENV1 of the South Oxfordshire Local Plan and the South Oxfordshire Design Guide.

3. The proposal does not provide a mix of market dwellings to meet the housing need, including smaller dwellings, as set out in the Oxfordshire Strategic Housing Market Assessment 2014. The proposed development is therefore contrary to paragraph 8 of the National Planning Policy Framework and policies H11 and DES1 of the South Oxfordshire Local Plan 2035.
4. In the absence of a completed Section 106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the district. As such, the development is contrary policies H9 and H11 of the South Oxfordshire Local Plan 2035.
5. In the absence of a completed Section 106 legal agreement, the proposal fails to secure infrastructure necessary to meet the needs of the development. As such, the development is contrary to policies INF1 and CF5 of the South Oxfordshire Local Plan 2035.

In accordance with paragraph 38 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems.

Note : A more detailed explanation is available in the officer's report, available in the application case file.

A handwritten signature in black ink, appearing to read 'Adrian D. Field', with a long horizontal line underneath.

Head of Planning
7th April 2022

STATUTORY INFORMATIVE

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone : 0303 444 5000
www.planningportal.gov.uk
email: enquiries@pins.gsi.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council

(District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

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<https://www.sgn.co.uk/help-and-advice/digging-safely>

APPLICATION NO.	P21/S4616/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	3.11.2021
PARISH	HARPSDEN
WARD MEMBER(S)	Leigh Rawlins David Bartholomew
APPLICANT	Westbourne Homes Ltd and Debrecq (Crossways) Ltd
SITE	Land West of Reading Road Lower Shiplake, RG9 4AA
PROPOSAL	Proposed erection of 11 dwellings with associated access, landscaping & parking.
OFFICER	Katherine Pearce

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The site is located close to the settlement of Lower Shiplake. It is rectangular in shape and measures 1.1ha in area. The site slopes gently up from the front boundary (eastern boundary) to the western boundary. It has historically been used as paddock associated with a dwelling to the south (Crossways). There is an electricity pylon located in the north eastern quadrant of the site.
- 1.2 The eastern boundary of the site is marked by a post and wire fence, which is a stock fence to prevent access. Inside this is a tree belt, protected by Tree Preservation Order (TPO) and a smaller post and wire fence. Adjacent to the stock fence is a verge and a pedestrian footpath, which has newly been put in, in association with the permitted Thames Farm development to the north. The pedestrian footpath includes lighting. Adjacent to the footpath is the A4155 Reading Road, beyond which are residential dwellings in Lower Shiplake.
- 1.3 The southern boundary is marked by fencing, beyond which are the private gardens of Crossways and Corner House. There is dense vegetation along the boundary with Corner House, with boundary vegetation more patchy adjacent to Crossways, with an access gate from the residential garden into the site.
- 1.4 To the north of the site is Thames Farm, which received planning permission for 95 dwellings in August 2017 when it was allowed at appeal (application reference P16/S0970/O). Apart from the footpath and access into the site, the development at Thames Farm has not progressed. There is a post and wire fence marking the boundary and there is an oak tree on this boundary protected by TPO, within the site. There is some other vegetation along the boundary but it is on the Thames Farm site.
- 1.5 The western boundary is marked by a post and wire fence. There is some small-scale vegetation along the boundary, but this is mostly located adjacent to the site. Beyond this boundary is paddock land associated with other neighbouring dwellings along Woodlands Road.
- 1.6 This is a full application for eleven dwellings, four of which would be Affordable. The proposed mix is as follows:

Market

2no. x 3 bed + office

2no. x 4 bed + office
1no. x 5 bed
2no. x 5 bed + media room

Affordable

2no. x 3 bed
2no. x 2 bed

- 1.7 A new access would be created centrally positioned on the eastern site boundary, off the Reading Road. Trees would be removed to create this access and elsewhere along the eastern boundary the existing tree belt would be reinforced to create a landscape buffer of 8m in depth. Boundary planting is also proposed around the other three boundaries. A Local Area of Play (LAP) and open space (including SUDS) are shown along the eastern boundary.
- 1.8 The dwellings are arranged fronting two streets, one parallel to the Reading Road and one perpendicular to it. The market dwellings would be mainly detached, with a pair of semi-detached dwellings at the northern end, all set in spacious plots. The Affordable units comprise a terrace of four dwellings in the south eastern corner of the site. All of the dwellings would be two storey. Though materials are not detailed, the street scenes show use of predominantly red brick, with some render features.
- 1.9 Each of the market dwellings has two allocated parking spaces on a driveway or in a car port (plots 6, 10 and 11). The Affordable dwellings (plots 1-4) have one allocated parking space each at the front of the terrace, along with five visitor spaces. Two further visitor spaces would be located adjacent to the open space at the north of the site.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 **Harpsden Parish Council – Objection** for all of the reasons set out on previous application.

2.2 Henley-on-Thames Town Council – Objection

- Does not accord with the Development Plan and is not sustainable development
- Contrary to the Neighbourhood Plan
- Site should not be considered as infill
- Concerns over the access so close to a fast bend
- Increase in traffic into Henley
- Does not respect the settlement pattern of the surrounding area
- Erodes the semi-rural character of this stretch of the village
- Would lead to coalescence of settlements

2.3 Shiplake Parish Council – Objection

- Does not accord with the Development Plan and is not sustainable development
- Contrary to the Neighbourhood Plans (JHHNP and Shiplake)
- Site should not be considered as infill
- Concerns over the access so close to a fast bend
- Increase in traffic into Henley
- Does not respect the settlement pattern of the surrounding area
- Erodes the semi-rural character of this stretch of the village
- Would lead to coalescence of settlements

2.4 Landscape Officer – Holding Objection

South Oxfordshire District Council – Delegated Report

Whilst some development of the site may be possible without significant landscape harm, the current proposals do not provide an adequate landscape edge to protect the rural area to the west and do not fully protect the A4155 road frontage

- 2.5 **Countryside Officer** – No in principle objection but submission of revised Biodiversity Metric is required by condition.
- 2.6 **Forestry Officer** – No objection, subject to conditions
- 2.7 **Drainage** – **No objection**, subject to conditions
- 2.8 **Contaminated Land** – **No objection** subject to conditions
- 2.9 **Env. Protection Team** – **No objection** subject to conditions
- 2.10 **Housing Development** – Suggested mix for Affordable units:

Tenure Mix	Percentage %	Number of Units
First Homes	25%	1
Social Rent	35%	2
Affordable Rent	25%	1
Home Ownership	15%	0

The size and type of First Home will be determined at a later date. A suggested mix for the remaining units is 1no. x 1bed maisonette for Affordable Rent, 2no. x 2 bed house for Social Rent.

Commuted sum of £80,816 for the part (0.4) unit requirement.

Advice on size of the units, parking and allocation.

