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<b>APPLICATION NO.</b>	P08/E1176/RET
<b>APPLICATION TYPE</b>	Full
<b>REGISTERED</b>	16 <sup>th</sup> October 2008
<b>PARISH</b>	Henley-on-Thames
<b>WARD MEMBERS</b>	Mr Terry Buckett Ms Roswitha Myer
<b>APPLICANT</b>	Soha Housing
<b>SITE</b>	Land at Quebec Road, Henley-on-Thames
<b>PROPOSALS</b>	Erection of 29 dwellings with associated parking, landscaping & access (amendments to approved planning permission P07/E0975)
<b>AMENDMENTS</b>	Drawings CH230 050C and CH230/PL/04 A
<b>GRID REFERENCE</b>	476519/182117
<b>OFFICER</b>	Tom Wyatt

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**1.0 INTRODUCTION**

- 1.1 This application is referred to Committee as the Officer’s recommendations conflict with the views of the Town Council.
- 1.2 Planning permission was granted on appeal on 12<sup>th</sup> February 2008 for the redevelopment of the site to provide for 29 dwellings in two separate blocks and a 55 bed care home. A copy of the appeal decision notice is **attached** at Appendix B. Work started in connection with this permission earlier this year and development in relation to the housing is well advanced with the main construction of both blocks almost complete. However, the care home element of the scheme has not yet been implemented, and the land relating to this development is now in separate ownership. Coincidentally there is also a current application for alterations to the design of the care home, which is being heard at this Committee meeting.
- 1.3 During the construction phase of the apartment blocks, it became apparent that the development was not being constructed in accordance with the approved plans. The main differences were the raising of the height of both buildings, but particularly Block A, and this difference alone between the approved and built development necessitated the requirement for this revised application.
- 1.4 The application site (which is shown on the OS extract **attached** as Appendix A), is within an area of mixed land uses, with residential development within the Henley Reading Road Conservation Area lying immediately to the north west, offices to the south west and south east and modern industrial/commercial development to the north east.

**2.0 THE PROPOSAL**

- 2.1 The application seeks approval for amendments to the development allowed on appeal under application P07/E0975. The main differences between the approved development and that now proposed relate to the increased size of the two apartment blocks, particularly in relation to their height. The general design, levels of accommodation and floor layouts of the two buildings and layout of the wider site have not been altered.

- 2.2 The dwellings, which comprise 10 two bed and 19 one bed units, would all be provided as affordable housing units as they would account for the off-site provision of the affordable housing requirement associated with the proposed conversion of Perpetual House in Station Road (application P07/E0976) to provide 44 apartments. The units would be provided over three storeys within two similar sized blocks.
- 2.3 Block A is located towards the south western boundary of the site with Quebec Road. Compared to the approved plans, the height of the building has been increased by 1.24 metres from approximately 12.2 metres to 13.4 metres, the width has been increased by 0.3 metres and the length by 0.26 metres. The applicant has provided plans to show a visual comparison between the buildings as built and as approved. The ground levels of the south western section of the site have been raised, and this has accounted for 0.54 metres of the increase in height of the building with the remaining 0.7 metres increase being due to the differences between the size of the approved and development as built. This latter increase in height and the more modest increases in width and length have according to the applicants arisen due to insulation requirements.
- 2.4 Block B has been constructed on the correct ground level, and therefore, the increase in height of 0.49 metres has arisen apparently due to insulation requirements. Like Block A, the width of the building has increased by 0.3 metres and the length has increased by 0.26 metres.
- 2.5 A copy of the plans and design and access statement accompanying the application are **attached** as Appendix C.
- 3.0 **CONSULTATIONS AND REPRESENTATIONS**
- 3.1 **Henley-on-Thames Town Council** – The application should be refused due to the height and bulk of the development, it being overintensive in a residential area and issues of overlooking.
- 3.2 **Henley Society** – It is unsatisfactory that a retrospective application be submitted for a development of this scale. The Society sympathises with local residents who would be disadvantaged by the increased height of the buildings.
- 3.3 **OCC Highway Liaison Officer** – Further details requested in relation to drainage. The Committee will be updated of any progress regarding this matter.
- 3.4 **Environmental Health Officer** – Conditions to investigate for, and if necessary, remediate any contamination on the site are suggested.
- 3.5 **Forestry Officer** – Further details requested regarding the proposed landscaping. The Committee will be updated of any progress regarding this matter.
- 3.6 **Waste Management Officer** – The waste provision is sufficient.
- 3.7 **Environment Agency** – No objections subject to conditions
- 3.8 **Thames Water** – No objections
- 3.9 **Neighbours** – Twenty seven letters of objection have been received raising the following concerns:
- impact on neighbouring amenity through overshadowing and overlooking
  - the building is too high

