

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

Comments to: The Inspector Re: Land Rear of Crossways, Appeal. Made 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 11 dwellings with associated
access, landscaping & parking

Also

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

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

LPA REF: P21/S4616/FUL & LPA REF: P20/S2103/FUL

Case Officer: Simon Dunn

INTRODUCTION

1. This matter relates to an Appeal against the refusal by South Oxfordshire District Council for planning permission for the erection of 11 dwellings with associated access, landscaping and parking on land to the rear of Crossways, and also for 20 dwellings 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

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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.
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, or considered 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, as do the emerging update to the Henley and Harpsden Joint Neighbourhood plan and also the emerging Shiplake Villages Neighbourhood plan.
8. The emerging Shiplake Villages Neighbourhood plan was approved by the statutory examiner on 11 May albeit not a matter of general/public knowledge at the time of writing.
9. The applicant has challenged SODC's compliance with the 5 year land supply threshold and so the Inspector may choose to determine a failure to comply in that regard. I deal with this and related issues below in more much more detail.

DEPENDANCY UPON THAMES FARM

10. There is now, an overriding and fundamental legal and planning principle as to why this site should not be given planning permission, and it is that

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fundamental point of principle that this objection document will primarily refer to and focus upon, as well as the Appellants arguments relating to that issue.

11. Historically the west side of Reading Road has not had any development undertaken in recent years. Indeed as a matter of policy all such applications have been opposed by the Authorities going back for very many years as shown by countless refusals to grant consent. There were and remain compelling policy reasons as to why development was considered to be unsuitable and inappropriate, and these include deficiencies in infrastructure, development being proposed in open countryside, dangers from potential new highway connections, dangers to pedestrians in crossing Reading Road, coalescing of separate countryside settlements, ribbon development, and many more.
12. In 2016/17, these policy issues were overturned when the latest Appeal in respect of Thames Farm was allowed as a result of SODC having been found to have the tiniest shortfall in its housing land supply figures. This shortfall was calculated to have been only in single digits, but nevertheless a shortfall. As a result, despite the very strenuous opposition and objections from all consulted parties and the Planning Authority, the Appeal was allowed and outline permission granted for the development of up to 95 dwellings including affordable dwellings at Thames Farm, subject to a number of very important conditions precedent.
13. However, what was not known at the time nor identified by the purchaser of that site – Taylor Wimpey – whom arguably failed to undertake adequate due diligence was that the site was fundamentally flawed as development land due to its geological make up. The site was subsequently shown to have a number of major dissolution features beneath the surface and to a depth of c. 16m across a large proportion of its surface area. Moreover that there existed a Class 1 Aquifer at that depth that is used to supply the drinking water for the entire area. The bore hole that is used by Thames Water for the potable supply is situated a matter of yards away from the site and that of Thames Farm Barn immediately on the opposite side of Reading Road. For this reason, the site of Thames Farm and area is also subject to a Grade 1 Source Protection Zone designation.

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14. Thames Farm studies have indicated that the dissolution features extend up to and beyond its Southern boundary ie into the subject site - see **Appendix 1** – Extract from Thames Farm Site Report – Peter Brett Assoc Dec 2019 & Drawing D1827 57 Locations requiring Compaction grouting and or surface consolidation
15. The information about this Aquifer appears not to have featured, nor was even hardly referred to in the Planning Applications for Thames Farm nor the subsequent Appeal and associated documentation for that site. The Planning Application was silent, and as a result it is our opinion that this matter was largely ignored by the Authorities in the consultation process and subsequent Appeal process. I was present at the Public Inquiry and am therefore able to confirm this from personal knowledge.
16. Given the attitude of the EA, SODC, and the LLFA, it seems very likely that had this information been known at the time, Thames Farm would have received a major objection to the principle of residential development, and much greater investigations would have been sought of the sub strata of the site as a very minimum. Sadly this was not the case.
17. It is a fact that since 2017, apart from ‘enabling works’, the site has lain idle as the owners advisors have come up with numerous potential solutions to address the existence of this poor ground and the existence and safeguarding of the aquifers. The consequences of seeking to build out the scheme for 95 units would entail having to have an off-site pumped surface water drainage solution requiring waste water to be stored on site and then pumped a distance of at least 2km in order to dispose of it. This requirement stems from a need to grout much of the site to a depth of 16m and to vibro-compact its entire building surface area.
18. Even at a distance of 2km there exists major obstacles to surplus water disposal and the potential flooding of 3rd party land, including land with residences that might in turn be inundated or further inundated.
19. On 13 January 2022, the owner in respect of their 3rd attempt to seek to promote an off-site pumped drainage solution and a major engineering operation across the site viz P21/S4749/LDP - received a rejection notice from SODC. This was in respect of the proposals to grout to a depth of