- 2.11 **S106 Infrastructure and Development** - General comment regarding the role of CIL and Section 106
- 2.12 **Community Infrastructure Officer & 106 Officer** - Comment
- 2.13 **Energy Assessor** – **Complies with DES10, no objection**
- 2.14 **Oxfordshire County Council Highways** – **No Objection**
Required visibility splays at site access can be demonstrated. Applicant has confirmed that only the site access will be adoptable. The site will therefore be subject to a Private Street Agreement. The location of the crossing point will need to be amended as part of the S278 agreement through the technical audit process for the proposed site access.
- 2.15 **Oxfordshire County Council Lead Local Flood Authority** – **No Objection** subject to conditions
- 2.16 **Oxfordshire County Council Education** – **No Objection**
- 2.17 **Oxfordshire County Council Archaeology** – **No Objection** subject to conditions
- 2.18 **Oxfordshire County Council Waste** – **No Objection** subject to Section 106 Contribution
- 2.19 **Oxfordshire County Council Local Member** – **Objection**

- Not in accordance with strategy for housing set out in the Local Plan. It is not allocated for development and would not constitute infill development.
- Loss of transitional space between Lower Shiplake and countryside.
- Does not respect settlement pattern of Lower Shiplake
- Fails to demonstrate appropriate drainage
- Not in accordance with the Joint Henley and Harpsden Neighbourhood Plan, where the site was specifically rejected.
- Affordable Housing has been integrated successfully.

2.20 Environment Agency – No Objection

2.21 Thames Water Development Control –

- Developer should demonstrate what measures will be undertaken to minimise groundwater discharges into public sewer.
- No objection in relation to surface water provided a sequential approach to its disposal is followed.
- No objection in relation to waste water network and sewage treatment works infrastructure capacity.
- Information is considered suitable to satisfy the key water quality requirements for discharged in this sensitive groundwater source location.

2.22 SGN Plant Protection Team – Information about gas networks in the area

2.23 The Henley Society (Planning) – Objection

- Further urbanisation of Lower Shiplake
- Would add to existing traffic hazards
- May have similar issue to Thames Farm regarding subsoil instability and drainage

2.24 South and Vale District of CPRE - Objection

- Support views of Henley Town Council and Harpsden and Shiplake Parish Councils
- The site has not been allocated for development and is not infill
- The residents would be largely dependent on private car, which would exacerbate congestion and poor air quality in Henley.
- Out of character with existing settlement. Cause damage to the landscape.

2.25 Neighbours (8):

- Coalescence with Henley and loss of Shiplake's identity
- This stretch of road is already dangerous; development will exacerbate it
- Lack of infrastructure in the village
- Concerns regarding drainage
- Site is not allocated for development and is not infill. It is contrary to the Neighbourhood Plan and the Local Plan.
- Detrimental impact on the character of the area.
- Concerns regarding light, noise and air pollution
- Loss of privacy to houses on Woodlands Road
- Economic impact on surrounding area

3.0 RELEVANT PLANNING HISTORY

3.1 [P20/S2103/FUL](#) - Refused (26/04/2021)

Proposed erection of 20 dwellings with associated access, landscaping & parking.(as amended by information submitted 27 July 2020,15 October 2020, 2 November 2020 and Ecological Report received 8 December 2020).

This application is now the subject of an appeal (APP/Q3115/W/21/3285378). A date for the Informal Hearing has not yet been set.

- 3.2 [P94/S0057](#) - Refused (18/05/1994) - Appeal dismissed (16/11/1994)
Three detached dwellinghouses. Access works.
- 3.3 [P93/S0342](#) - Refused (17/08/1993)
Three detached dwellinghouses.
- 3.4 [P65/H0031](#) - Refused (25/05/1965)
Site for 4 dwellings
- 3.5 Also relevant to the planning history of this site is the history of the adjacent site to the north, known as Thames Farm. An outline application for up to 110 dwellings (P13/S2184/O) was refused and dismissed at appeal in May 2015. The decision was successfully challenged in the high court and the decision was quashed. A second outline application for up to 95 dwellings was refused (P16/S0970/O) and allowed at appeal in August 2017. The corresponding Reserved Matters were approved May 2019 (P19/S0245/RM).
- 3.6 Since the grant of planning permission, including the Reserved Matters, it has been discovered that there are chalk dissolution features on the Thames Farm site, which require stabilisation. The stabilisation works prevent the permitted scheme from being drained through on-site infiltration. Two applications for the approval of a drainage scheme have been submitted and withdrawn as an acceptable solution to drain the site has not been found. Most recently a Certification of Lawfulness for Proposed Use or Development was submitted to establish that the ground stabilisation works necessary as part of the foundations are lawful pursuant to planning permission P16/S0970/O (Reference P21/S4749/LDP). This was refused on 13 January 2022 because the ground stabilisation works are of a nature, scale and extent that they represent a separate activity of substance and are an engineering operation beyond the construction of foundations.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 This site does not meet the thresholds set out in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it is not located in a 'sensitive area' as defined in these regulations. Therefore the site does not need to be screened as potential EIA development.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 - The Overall Strategy

STRAT5 - Residential Densities

H1 - Delivering New Homes

H3 - Housing in the towns of Henley, Thame and Wallingford

H8 - Housing in the Smaller Villages

H9 - Affordable Housing

H11 - Housing Mix

H16 - Backland and Infill Development and Redevelopment

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character
DES3 - Design and Access Statements
DES4 - Masterplans for Allocated Sites and Major Development
DES5 - Outdoor Amenity Space
DES6 - Residential Amenity
DES7 - Efficient Use of Resources
DES8 - Promoting Sustainable Design
DES10 - Carbon Reduction
ENV1 - Landscape and Countryside
ENV3 - Biodiversity
ENV5 - Green Infrastructure in New Developments
ENV9 - Archaeology and Scheduled Monuments
ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
EP3 - Waste collection and Recycling
EP4 - Flood Risk
CF5 - Open Space, Sport and Recreation in New Residential Development
INF1 - Infrastructure Provision
INF2 - Electronic Communications
INF4 - Water Resources

5.2 Neighbourhood Plan

The site is not covered by a made Neighbourhood Plan. It has now been included in the Henley and Harpsden Neighbourhood Plan Review, which has been submitted to the District Council for Examination, the submission consultation having concluded on 16 March 2022. The plan is now being reviewed by an independent examiner. At this stage I can only give this plan limited weight.