- there should be gated pedestrian and vehicular access at Station Road and Quebec Road
- the development dwarfs the adjacent conservation area
- abuse of the planning system in terms of not constructing to the approved plans
- Block A should be dismantled and rebuilt to the approved plans

#### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P07/E0976 - Demolition of existing storage buildings, erection of 29 dwellings & 55 bed residential care home, with associated parking, landscaping and access. Refusal of Planning Permission on 11<sup>th</sup> October 2007, however, an appeal against this refusal was allowed on 12<sup>th</sup> February 2008.
- 4.2 P07/E0131 - Demolition of existing storage buildings, erection of 29 dwellings & 47 bed residential care home. Refusal of Planning Permission on 15<sup>th</sup> May 2007.
- 4.3 P00/S0350 - Demolition of existing buildings and development to provide 3309 m<sup>2</sup> of B1 offices and associated car parking. No decision issued.
- 4.4 P95/S0140 - Retention of development approved by planning permission P89/S0306 without compliance with Condition 6 (provision of footpath to Quebec Road). Appeal against refusal allowed on 28<sup>th</sup> February 1996.
- 4.5 P78/S0751 - Demolition of storage and office accommodation and erection of replacement storage and yard office with installation of oil storage tanks.

#### 5.0 **POLICY AND GUIDANCE**

- 5.1 Adopted Structure Plan 2016 Policies:  
-G1, G2, G3, G6, T1, T2, T8, H1, H3, H4, EN2, EN4, EN9
- 5.2 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):  
-G1, G2, G3, G6, C1, C8, CON7, EP2, EP3, EP5, EP6, EP7, EP8, D1, D2, D3, D4, D5, D6, D7, D8, D10, D11, H1, H4, H7, H8, H9, E6, T1, T2, T3
- 5.3 Government Guidance:  
-PPS1, PPS3, PPS6, PPG13, PPG15, PPS23
- 5.4 Supplementary Planning Guidance  
-South Oxfordshire Design Guide 2008 (SODG)

#### 6.0 **PLANNING ISSUES**

- 6.1 The planning issues that are relevant to this application are:
1. The impact on the character and appearance of the surrounding area
  2. The impact on the amenity of neighbouring occupiers
  3. Highway considerations
  4. Other material considerations

The Impact on the Character and Appearance of the Site and Surrounding Area

6.2 The principle of the development was clearly established by the Inspector's decision to grant planning permission on appeal for the development proposed under application P07/E0975. Therefore, the current application can only be assessed in terms of how the proposal differs from the approved scheme. As stated in Section 2 above, the main differences relate to the increase in the height of both Blocks A and B, and more modest increases in their width and length.