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16m or more across a very large surface area, and also to vibro-compact the whole of the proposed built development areas of the site.

20. In this regard, SODC advised that the proposed ground remediations works would require a wholly separate and fresh planning application for the development to proceed in the previously approved form, and the rejection notice stated:

“The proposed ground stabilisation works are not authorised by the existing planning permission; they are not part of the foundation works nor ancillary to the development granted by the outline permission for 95 homes on the land edged red on the attached plan. The proposed groundworks 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. The proposed ground stabilisation works therefore require planning permission from the Local Planning Authority.”

21. Arguably, the sole reason that the subject site has been the subject of any Planning Applications at all, is the argument that it would comprise ‘infill development’.
22. Following this 3rd failed attempt by Taylor Wimpey to have its drainage proposals approved, together with its proposals to grout to a depth of 16m and vibro-compact, it is a fact that the extant consent to develop Thames Farm may not be capable of implementation at all. This is despite the initial works undertaken by Taylor Wimpey to commence development – where they undertook works at the site entrance without permission, and were then given retrospective approval thereto.
23. This action/activity enabled Taylor Wimpey to obtain a technical confirmation that their site development had commenced, even though there has been no prior or subsequent approval of reserved matters for a drainage strategy. Whilst legally, Taylor Wimpey may have secured an LDC confirming its consent has been implemented, practically, they are unable to proceed further until they have an agreed drainage strategy and also Planning Permission for the proposed ground remediation works.
24. It is therefore wholly wrong to even consider whether the subject site might qualify for permission as an infill site at all. The land is used as open amenity land within a large band of similar undeveloped land to the North

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and to the West; and a significant public highway to the East. Thus the site can hardly be considered to meet even the most basic criteria for an infill site of being surrounded by built development. See **Appendix 2 – Crossways in context of other developments**

25. The site therefore is no more than an open piece of amenity ground in a rural setting, and is no different to many other such pieces of ground in the vicinity, which have not received a Planning Application for residential development, and are considered to be wholly unsuitable for such a proposal. Both relevant Neighbourhood Plans are highly relevant in this regard.

AECOM's STATEMENTS

26. Henley and Harpsden's Neighbourhood plan group advised by AECOM have rightly and properly considered what land might be suitable for development both when their original NP was prepared and again more recently as part of their NP review process in late 2021.
27. When this land was considered most recently, and AECOM provided its advice/commentary about the suitability of the site, the circumstances were wholly different, as the problems at Thames Farm were not properly and fully understood. I would also take issue with the description of the site as being 'green field within the built up area' and I have already demonstrated that the site is **NOT** 'closely surrounded by buildings, and may never be. It continues to be a green field in open countryside.
28. Notwithstanding that lack of knowledge and information, the subject site was considered and rejected by the JHHNP group, and then also by the individual Councils when the plan group presented its findings for approval/ratification. The site was correctly rejected for very valid reasons, and now there are even more reasons for it to be excluded. To suggest that any site that may have been once considered and then rejected by the NP process should receive a planning approval is wholly wrong and patently illogical. Even where a 'tilted balance' assessment is to be undertaken, many other issues come in to play. The work and comments of AECOM taken out of context as it is, has no real bearing on this matter therefore.