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)
Developer Contributions SPD

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 relevant planning considerations are the following:

- **The principle of development – Policy**
- **Material Considerations - Recent permissions**
- **Landscape impact**
- **Landscaping, layout and trees**
- **Design and character**
- **Density**
- **Housing- market mix**
- **Affordable housing**

- **Ground Investigations**
- **Drainage**
- **Trees**
- **Ecology**
- **Drainage**
- **Ecology**
- **Transport, access and parking**
- **Residential amenity**
- **Contaminated Land**
- **Archaeology**
- **Infrastructure: Planning obligations and Community Infrastructure Levy**

Principle of Development - Policy

- 6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this site currently comprises the SOLP 2035.
- 6.3 The site is not included within the ‘made’ Joint Henley and Harpsden Neighbourhood Plan (JHHNP). It has been included in the JHHNP Review, which also involved assessing the site as a potential site for development. Paragraph 5.27 of the Environmental Report supporting the submission of the JHHNP Review states that one option for achieving additional supply of homes was to allocate one or more Lower Shiplake sites. However, this was discounted because *“there is a clear argument against directing additional growth to the edge of Lower Shiplake to meet the housing need of Henley”*. On this basis, this option was ruled out as unreasonable. The Site Assessment Consultation Report also highlights other objections to the site in relation to issues such as drainage, density of development, highways impact, eroding green space between settlements etc. However, the JHHNP Review can still only attract limited weight to it at this time.
- 6.4 SOLP Policy H3 requires that Henley-on-Thames deliver at least 1285 homes through its Neighbourhood Plan. Point 4 of the policy states that if the Neighbourhood Plan has not reached submission stage within 12 months of adoption of the Local Plan, planning applications for housing in the market town will be supported. First, the contingency measure in point 4 does not apply as the JHHNP Review was submitted for examination within 12 months of adoption of the Local Plan and, second, the site is not in the market town of Henley. The proposal is therefore not in accordance with SOLP Policy H3.
- 6.5 The site has never been in the designated area for the Shiplake Neighbourhood Plan, which is currently at examination.
- 6.6 Policy STRAT1 of the SOLP sets out the strategy for directing development in the District. This focuses development in a hierarchy, beginning at the Science Vale, then strategic allocations, towns, the boundary of Oxford City, Larger Villages, with Smaller and Other Villages able to take limited development.
- 6.7 SOLP policy H1 allows for development on sites allocated in the Local Plan (including previous plans) and in neighbourhood plans. Residential development on sites not allocated in the Development Plan will only be permitted in specific circumstances, if:

“i) it is for affordable housing on a rural exception site or entry level housing scheme; or

ii) it is for specialist housing for older people in locations with good access to public transport and local facilities; or
iii) it is development within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy (shown in Appendix 7); provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed; or
iv) it is infilling, and brownfield sites within Smaller and Other Villages as defined in the settlement hierarchy; or
v) it is brought forward through a Community Right to Build Order; or
vi) there are other specific exceptions/circumstances defined in a Neighbourhood Development Plan and/or Neighbourhood Development Orders; or
vii) it would bring redundant or disused buildings into residential use and would enhance its immediate surroundings; or
viii) the design is outstanding or innovative and of exceptional quality and would significantly enhance its immediate setting.”

- 6.8 Policy H8 of the SOLP states that *“The Council will support development within the smaller villages in accordance with Policy H16.”* Supporting paragraph 4.37 states that *“Smaller villages...have no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development) to meet the overall housing requirement of South Oxfordshire.”*
- 6.9 The applicant contends that the site is part of the settlement of Lower Shiplake, which is a smaller village. This is on the basis of the development that has been granted planning permission in recent years. However, I consider the settlement of Lower Shiplake to be located on the east side of the A4155, around the railway station. Indeed, to access the settlement one must turn off the A4155 and travel east. The dwellings on the eastern side of the road can only be glimpsed over the rear fences and boundary trees, as some are set below the level of the road and they are set back from the road. There is a definite sense that they turn their backs to the road. This indicates the edge of the settlement. Indeed, in his assessment of the Thames Farm site, the Inspector noted at paragraph 26 of the decision notice, that the site was *“in the countryside and lies outside of the built-up area of Lower Shiplake.”* I would contend that this statement applies also to the application site, which is immediately south of Thames Farm.
- 6.10 The character of the dwellings and the plots on the western side of the Reading Road is very different to that on the eastern side; the woodland and green backdrop and the spacious plots are more akin to countryside development than a settlement. The OS map used to show the recent development in the area conveys the larger plots of the dwellings on the western side of the Reading Road but it doesn’t indicate the change in character brought about by the trees and greenery compared to the more suburban character on the eastern side of the Reading Road. An aerial view of the area would show both of these elements and highlights more clearly why land to the west of the road, including dwellings along Woodlands Road, should be considered to be outside of the settlement of Lower Shiplake. This interpretation is supported by the Inspector at the Thames Farm appeal, who recognises Woodlands Road as *“a country road”* (paragraph 5). He continues to refer to the significant bend in the A4155 and the war memorial *“From here Station Road extends eastwards within the village of Lower Shiplake.”* This gives a clear impression of moving from a country road into the settlement of Lower Shiplake. Further to this, at paragraph 26, he refers to the dwellings on Woodlands Road:

“In this location detached dwellings set in substantial grounds extend, on the north side of the road, up to its junction with Bolney Lane. The dwellings are largely screened by

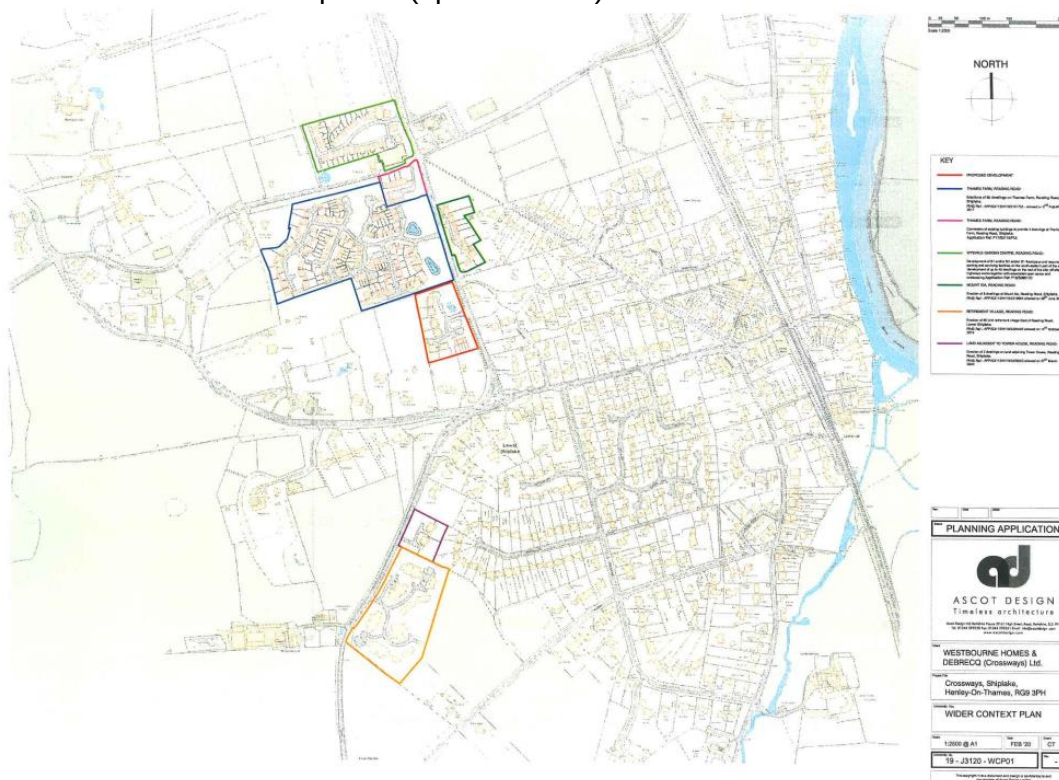
trees and other vegetation in views from the road and the character of the area surrounding the site and to the west of the A4155 is of developed countryside, in contrast to the character of Lower Shiplake, to the east of the road, which is dense village development. The site is, in this regard, in the countryside and lies outside the built-up area of Lower Shiplake.” [my emphasis]