6.3 Until its recent development, the site was a strip of largely vacant land sandwiched between the substantial office buildings associated with Invesco Park to the south east and the attractive residential Victorian terraces within the Reading Road Conservation Area to the north west. The location of the site can be viewed as a transitional area between the relatively modern and substantial built form associated with Invesco Park and the more modest residential development within the Conservation Area. Indeed, this transitional nature of the site and the gap between Blocks A and B and the boundary with the Conservation Area was given substantial weight by the Inspector in allowing the appeal as evidenced in Paras. 9, 10, and 11 of the appeal decision:

*'The Council's argument is that the provision of the 29 dwellings in two three storey blocks of up to 21 m width, 15 m depth and 12 m height would exhibit excessive bulk and mass which would be harmfully out of keeping with the two storey terraces of the conservation area and that this would be evident in views from both the conservation area itself as well as from Reading Road in the gap formed by Quebec Road...*

*I have taken account of the Council's and residents' objections on the appearance of the proposed development but in my view these do not give sufficient weight to the transitional nature of the site. Furthermore, the layout would provide a substantial corridor free from buildings, made up of the landscaping strip along the boundary with the conservation area; the parking spaces; the access road through the site, and the landscaping adjacent to the two housing blocks. Together these elements would provide a gap of approximately 19 m between the flank of the end of terrace houses in Grove Road and the closest elevation of Block A of the proposed housing.*

*The Council acknowledges that this corridor free from buildings stretching from Quebec Road to the north eastern boundary of the site would be a positive aspect of the scheme and permit views from Reading Road to the backdrop of the wooded hillside to the north of the River Thames, and I agree that this is important. But in my view this open area also separates the built form of the proposed development from the existing houses in the conservation area to a sufficient extent to make the differences in scale and bulk of the former visually acceptable, especially given the context of the larger buildings of the Invesco site, the Centenary Business Park and the proposed addition of the care home, with its substantial size and contemporary design. I consider that this separation, when seen both from Reading Road/Quebec Road and from within the conservation area at the ends of Grove Road and Grange Road would substantially reduce the extent to which the 'new' would be read in conjunction with the 'old' and thereby diminish any visual harm that might be perceived as a result of the difference between them.'*

6.4 The Council originally refused the previous scheme due to the size, height, bulk and massing of the development and the impact on the surrounding area, particularly having regard to the Conservation Area. However, despite the Council's concerns and those of the Town Council and local residents, the previous scheme was granted on appeal and the above paragraphs from the Inspector's decision notice outline his main

reasoning for allowing the appeal. Whatever views there are of the previous scheme, the fact remains that the scheme was approved and thus its merits cannot be revisited in terms of a re-assessment.

- 6.5 Block A is 1.24 metres higher, and Block B 0.49 metres higher than the approved scheme. Both buildings are also slightly wider and longer, however, given the substantial size and footprint of the approved buildings, a 0.3 metre increase in width, and 0.26 metre increase in length represent a very modest increase in the footprint of the buildings, which is barely perceptible compared to the approved scheme. Thus the increase in height of the buildings, particularly Block A, is considered to be the main material difference between the scheme as approved and as built.
- 6.6 The approved buildings at approximately 12 metres (Block A) and 10 metres (Block B) were already high in comparison to the adjacent two storey development within the Reading Road Conservation Area. These heights coupled with the substantial footprint of the buildings gave rise to a development of considerable bulk and massing, again compared to the more modest terraced development within the Conservation Area. However, the Inspector sought to justify the size and scale of the development due to the location of the site as a transitional area between the very large buildings within Invesco Park to the south east and the development within the Conservation Area, and due to the gap of approximately 19 metres between Block A and the boundary with the Conservation Area.
- 6.7 The layout of the development is as previously approved, and therefore, the gap between the development and the Conservation Area remains. The land within the application site has been raised at the south western section of the site, which includes Block A and this raising of the land exacerbates the visual impact and scale of the development compared to that within the Conservation Area. However, the developer is to address this matter by lowering the ground levels of the access road and parking area adjacent to the Conservation Area. Nevertheless, evidently the ground levels below Block A cannot be lowered without demolishing the building.
- 6.8 The lowering of the ground levels adjacent to the Conservation Area so that the land is level between the site and the Conservation Area will help to reduce the visual harm of the development in views into and out of the Conservation Area. It is hugely regrettable that the development has not been carried out in accordance with the approved plans, and the Council does not condone such action. However, any enforcement action to require the development to be constructed strictly in accordance with the previously approved plans would have to be commensurate to the breach of planning control. Having regard to the previously approved scheme, and the Inspector's reasoning for allowing the appeal, Officers do not consider that the development as built and as now applied for, as shown on the 'Elevation Comparison' drawings submitted with the application, would cause any significant additional harm on the character and appearance of the site and surrounding area, particularly in relation to the adjacent Conservation Area.