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29. Not only is the site potentially a separate piece of outlying land and not an infill site at all (Policy H1), nor is it sustainable separately, but also development as requested would greatly impact upon landscape assets. This is particularly so if one ignores the Thames Farm development. It is not a brownfield priority, and would do considerable harm to the character of the area and would promote ribbon development along the Reading Road. Equally, the 'filtered views' referred to in Thames Farm inspectors report could not be applied to the subject site, which would have very clear and high visibility. The development would protrude into the open countryside at that stage like an ugly carbuncle.

ACCESS, UTILITIES AND INFRASTRUCTURE

30. The provision of drainage for this site remains a major concern as is highlighted by the comments of both Thames Water and the South and Vale drainage authority. In particular a drainage scheme has not been fully identified/proven; and, given the experiences with the next door site Thames Farm, it is neither safe nor adequate to assume that normal drainage parameters will apply. Comprehensive ground investigations and detailed design work must be undertaken and the design proven before development should be approved, even in outline form. This issue should not once again be left as a reserved matter on the assumption that the problem can be resolved, as that is far from certain as has been comprehensively proven with Thames Farm.
31. The access point to the site comprises high potential for danger and is known to be unsafe, despite the 'paper analysis' that may have been produced to prove otherwise. The very sharp bend on the Reading Road immediately to the south of the proposed access point is undoubtedly a danger point and has electronic speed warnings in situ for precisely that reason.
32. **Appendix 3** to this document contains a number of examples of such danger of which I am aware, and in most cases photographed personally or provided dated and reported material from local media. There are no doubt countless more such instances of which I am not aware or did not result in damage to my own premises but rather to adjacent ones, which I have seen evidence of albeit not photographed.

FORMER WYEVALE SITE

33. The appellant in para 10.5 and 10.6 of their statement suggests that the former Wyevale Site north of Thames Farm was considered as being suitable for residential development, and that the subject site should receive similar treatment. This is wholly wrong misguided and misleading. The subject site does not sit within the 'built up' area of Lower Shiplake. It sits on the 'wrong' side of the boundary of the 'built up area'. These boundaries must come somewhere, and 'development creep' as is now suggested must be prevented, otherwise each successive site will simply be granted consent applying the applicants logic. This cannot be correct.
34. The former Wyevale site was a brownfield site, a complete eye sore that has lain idle for over 10 years due to specific choices made by its then wealthy owner. It is therefore subject to wholly different criteria when being assessed for residential development. The history of the site is one where development as a garden centre and nursery garden was approved as ancillary to the former use of Thames Farm, itself having been owned by the same owners (but later sold off separately). The decisions facing the LPA in the case of the former Wyevale site - which had seen progressive 'creep' in terms of intensification and commercialisation of use, and the addition of structures and ultimately a full retail use approved - cannot be considered to be the same as for the subject site.
35. The former Wyevale site was acquired by its last owner as a site upon which to relocate another garden centre in Henley (Toad Hall), as that site is also owned by the same wealthy land owner. This proposal for relocation failed and the owner then looked for an alternative strategic way forwards having hurriedly purchased the land for that original purpose. The site was held by its wealthy owner for many years, and unsurprisingly no other takers for the extant use were identified. The site was allowed to degenerate over time and with its many semi derelict structures became a complete eye sore for the local community. There were therefore highly compelling reasons for the LPA to agree to the re-use of the site for residential and commercial purposes when the discussions were held regarding its future use. These arguments and reasons including that of the brownfield nature of that site, are wholly different to those that relate to the subject site.

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36. The Appellant contends that the site lies within the settlement of Lower Shiplake. If that were genuinely the case, then the site would have come forwards for development countless years ago. This contention cannot be correct therefore and is supported by the facts. It might be considered in that way were it to be considered in tandem with Thames Farm, but even then it does not meet the known and clearly defined criteria for 'infill development'.