- 6.11 The Inspector continues to note that it is “developed countryside” rather than “open countryside”. However, in considering whether it is within or outside of the settlement it makes no difference whether it is developed countryside or not, the fact is that it is countryside. If Thames Farm is built out, it does not follow that the settlement boundary should extend across the A4155 to include it, or that if it did, that it should include any other land on the western side of the road.
- 6.12 The applicant has drawn attention to an Officer’s Report for an application for a replacement garage along Woodlands Road, which states that that site (Abbotsbury House) is “within the small residential settlement of Lower Shiplake”. This was the opinion of one officer in considering a very small-scale development (householder application). The officer was not considering the settlement of Lower Shiplake as a whole, how the site and Woodlands Road fits into that or the wider implications of this assessment.
- 6.13 The applicant also refers to the AECOM Study in support of the Neighbourhood Plan, which states that the site is within the built-up area. However, this study is not affiliated with the District Council and therefore we are not bound by its conclusions. We do not have details of their assessment of what is within and what is outside of the settlement of Lower Shiplake, and I do not agree with its conclusion.
- 6.14 The applicant contends that the development would be infill under SOLP Policy H16. This policy only applies to development within Smaller and Other villages and therefore does not apply to this site, which is outside of a settlement. Were the site to be considered within the village, the site would not meet the criteria of H16 which defines infilling as “the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location”. The site is not closely surrounded by buildings nor is there is not a continuous built up frontage. The permitted scheme to the north Thames Farm has a substantial tree buffer to the road frontage and there is no developed frontage to the south.
- 6.15 The site is not located within a Smaller Village, and would not represent an appropriate infill site, it does not meet any of the other criteria set out in Policy H1, and therefore the proposed development is not in accordance with the Development Plan. The current five year housing land supply position (June 2021) is that the Council can demonstrate 5.33 years of housing land supply. Therefore there are no material considerations to bring in the titled balance and paragraph 11 of the NPPF. On this basis, the principle of development is not supported.

Material considerations - Recent permissions

- 6.16 The applicant contends that the number of planning permissions granted in the area over the last few years demonstrate that Shiplake is a suitable place for growth and is therefore a suitable location for infilling. The sites the applicants refer to are:
- 1) Thames Farm - (outlined in blue on the map below)
P16/S0970/O - Outline application for up to 95 dwellings
 - 2) Thames Farm Barn - (outlined in pink on the map below)
P17/S3119/FUL - Change of use of barn to 4 residential units

- 3) Wyevale Garden Centre - (outlined in light green on the map below)
P18//S0951/O – Outline application for demolition of all structures and redevelopment of B1 and/or B2 and/or D1 and up to 40 dwellings.
- 4) Mount Ida (outlined in dark green on the map below)
P16/S2861/O – Outline application for demolition of existing dwelling and erection of 8 dwellings.
- 5) Land adjacent to The Tower House - (outlined in purple on the map below)
P18/S4323/FUL – Erection of 2 dwellings
- 6) Land East of Reading Road - (outlined in orange on the map below)
P18/S3210/O – Outline application for residential care home (up to 40 beds) and extra care development (up to 66 units)



6.17 Thames Farm:

Particular and repeated reference is made to the Thames Farm site to the north, which received outline planning permission on appeal in 2017. The appeal was granted because the Inspector found that the Council could not demonstrate the requisite three year land supply. Subsequent to this appeal, Reserved Matters have been submitted and approved, pre-commencement conditions have been discharged and development has commenced, through the creation of the footway along the Reading Road and the access for the site. However, no further development can take place at Thames Farm until a drainage strategy has been approved. At the time of writing, an acceptable drainage strategy has not been submitted to the Council and at present there is no guarantee that a solution will be found. The challenges involved in draining the site are a result of the discovery of dissolution features (voids) following an intrusive ground survey carried out by the prospective house builder. Given the complexities and uncertainty involved in resolving the drainage and land stability issues at this neighbouring site, I cannot give as much weight to this planning decision as the applicant places upon it. Notwithstanding this, the Thames Farm scheme allows for a substantial buffer to the Reading Road retaining the sylvan qualities of the area.

6.18 Thames Farm Barn:

Planning permission was granted for the existing barn on this site to be converted to four dwellings in November 2017. In the Committee Report it was noted that the site was outside of the built-up area of Lower Shiplake, which lies to the east of Reading Road. It was reported that the principle of converting the barn to residential use had been established through previous planning applications and that the NPPF is generally permissive towards the conversion of rural buildings and that it would be in general conformity with the Development Plan. Furthermore permitted development rights allow greater flexibility of use within buildings than had previously been allowed. The principle of this development was therefore acceptable even though the site is outside of the settlement and was not a reflection on the suitability of the location for development.

6.19 Wyevale Garden Centre:

This site is allocated in the JHHNP for employment use, specifically B1 and B2 business activities and D1 activities where these can be shown to make a demonstrable contribution to the local economy (Policy E2). However, application P18/S0951/O was for a housing development with 0.2ha of employment. It was found that, whilst the proposed development was contrary to the Development Plan, evidence had been submitted to demonstrate that uses as prescribed Policy E2 were not financially viable. In such circumstances the NPPF stated that applications for alternative uses should be supported. It was recognised that the site was previously developed land its derelict appearance detracted from the approach to Lower Shiplake.

6.20 Mount Ida:

This application was allowed on appeal following refusal at Planning Committee against officer recommendation. It was noted that the site was on the western edge of Lower Shiplake and that the Development Plan allowed for redevelopment of sites with no size limit. The inspector agreed the principle of the development.

6.21 Land Adjacent to The Tower House:

The proposed erection of two dwellings was refused planning permission. The report stated that the site was on the edge of the settlement and could not be considered infill. Furthermore, the Council could demonstrate the requisite three-year land supply. The Inspector agreed with these conclusions; however they gave significant weight to planning permission that had recently been granted on the site to the south (site outlined in orange on above map) and that the site would then become a gap between a built-up frontage and would be surrounded by development on three sides, representing infill development.