#### The Impact on the Amenity of Neighbouring Occupiers

- 6.9 The closest residential properties to the application site are those within the Conservation Area to the north west, specifically properties within Grove Road, Marmion Road and Grange Road. Properties within Reading Road are also in relatively close proximity to the site.
- 6.10 There is a substantial buffer of 17-19 metres between the closest dwellings in the Conservation Area and the north western elevations of the development. The shortest

distance between the existing and proposed buildings would be 18 metres in respect of the gap between the side elevation of Number 12 Grove Road and the north west elevation of Block A.

- 6.11 The design, floor layout and number and relative positioning of windows in respect of Block A and B remains the same as previously approved. Evidently the increase in the height of the building has also increased the height of the windows, particularly at second floor level where the increase in height of the windows is approximately 1 metre for Block A and 0.75 metres for Block B. However, given the distance between the windows and the main elevations of existing residential development (over 40 metres to the properties in Reading Road, and over 30 metres to the properties in Marmion Road) Officers do not consider that the increase in height of the windows would cause any significant harm compared to the previous scheme. Furthermore, due to these distances, the development, despite the increase in height and overall bulk, would not be significantly more overbearing than the approved scheme.
- 6.12 Planning permission (P06/E01302) has been granted for a terrace of five dwellings on land immediately adjacent to the south east boundary of the site on land to the rear of 173 Reading Road. The rear garden areas of these dwellings face the application site, and from these gardens the twin gable ends of the south east elevation of Block A would be highly visible. This part of the development would extend to approximately 13 metres in height and would be 8 metres from the boundary of the site with the adjacent residential development. As before, it is proposed that the windows on the south east elevation of Block A be glazed in obscure glass at first and second floor level. This would prevent any significant overlooking to the adjoining properties.
- 6.13 It is likely that the main cause of disturbance to the amenity of existing neighbouring occupiers would be from the car parking area and road alongside the north western boundary of the site. This car parking area and road would cause some additional noise to the detriment of the neighbouring occupiers. However, as before, Officers do not consider that this impact would be so significant as to warrant refusal of the application, particularly once the levels of the access road and parking areas have been reduced to their pre-existing levels. The proposed in/out access route through the site would ensure that only residents of the development would have cause to access the site.

#### Highway Considerations

- 6.14 The highway access and parking arrangements remain as previously approved and do not fall to be reconsidered under this application. Vehicular access to the site would be via Station Road and Quebec Road to the south west, and the exit would be via Station Road only. The visibility at the junction of Quebec Road and Reading Road is not sufficient to allow for exit and therefore, one way traffic is proposed through the Quebec Road entrance. As well as providing safe access and egress, this arrangement would also limit the impact of vehicle movements on the occupiers of the adjacent residential development, particularly those adjacent to the southern end of the site.
- 6.15 A barrier is proposed at the entrance from Quebec Road to ensure that only persons with the necessary pass can enter the site from this direction. No such barrier is proposed at the Station Road entrance/exit. However, the lack of a barrier will not encourage drivers or other highway users to use the site as a 'rat run' as there will be no route through the site to Reading Road via Quebec Road, and as such no barrier is required at the Station Road entrance/exit.

- 6.16 44 parking spaces are proposed to cater for the 29 apartments. This equates to approximately 1.5 spaces per dwelling, which is acceptable considering that the majority of the apartments are one bedroomed and that the site is in a sustainable location in terms of proximity to public transport and local services and facilities. To support alternative transport choices, secure cycle parking would also be provided as part of the development.
- 6.17 The application has addressed the highway issues associated with the development, and indeed the Highway Authority has raised no objections to the proposals.