TILTED BALANCE/SUMMARY

37. Even if the Inspector here considers there to be a land supply shortfall requiring a 'titled balance' assessment to be undertaken, the adverse impacts of permitting development here when considering the uncertainty of the Thames Farm development are very significant indeed. There are a number of developments taking place within Shiplake already, and so the inappropriate addition of 11, or indeed 20 additional houses in this location might be considered to be of minor overall benefit and not offset by the damage that would be done as a result of that development proceeding viz:
- a. Development outside of the acknowledge settlement boundary
 - b. Promotion and encouragement of ribbon development along Reading Road
 - c. Incursion into the open countryside/buffer to development
 - d. Unproven that the development is capable of being delivered
 - e. Infrastructure deficiencies
 - f. Additional stresses on the local infrastructure of roads, schools, utilities, doctors surgeries, traffic, air quality etc
 - g. Harmful effects to the landscape and 'street scene'
 - h. Harm to residents in Woodlands Avenue and those to the East of the subject site. These occupiers will in addition to the usual impacts of development have to suffer a new access point onto the Reading Road and the regular harmful impacts of traffic access and egress with night time light pollution (vehicle lights) directed straight into their existing dwellings/curtilages.
 - i. A new dangerous access point to the highway close to the existing dangerous bend in the road where numerous accidents have already historically occurred including vehicles overshooting and breaching

boundary fences on the east of reading road, and others that have left vehicles upside down.[photos]

38. For the above reasons, I respectfully ask the Inspector to reject and dismiss both of the Appeals against refusal to grant Planning Permission.

P. Boros 13 May 2022.

Appendices

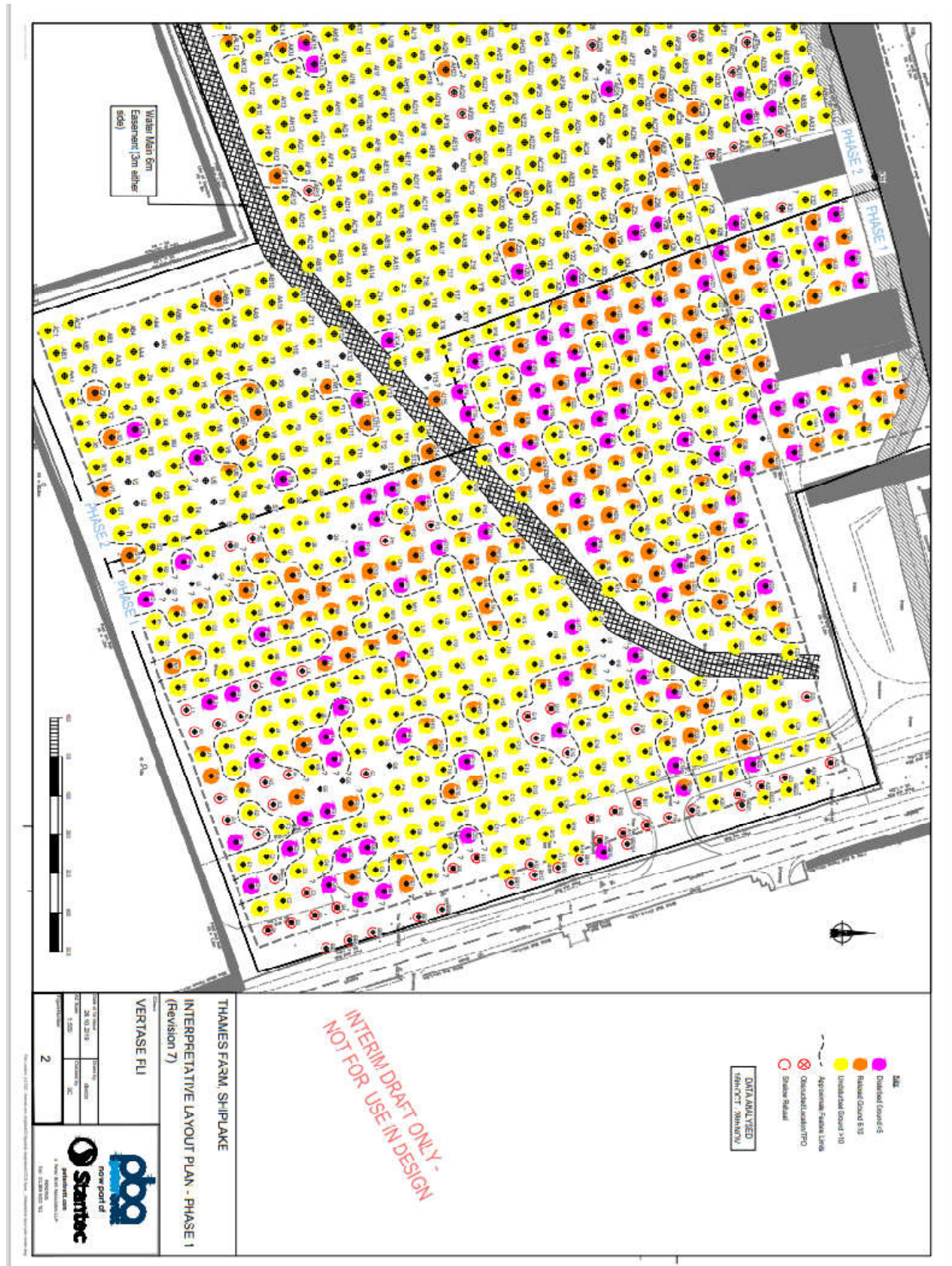
Appendix 1 Peter Brett Site Report Dec 2019 & Dwg