6.22 The applicant has drawn attention to the fact that the Inspector allowed this site to be considered infill even though the site adjoining to the south only had outline planning permission and had not yet been developed. This is to support the assertion that the same principle can be applied in considering the application site in relation to Thames Farm to the north, which has planning permission but has not yet been built out. The applicant quotes from paragraph 18 of the Inspector's report. Paragraph 19 states that *"Although the granting of planning permission does not necessarily mean that the site will be development, I have seen nothing to suggest the recent appeal decision site will not be delivered. The recent appeal decision is a relevant factor in the determination of the subject appeal and I have given it significant weight in my considerations as detailed below."*

6.23 As stated above, I do not consider the same approach can be taken in relation to Thames Farm as there is now considerable uncertainty over how and whether the site can be delivered and therefore it cannot be given the same weight. Notwithstanding this

the land to the south on the western side of the Reading Road is spacious and open compared to development on the east, and the Thames Farm scheme incorporates a substantial landscape buffer to retain those qualities.

6.24 Land East of Reading Road:

This application was refused at the delegated level. The case officer found that, even though the Council could not demonstrate a five year housing land supply the site was in conflict with the spatial strategy of the Development Plan and it had not been demonstrated that the site could be connected to Lower Shiplake for pedestrians and therefore it was unsustainable. The Inspector agreed that the site was in conflict with the spatial strategy. However, it was found that the policies relating to housing requirement in the Core Strategy were out of date and therefore they were given reduced weight in the planning balance.

- 6.25 This assessment of these recent permissions in the vicinity of Lower Shiplake demonstrates that the majority of the sites involved previously developed land or infill proposals. The principle of development on these sites was therefore in accordance with the Development Plan. The other two planning permissions were granted, even though the proposals were contrary to the Development Plan, because the tilted balance set out in paragraph 11 of the NPPF was engaged. As demonstrated above, the application site is not in accordance with the Development Plan and there are no material considerations to engage the tilted balance in this instance.

Landscape Impact

- 6.26 The site is located in the Thames Valley and Fringes Landscape Character Area, as shown in the South Oxfordshire Landscape Character Assessment 2017. The area is characterised by flat valley floor and the gentle hills and sloping fringes in the east of the character area. The River Thames and associated floodplain also has a strong influence on the area. Woodlands are a feature, and the A4155 crosses through the area. Later development (post 19th C) of road and rail communications led to significant expansion of the main towns and the growth of commuter villages. The Assessment recognises the A4155 as a visual and aural detractor in the landscape.
- 6.27 The Assessment states that the landscape character in this area has a strong degree of coherence and consequently there are few variations in landscape character. The site is located in the Parkland and Estate Farmland character area, of which there are only two in the Thames Valley and Fringes character area. The key characteristics of Parkland and Estate Farmland are the landscape of floodplain and valley sides; well-managed parkland character with formal features, unspoilt character; generally enclosed character with strong landform, woodland and tree cover, and; lower intervisibility. The site does not have the formal parkland features described but it is unspoilt and provides views of the woodland beyond. This open landscape character would be lost if the site were to be developed and would further reduce what is left of this character area.
- 6.28 The site has an important role for its visual amenity as it acts as a valuable transitional green space between Lower Shiplake to the east and the wider countryside to the west. The Inspector for the Thames Farm coined the phrase “developed countryside” to describe the character of the area. This character would be lost if the site were to be developed.
- 6.29 SOLP Policy ENV1 states development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire’s landscapes. The landscape setting of settlements is recognised as a particular feature to be protected or enhanced. The proposed development would

change the character of this transitional green space to a developed one and would therefore impact on the setting of the settlement of Lower Shiplake.

- 6.30 The Council's Landscape Officer considers that the submitted Landscape and Visual Impact Assessment (LVIA) undervalues the site and overvalues the benefit of the development and there are objections with the proposed layout.

I have already stated that the Thames Farm planning decision can be given reduced weight given the currently unresolved issues regarding drainage. However, the landscape principles of this development, such as setting back of built development from the road and the bolstering of planting along the site frontage, equally apply to the development of the application site. For the most part these principles are followed; however units 1-4 impinge on the existing undeveloped road frontage and from a landscape perspective it is advised that these units are omitted. Were this followed, on the one hand, if the numbers were reduced below 10 there would be no policy requirement to provide affordable housing and therefore this would result in the loss of a significant benefit of the proposal. On the other hand, the inclusion of those units in the scheme further diminishes the character of the site as a transitional space between the settlement of Lower Shiplake and open countryside beyond.

Landscaping, Layout and Trees

- 6.31 The previous scheme for 20 dwellings had dwellings backing onto the Reading Road, which would have created a poor quality street scene. The proposed scheme is a significant improvement on this as dwellings would front onto the Reading Road, and be set back from it, providing an open frontage.
- 6.32 The Local Area of Play (LAP) is in a suitable location, easily accessible for all users of the site and with good natural surveillance.
- 6.33 The Landscape Officer has stated that a landscape buffer, located outside of private gardens, needs to be established along the eastern boundary. This is to ensure the buffer is retained and maintained appropriately as part of the open space provision. I consider such a buffer is necessary to assist with the sylvan character of the area. From the west there are limited, if any, public views of the site that would require this level of screening. The addition of hedges along the rear boundaries of the gardens would provide some additional greenery and provide this screening, though its future retention could not be guaranteed.
- 6.34 The Landscape Officer has raised concern with the Class A Oak Tree being located in the garden of Plot 11. The tree would overhang most of the garden, leading to pressure to prune or remove the tree. Though this tree is subject to a TPO, the Council would have to defend applications to future works to the trees, which would include consideration how the development relates to the tree. This is contrary to Policy DES5, which states that private outdoor sitting areas should not be compromised by shading, leaf litter and anxiety of established significant trees that would lead to future pressure to prune or remove them. However, plot 11 has quite a large garden and there would be an area closest to the dwelling that would not be overhung. As the Council's Forestry Officer has not raised concern with this particular element, I do not consider that it could support a reason for refusal.
- 6.35 The Council's Forestry Officer originally raised concern with the proximity of unit 1 to the Root Protection Area (RPA) of a Douglas Fir along the site frontage. He suggested moving units 1-4 further west so that it is outside the RPA of the tree, which has now been done. The Council's Forestry Officer has no objection to the proposed development, subject to conditions.

- 6.36 The Forestry Officer has raised concern regarding the need for stabilisation works and the impact this would have on the trees on site. The submitted Geotechnical Report confirms that there are no stabilisation works required.
- 6.37 I consider the proposed layout to be much improved on the previous scheme and the impact on the existing trees on site is acceptable. The landscaping could be strengthened by a buffer along the western boundary but this is not significant. The main issue is the encroachment into the openness and character and appearance of this part of Lower Shiplake.