Other Material Considerations

- 6.18 Issues of flood risk, ecology and contaminated land were addressed as part of the previous scheme, and do not need to be revisited under this application. Conditions attached to the previous approval have, where relevant, been carried out and are set out below.

7.0 **CONCLUSION**

- 7.1 The retrospective nature of this application is regrettable, however, this is not reason in itself to object to the application. The application has to be considered on its own merits, and having regard to the Inspector's appeal decision and the nature of the differences between the approved and built development, Officers do not consider that there are sufficient grounds to refuse the application.
- 7.2 Having regard to the appeal decision relating to application P07/E0975, the application proposal is in accordance with the relevant development plan policies and national planning policy, as, subject to conditions, the proposal would not cause any significant harm to the character and appearance of the site or adjacent conservation area, the amenity of neighbouring occupiers, and would not be prejudicial to highway safety.

8.0 **RECOMMENDATIONS**

- 8.1 **It is recommended that the grant of planning permission be delegated to the Head of Planning subject to the prior completion by 15<sup>th</sup> January 2009 of a Section 106 planning obligation with the County Council to ensure infrastructure payments are made towards education, transport, libraries, waste management, the museum resource centre and social and healthcare provision, and with the District Council in relation to the provision of affordable housing, and subject to the following conditions.**

1. **Development to be constructed in accordance with External Materials Schedule Rev D**
2. **Hardsurfaced areas to be constructed in accordance with External Materials Schedule Rev D and drawing CH230/PL/01 prior to occupation**
3. **Fencing and other means of enclosure to be provided in accordance with External Materials Schedule Rev D and drawing CH230/PL/01 prior to occupation**
4. **Soft landscaping to be provided in accordance with details to submitted and approved prior to the first occupation of the development and within the first planting season following completion of the development**
5. **Levels to be regraded in accordance with details to be submitted and approved prior to the first occupation of the development**
6. **External lighting to be provided in accordance with drawing number CH230/PL/01 and supporting information**
7. **Drainage details to be submitted and approved prior to occupation**

- 8. Cycle storage details to be provided in accordance with drawing numbers CH230/PL/01, CH230/PL/02 and CH230/PL/04 A, and thereafter retained**
- 9. Green Travel Plan to be submitted and approved prior to occupation**
- 10. Estate road, including footways and verges, to be constructed prior to occupation**
- 11. Car parking and turning areas to be provided and retained for use in connection with the development prior to occupation**
- 12. Access details, including barrier at Quebec Road access to provide access into the site only to be provided in accordance with drawing number CH230\_100 C4 and thereafter provided prior to occupation and retained**
- 13. Provision for storage and collection of waste in accordance with CH230/PL/01, CH230/PL/03, CH230/PL/04 A and Refuse Strategy dated 8<sup>th</sup> October 2008 prior to occupation and thereafter retained.**
- 14. No occupation until units achieve Code 3 of Code for Sustainable Homes.**
- 15. Remediation and validation of contamination prior to occupation**
- 16. First and second floor windows in the south east elevation of Block A to be glazed in obscure glass and thereafter retained**

**Should the Section 106 Planning Obligations fail to be completed to the satisfaction of the Local Planning Authority by 15<sup>th</sup> January 2009, it is recommended that the refusal of planning permission be delegated to the Head of Planning for the following reason:**

**The development fails to provide an appropriate scheme of works or on and off-site mitigation measures to accommodate the impact of the development on local infrastructure, services, or amenities. The proposal is therefore contrary to government advice, and Policy D11 of the South Oxfordshire Local Plan 2011. Furthermore, in the absence of the completion of a Section 106 Planning Obligation, the proposal has failed to provide for affordable housing provision in accordance with Policies D11 and H9 of the South Oxfordshire Local Plan 2011 and guidance contained within PPS3: Housing.**

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