Appendix 2 Crossways in context of other developments

Appendix 3 Photographs of accidents at dangerous bend of Reading Road

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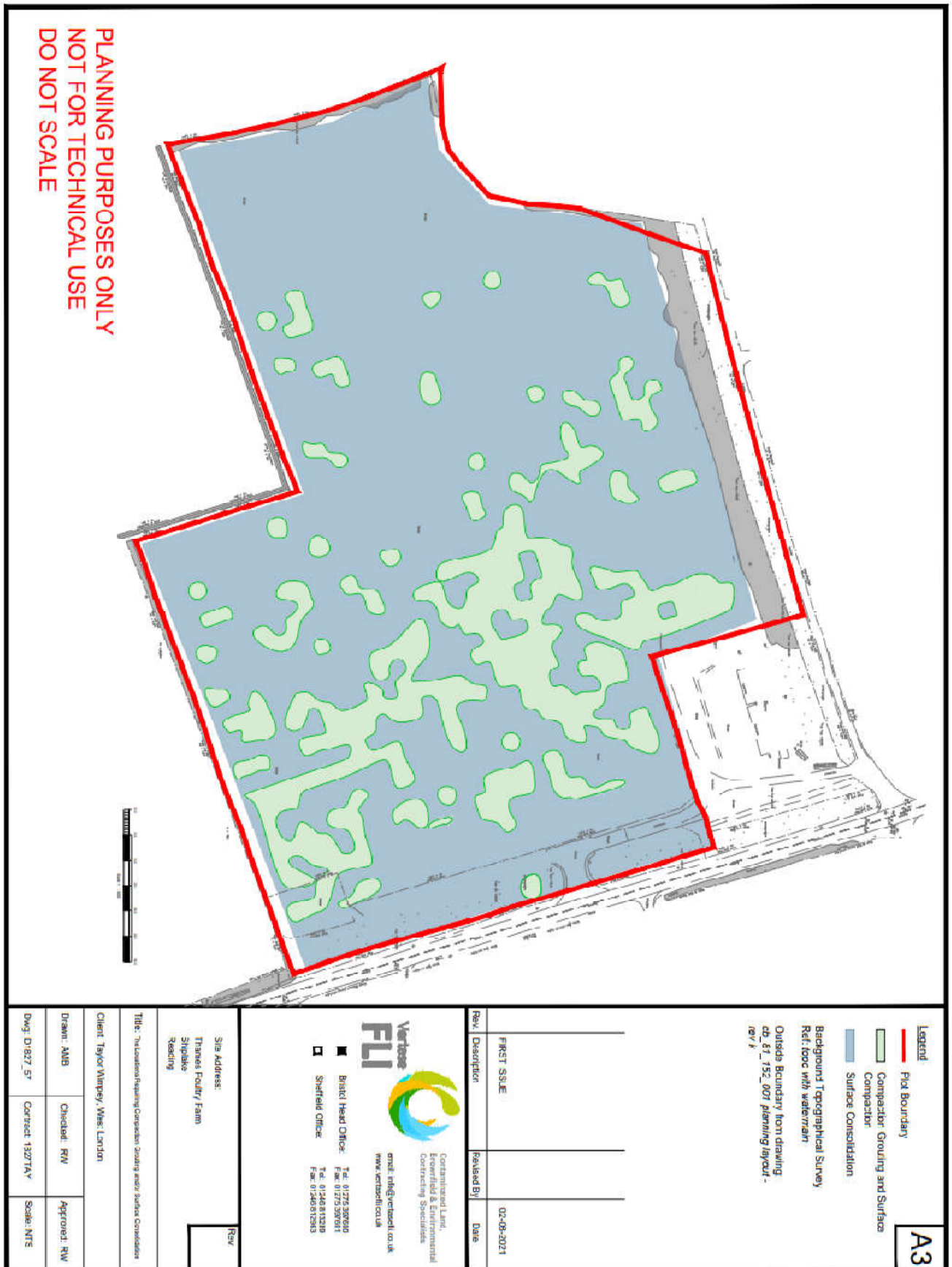
Appendix 1 Peter Brett - Site Report Dec 2019 – Extract & Dwg D1827 57