Design and character

- 6.38 The proposed development by its nature will encroach into an open space and the role of the site as a transitional space between the settlement of Lower Shiplake to the east and open countryside to the west. Whilst the impact is reduced compared to the previous scheme, the development including the inclusion of very large homes will detract from the character and appearance of the area. On the previous application the market dwellings had roofs that were out of proportion in order to create enough head height in the roof space. The current application has sought to address this by creating roofs more traditional in form and pitch. However, the buildings still have a very large footprint and in order to keep the scale and height of the buildings down the roofs have been truncated to create flat roofs. This means that the buildings will still have a bulky appearance, particularly evident in the side elevations. This would not be in accordance with SOLP Policy DES1, which requires development to respect the local context working with and complementing the scale, height, density, grain, massing, type and details of the surrounding area.
- 6.39 The affordable dwellings are of a more appropriate scale and mass because they are not attempting to span a large footprint. By their nature, being terraced properties as opposed to large, detached dwellings, the affordable dwellings are distinguishable in design from the market housing, this is covered below under Affordable Housing. In terms of detailed design, the details shown on the elevations will create visual interest and the materials can be agreed by condition.
- 6.40 The proposed development is supported by an Energy Statement. This demonstrates that the proposals will meet with the requirements of SOLP Policy DES10 to reduce carbon emissions by 40% (compared to 2013 Building Regulations). Conditions will be required to ensure implementation and verification of the construction.
- 6.41 SOLP Policy DES8 requires new development to minimise carbon and energy impacts of their design and construction. It also requires new development to be designed to improve resilience to the anticipated effects of climate change such as increasing temperatures and wind speeds, heavy rainfall and snowfall events and the need for water conservation and storage. There is some information provided in the Design and Access Statement considering the sustainable construction element of the proposal and minimising carbon and energy impacts. Whilst more detail on the resilience to anticipated effects of climate change would have been useful, I do not have any particular concerns regarding this development and therefore I consider the proposals to be broadly in accordance with SOLP Policy DES8.
- 6.42 The foul drainage solution requires a pumping station, which is notionally shown on the southern boundary between plots 4 and 5. No information is shown regarding the size, appearance and location of the pumping station. Details of this should be required by condition, however keeping the open frontage of the site would be important and it is difficult to see where this could be satisfactorily accommodated.

Density

- 6.43 The proposed development would provide a density of 10 dwellings per hectare (dph). In determining the previous application for 20 dwellings, with a density of 18dph, I advised that the density was too high given the character of the area. This is particularly true of Woodlands Road, which is characterised by large dwellings in very large plots. The density of the immediate area along Woodlands Road is 1.3dph.
- 6.44 Were the principle of the development considered acceptable, and a reduction in units proposed to align with the landscaping concerns the proposed density would be more in keeping with the character of the area.

Housing - Market Mix

- 6.45 SOLP Policy H11 states that a mix of dwellings types and sizes to meet the need of current and future households will be sought and that the mix should have regard to the Council's latest evidence. In this case, the latest evidence is the Oxfordshire Strategic Housing Market Assessment (SHMA), which sets out an appropriate mix of market dwellings for the District thus:

1 bed – 5.7%
2 bed – 26.7%
3 bed – 43.4%
4+ bed – 24.2%

- 6.46 The submitted Design and Access Statement (DAS) incorrectly interprets these figures to be site wide, covering both market and Affordable units. It therefore incorrectly asserts that the proposed mix is broadly in accordance with the SHMA. The proposed market mix is set out in Section 1 of this report. It represents 29% 3 bed and 71% 4+ bed. Within the 4+ bed there are 2no. x 4 beds that include a home office on the first floor large enough to be used as a bedroom and 3no. x 5 beds, two of which include a media room in the roof space that is large enough to be used as a bedroom. This is not representative of a mix of dwellings as set out in the SHMA; it lacks any smaller units and overprovides on larger units. On this basis, the proposed development is not meeting housing need and in accordance with Policies H11 and DES1 of the SOLP.

Affordable Housing

- 6.47 The proposed development includes 4 Affordable units comprising 2no. x two bed and 2no. x three bed units. The Housing Development Officer has suggested that 2no. x 2 bed units should be for Social Rent and that 1no. x 1 bed should be for Affordable Rent and that the unit for First Homes is to be agreed at a later stage.
- 6.48 I recognise that the Housing Needs Register shows the greatest need for 1 and 2 bed units in Shiplake, which is a high value area. However, it would not be practical to integrate just one 1 bed maisonette in this scheme, and the inclusion of another maisonette to comprise a two storey building may be more suitable.
- 6.49 Policy H9 of the SOLP requires that Affordable Housing is well integrated into the development and that it is tenure blind. Point xv) of SOLP Policy DES1 states that high quality design “*does not differentiate between the design quality of market and affordable housing or the adjacent public realm*”. In the previous scheme the market and Affordable units were clearly distinguishable. However, whilst there are differences, I consider the Affordable units generally appear similar to the market units and would not be immediately distinguishable. The Affordable units would have similar detailing to that found on the market units and be of a more appropriate mass and scale, as such the four units together are in keeping with the overall design of the development.

However, this does not detract from the point on mix and that the market units provided are all large 3 and 4+ bedroom and the Affordable units are 2 and 3 bedroom units, neither of which are meeting identified housing needs.

Ground Investigations

- 6.50 As referred to above, the adjacent Thames Farm site has stalled because it was discovered that voids were found under the ground. This is a particular issue in this area because of the chalk bedrock. In support of this application a geotechnical ground investigation was carried out, the findings of which the Council has had independently reviewed by geotechnical engineers. The ground investigations found dissolution features in the north-east and the south-west of the site and there could be similar shallow features present. The Geotechnical Report advises that if further dissolution features are encountered, they should be excavated and subsequently backfilled with lean mix concrete to prevent rainwater infiltration.
- 6.51 The Geotechnical Report also advises on foundations for proposed dwellings on the site. It states that a raft foundation is considered appropriate for the proposed structures and that formation levels of all foundations should be proof rolled to identify any soft spots or dissolution features. It is recommended that geogrid reinforcement capping layer or sub-base is incorporated into the design of roadways and pavements.
- 6.52 In undertaking the review of the Geotechnical Report, the Council's consultants, Stantec, were asked to advise on suitable planning conditions that should be included to ensure any measures detailed in the report were carried out. These suggested conditions relate to:
- Plot investigation and design to be approved prior to commencing plot foundations. This includes details on Bridging Solutions Foundations and Pile Foundations.
 - Excavations intended for site construction worker entry to be suitably shored against sidewall spalling and supported for safe operation.
 - Proposed design for porous paved road construction incorporating geogrid reinforcement to be submitted and agreed.
 - Drainage design to include shallow drainage disposal via soakaways in accordance with guidance and in accordance with details to be set out in the condition.

The suggested conditions could be used as a basis for drafting appropriately worded conditions that would meet the six tests set out in the NPPG.