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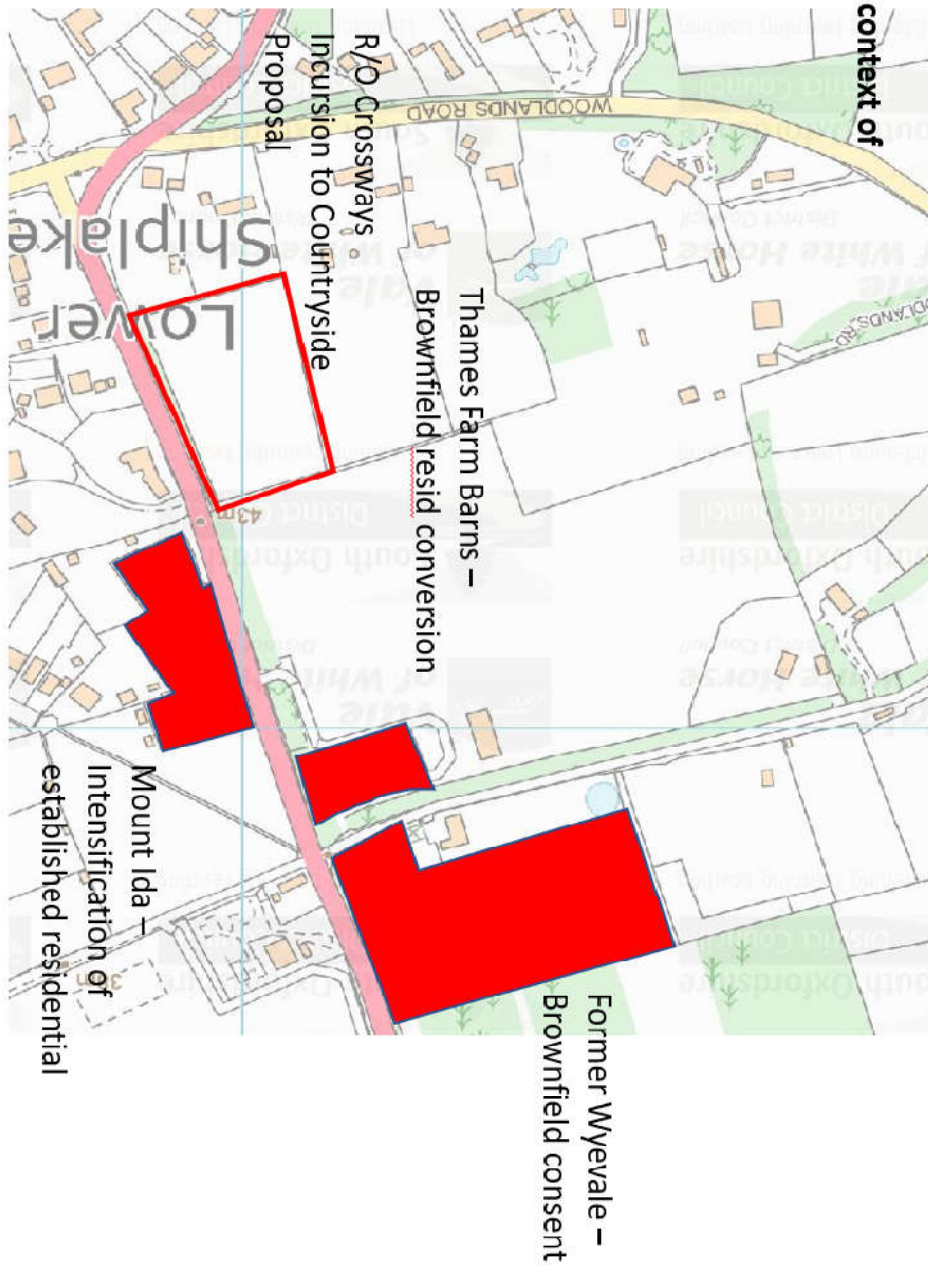
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D1827 57 Areas requiring compaction grouting and or surface compaction