Drainage

- 6.53 The ground investigation was also necessary to inform the drainage solution for the site. The finding of dissolution features at the site means that soakaways are required to be at least 20m away from any building. The proposed site layout takes account of this, utilising the open space on the eastern edge of the site for the location of a soakaway.
- 6.54 On the previous application, as well as objections from the Council's Drainage Engineer and the County Council as Lead Local Flood Authority, the Environment Agency objected due to the pollution risk to the groundwater source protection zone (SPZ1). The site is located within a Source Protection Zone 1, which is designated to identify the catchment areas of sources of potable water and show where they may be at particular risk from pollution activities on or below the land surface. The site is only 300m from a public water supply known to be at risk from surface water pollution. To address this, the surface water runoff from the access road will not be allowed to discharge directly into the ground but the road will be constructed from permeable block

paving, through which the water will be filtered. The Council's Drainage Engineer has recommended that a geogrid is incorporated within the road pavement design as a precaution. This would be required by condition.

- 6.55 The foul water strategy proposed to connect to the sewer beneath Woodlands Road. An agreement has been reached with the owners of Crossways to facilitate this connection. Owing to the levels on site, it is anticipated that the foul drainage will need to be pumped. The Site Layout plan contains the words "pumping station" located between plots 4 and 5. The site's Management Company would have responsibility for maintaining the pumping station.

The site is located in Flood Zone 1, the lowest flood risk. At the front of the site (east) is an area at risk of surface water flooding with a 0.1% chance in any given year. The Council's Drainage Engineer, Oxfordshire County Council as Lead Local Flood Authority, the Environment Agency and Thames Water have no objection to the proposed drainage scheme. On this basis, I conclude that a suitable drainage solution for the development can be found and the proposal is in accordance with SOLP Policy EP4.

Ecology

- 6.56 The Council's Countryside Officer has stated that the habitats on site are not considered to be a constraint to development. However concerns have been expressed regarding the submitted biodiversity impact assessment, that the pre and post development biodiversity has been valued appropriately. However, as there is no in-principle ecological reason why permission should not be granted, the Countryside Officer is satisfied that the Biodiversity Impact Assessment could be left to planning conditions, which would ensure that the proposal was in accordance with SOLP Policies ENV2 and ENV3.

Transport, Access and Parking

- 6.57 The proposals include the stopping up of the existing site access and creating a new site priority T-junction access approximately halfway along the site boundary with the Reading Road. The previous application for the site was refused for several grounds, one of which was related to concern regarding the visibility splays at the access. Speed surveys had shown that vehicles were travelling at around 39mph along the Reading Road and therefore the visibility splays as shown, for a 30mph speed (90m), were not adequate. The submitted plans show the visibility splays 2.4m x 99m as requested by the County Council Highways Officer and therefore this issue has been resolved.
- 6.58 The site already benefits from a recently installed footway along the Reading Road, which leads to an uncontrolled crossing point, allowing pedestrians to access Lower Shiplake. The Road Safety Audit submitted with the application demonstrates that a pedestrian crossing point is required across the site access. The proposed location of the crossing is shown in the Road Safety Audit Designer's Response, but the Highways Officer has requested the crossing point be moved further away from the junction. This could be agreed by condition and ultimately it will need to be approved by Section 278 agreement as it would be within the adopted highway.
- 6.59 Regarding the internal layout, the applicant has clarified that only the site access is to be adopted and therefore a Section 39 Private Street Agreement will need to be entered into for the remainder of the site. As part of the Private Street Agreement the site will be audited by the County Council to ensure it is fit for purpose. Tracking diagrams have been submitted showing that the internal layout is appropriate for refuse vehicles and the Highways Officer has not raised a concern regarding these plans.

- 6.60 The Oxfordshire County Council 'Transport for New Developments Parking Standards for New Residential Developments' sets out maximum parking standards for dwellings. This shows that the maximum number of parking spaces for dwellings of 2+ bedrooms is two spaces. This is exceeded by plots 5 – 9, which have three parking spaces. Given the size of the dwellings and their plots, I consider this acceptable. Plots 10 and 11 each have two parking spaces, which meets the standard. The Affordable units each have one allocated parking space. As the parking standards are maximum numbers and the County Highways Officer has not objected, I consider this to be acceptable. The site generates a requirement for 6.8 visitor parking spaces and the scheme has been amended to include 7 spaces. The proposed development is therefore provides adequate parking in line with OCC standards.
- 6.61 The Highways Officer has suggested a condition removing permitted development rights for converting garages to habitable rooms. As the dwellings already have over the maximum number of parking spaces, I do not think it would be necessary for such a condition to be imposed.
- 6.62 The Highways Officer has suggested a condition requiring the submission of details for cycle parking for each plot. I consider this to be necessary and appropriate. Cycle parking is usually provided in garages or sheds, which could be easily achieved for the market units but it is unclear how the Affordable units would include access to sheds in the rear gardens, particularly the middle two units.
- 6.63 The site is in reasonably close proximity to bus service 800 between Reading, Henley and High Wycombe, with two buses an hour on weekdays and one per hour on weekend. The County Council is keen to ensure that development fulfils its necessary role to fund public transport improvements where they would be of benefit to new residents and to promote sustainable travel to and from the site. For development such as this, a fixed rate of £1,051 per dwelling is applied for public transport service enhancement, which would equate to £11,561 for this site. This would be used for the improvement of public transport services in Shiplake. The nearest bus stops, at Station Road, have facilities in a poor state of repair. The County Council has requires a public transport infrastructure contribution of £2,324 for the provision of two Premium Route standard poles, flags and timetable cases.

Residential amenity

- 6.64 The site is located adjacent to open land on the north and west boundaries, although it is recognised that there is permission for the Thames Farm development to the north. Were Thames Farm to ever be built out, there is sufficient space (around 30m) between the nearest dwellings to not present any concerns of overlooking or overbearing. The dwellings to the south of the site are located around 50m away from the southern boundary at their nearest point so I do not consider there would be any issues regarding loss of privacy or an overbearing impact. To the west of the site is private garden associated with an adjacent dwelling; however, the proposed dwellings are around 20m from the boundary and the garden is large with plenty of more private space close to the dwelling. I therefore do not consider it will give rise to an unacceptable loss of privacy. The proposals are in accordance with SOLP Policy DES6.
- 6.65 All of the dwellings have a garden size in accordance with the recommended sizes in the SODG. I consider the proposals to be in accordance with SOLP Policy DES5.
- 6.66 SOLP Policy CF5 requires new development to provide or contribute towards amenity greenspaces. The Developer Contributions SPD clarifies that this should be provided at 1.4ha per 1000 population of informal open space. For this site 360sqm of open space should be provided. The proposed layout has around 715sqm of useable open space,

which does not include the LAP. The LAP and the open space would need to be maintained by a management company, details of which should be set out in a Section 106 Agreement. The proposal is in accordance with SOLP Policy CF5 in terms of the amount of open space but a Section 106 Agreement is required to ensure its management in compliance with the policy.