Appendix 2 – Crossways in context of other developments

Appendix 2 Land R/O Crossways, in context of adjacent developments



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Appendix 3 – 1. Vehicle overshooting bend on Reading Road



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2. Henley Herald Article August 2017



Wednesday 11th May 2022
news@henleyherald.com

Accident at War Memorial Junction, Shiplake

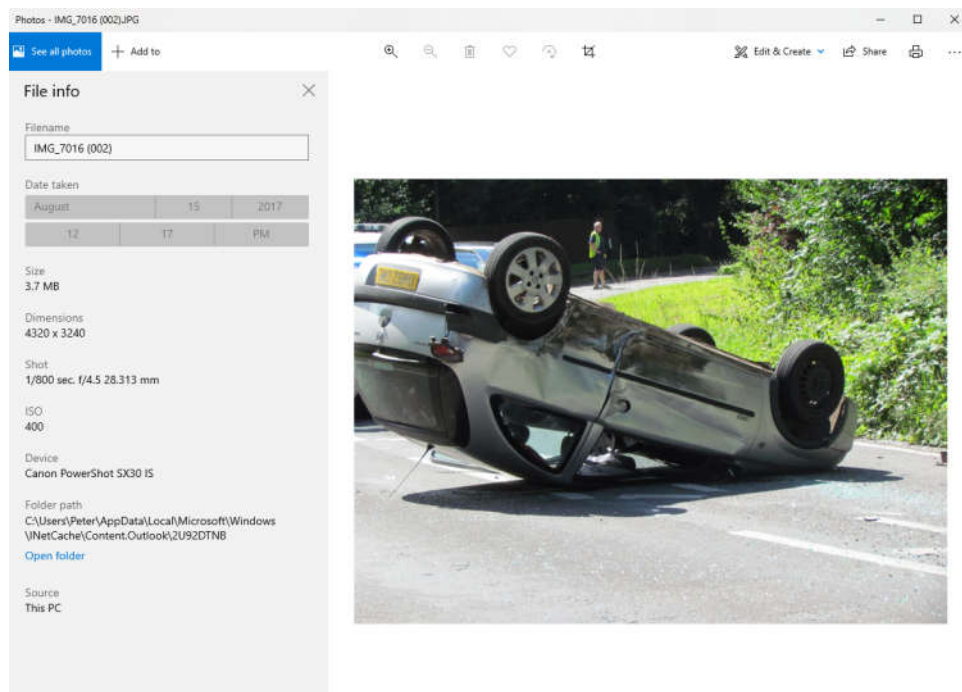
15th August 2017 / in Home - Top Stories, News / by Editor



Update 2.45pm

The road is now open and the lady driving the silver Vauxhall Corsa which flipped upside down was treated at the scene. No one was taken to hospital.

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Original of Above Photo.