Contaminated Land

- 6.67 A Preliminary Risk Assessment was submitted assessing the potential for land contamination on the site. This found potential sources could present a significant risk to the proposed development, including from ground gases. Intrusive investigations were recommended by the Council's Contaminated Land Officer and advised that conditions should be attached to any planning permission.

Archaeology

- 6.68 The site is located in an area of archaeological potential and later prehistoric cremations have been recorded 1km to the south east of the proposal site and a series of undated ditches have been recorded in the same area. A number of wattle-lined Iron Age pits have also been recorded 600m to the north east of the development area. It is therefore possible that further archaeological deposits may exist on the site. The County Archaeologist recommended conditions attached to planning permission to submit a Written Scheme of Investigation and a staged programme of archaeological organisation in accordance with it. The proposals are in accordance with Policy ENV9 of the SOLP.

Infrastructure: Planning obligations and Community Infrastructure Levy

- 6.69 The proposed development would be liable to pay CIL currently estimated to be approximately £456,000; however, this does not take into account that the land owner can apply for CIL exemption for the Affordable units. The CIL receipt to the parish council is 15% or 25% dependent on the status of the Neighbourhood Plan.
- 6.70 Were this application to be acceptable, the District Council would have sought the following obligations to be secured by a Section 106 Agreement:
- Affordable Housing provision: 40% of units including 4 dwellings on site and an affordable housing contribution representing 0.4 dwelling
 - Contribution of £186 per property (Index RPIX October 2019) towards provision of waste and recycling.
 - Contribution of £229 per 10 houses (Index RPIX October 2019) towards street naming and numbering.
 - Securing management of open space and Local Area of Play.
 - Monitoring fee calculated using the Council's latest 'S106 Financial Contributions and Fees' document.

And the following obligations sought by the County Council:

- Contribution of £1,051 per dwelling towards public transport improvement in Shiplake area (Index RPIX)
 - Contribution of £2,324 towards provision two premium route standard poles, flags and timetable cases at Station Road bus stops.
 - Contribution of £1,034 towards household waste and recycling centre.
 - Monitoring fee
- 6.71 It is acknowledged that any reasons for refusal relating to the lack of provision of infrastructure associated with the development could be overcome by entering into a

Section 106 Agreement. It is also acknowledged that the applicant has specified that they are willing to enter into such an agreement.

7.0 CONCLUSION AND PLANNING BALANCE

- 7.1 The principle of developing the site is not supported as it is located outside of the settlement of Lower Shiplake, in open countryside. The proposal therefore does not meet the criteria set out in SOLP Policy H1. As the site is outside of the settlement, SOLP Policies H8 and H16 do not apply.
- 7.2 The site currently fulfils a role in the character of the area, acting as a transitional space between the settlement of Lower Shiplake moving towards lower density and into open countryside. The development of the site would be detrimental to that sylvan open character and the setting of Lower Shiplake. Units 1-4 sited along the frontage of the site particularly would diminish the green character of the area, as there is no landscaped buffer. The proposed dwellings are of an inappropriate scale and mass, demonstrated by the need to truncate the roof form and create flat roofs. The large development would not be in keeping with the character and appearance of the area and would not be in accordance with SOLP Policies DES1 and ENV1.
- 7.3 There is an over provision of large-scale market dwellings, which result in a scheme that does not achieve an appropriate market mix to meet housing need which should include smaller dwellings. The mix of market dwellings does not follow the latest housing need evidence including the Oxfordshire Strategic Housing Market Assessment 2014. The proposals are therefore not in accordance with SOLP Policies H11. Neither does the development propose an appropriate housing mix for the affordable housing.
- 7.4 The proposed development encroaches into undeveloped land and the proposed affordable housing has been sited along the road frontage, undermining the landscaped buffer. From the perspective of landscape character the removal of these dwellings would be beneficial however a reduction in numbers on the site may reduce the requirement for affordable housing. If development were acceptable in principle, an amount of units to support an affordable housing contribution would provide a benefit that would outweigh the landscape harm. Notwithstanding the issue of principle and harm to the overall character, the proposed layout is acceptable and the scheme has been amended so that the impact on trees is acceptable.
- 7.5 A ground investigation into the presence of dissolution features at the site has been undertaken to ensure an appropriate drainage scheme can be found. Based on this, an acceptable drainage solution has been proposed. The Environment Agency and Thames Water have confirmed that they are satisfied with the development in relation to the Groundwater Source Protection Zones.
- 7.6 The requisite visibility splays can be demonstrated for the site access. Remaining concerns relating to ecology, archaeology and contaminated land can be agreed by condition.
- 7.7 Although the tilted balance highlighted in para 11 of the NPPF is not engaged it is useful to consider the environmental, social and economic benefits. I recognise the proposed scheme would provide benefits such as the provision of Affordable housing, as well as minor economic benefits through construction of the site. However, the harm of the proposed development of an unallocated site, outside of the settlement of Lower Shiplake on site that contributes towards the setting of settlement, outweighs the benefits. The proposed development is not in accordance with national policy and guidance or the Development Plan, therefore planning permission should be refused.

8.0 RECOMMENDATION

That planning permission is refused for the following reasons:

- 1. The proposed development fails to accord with the strategy for new housing set out in the development plan. The application site is located outside of the settlement of Lower Shiplake, is not a site allocated for development, and would not constitute infill development as identified in Policies H8 and H16 of the South Oxfordshire Local Plan 2035. As such, it does not fall within one of the categories where development is acceptable and is contrary to, policies STRAT1 and H1 of the South Oxfordshire Local Plan 2035.**
- 2. The proposed development would result in the loss of the role of the site as a transitional space between the settlement of Lower Shiplake to the east and open countryside to the west. The proposed development would encroach into undeveloped land and would diminish the open character of the site and its importance in the setting of the settlement of Lower Shiplake. The scale and massing of the market dwellings detracts from the appearance and character of the local area and does not provide a form of quality architecture. The proposed development is contrary to policies DES1 and ENV1 of the South Oxfordshire Local Plan and the South Oxfordshire Design Guide.**
- 3. The proposal does not provide a mix of market dwellings to meet the housing need, including smaller dwellings, as set out in the Oxfordshire Strategic Housing Market Assessment 2014. The proposed development is therefore contrary to paragraph 8 of the National Planning Policy Framework and policies H11 and DES1 of the South Oxfordshire Local Plan 2035.**
- 4. In the absence of a completed Section 106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the district. As such, the development is contrary policy H9 and H11 of the South Oxfordshire Local Plan 2035.**
- 5. In the absence of a completed Section 106 legal agreement, the proposal fails to secure infrastructure necessary to meet the needs of the development. As such, the development is contrary to policies INF1 and CF5 of the South Oxfordshire Local Plan 2035.**

South Oxfordshire District Council – Delegated Report

C D Scotting 7 April 2022

Delegated Authority Sign-Off Officer