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| <b>APPLICATION NO.</b>  | <a href="#">P18/S0951/O</a>   |
| <b>APPLICATION TYPE</b> | OUTLINE   |
| <b>REGISTERED</b>       | 20.3.2018   |
| <b>PARISH</b>           | HARPSDEN  |
| <b>WARD MEMBERS</b>     | Will Hall<br>Paul Harrison  |
| <b>APPLICANT</b>        | Mr D O'Leary  |
| <b>SITE</b>             | Wyevale Country Gardens, Reading Road,<br>Harpsden, RG9 4AE   |
| <b>PROPOSAL</b>         | Outline planning permission for demolition of all existing structures, development of B1 and/or B2 and/or D1 floorspace and required parking and servicing facilities on the south-eastern part of the site; development of up to 40 dwellings on the rest of the site; off-site highways works together with associated open space and landscaping. All matters to be reserved with the exception of access. |
| <b>AMENDMENTS</b>       | As clarified by additional information accompanying Agent's email dated 3 May 2018 and amended by plans and information received 13 August 2018, 29 August 2018, 12 September 2018 and 1 November 2018.   |
| <b>OFFICER</b>          | Emma Bowerman   |

## 1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Committee as the officer's recommendation conflicts with the views of Harpsden Parish Council.
- 1.2 The application was deferred from the committee meeting on 26 September 2018 to allow Councillors an opportunity to visit the site and allow the applicant to update their viability report.
- 1.3 The application site (which is shown on the OS extract **attached** as Appendix A) was formerly a garden centre and has been derelict since 2009. There are a number of buildings on the site associated with its former use and these are in a dilapidated state. There is also a large area of hardstanding on the site.
- 1.4 The 1.84 hectare site is marked with trees and vegetation and there is fencing along the Reading Road (A4155). There is a Tree Preservation Order (TPO) on the site, which protects several tree species along the road frontage.
- 1.5 The application site does not fall within any areas of special designation.
- 1.6 The site is within the parish of Harpsden. The parish boundary runs along the Reading Road and the house opposite the site (Bell Cottage) is within the parish of Shiplake. The site falls within the designated Joint Henley and Harpsden Neighbourhood Plan (JHHNP) area.

## 2.0 PROPOSAL

- 2.1 This application seeks outline planning permission to re-develop the former garden centre. The development would include an area of B1 (business), B2 (general industrial), or D1 (non-residential institution), on the southern parcel of land. D1 uses can include clinics, day nurseries, art galleries and education centres. Up to 40 new homes and associated infrastructure are proposed on the main body of the site.
- 2.2 The application seeks detailed consent for the access. The matters of appearance, layout, scale and landscaping are reserved for consideration later.
- 2.3 An indicative layout plan accompanies the application and this shows how the site could accommodate the proposed level of development. Given that the application is in outline, this is for indicative purposes only. Vehicular access to the site would be from Reading Road and this is the only aspect of the development that is detailed in the application documents.
- 2.4 The application plans and documents have been amended during the application process in response to comments received by our urban design officer, housing officer and forestry officer. The most notable amendment involves the access details and changes the originally proposed mini-roundabout back to the existing access form of a simple priority junction. This was necessary to avoid conflict with the protected trees. An air quality assessment report was also submitted during the application process.
- 2.5 The indicative site layout is **attached** as Appendix B, along with an indicative street scene. The application is accompanied by several supporting documents, including a Design and Access Statement, Planning Statement and Marketing Report. These are available to view on the council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk).
- 2.6 The application is also accompanied by a Viability Report and this was updated on 30 October 2018. In the interests of openness and transparency, this is available to view on the council's website. The council's review of the viability report is also available to view.

## 3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 **Harpden Parish Council** – Object for the following reasons:
- Overtaken by the decision to allow development on Thames Farm
  - Further congestion on A4155
  - No safety benefits as no roundabout is proposed
  - Unsustainable and dependent on services in Henley
- 3.2 **Shiplake Parish Council** – Object for the following reasons:
- Conflict with the JHHNP
  - Loss of a valuable economic B1 / B2 site
  - Not satisfying demand for housing in Henley
  - Shiplake already has excessive development for the village amenities
  - Cumulative impact with other development
  - Concerns about viability evidence and marketing of the site
  - Highway safety
  - Air and light pollution
  - Educational provision
  - Reduction in separation between Henley and Shiplake

- 3.3 **Henley-on-Thames Town Council** – Support, subject to:
- A footpath enabling residents to walk to Tesco and Henley
  - Further comment from highways after a further traffic and transport study
- 3.4 **The Henley Society** – Object due to failure to comply with the JHHNP and that the development would result in housing outlier to Lower Shiplake, inconsistent with planning policy.
- 3.5 **The Chiltern Society** – Object as does not satisfy policy requirement for B1 / B2 usage and concerns over increased infrastructure pressures.
- 3.6 **Campaign for the Preservation of Rural England** – Object due to loss of employment land at a time of housing growth.
- 3.7 **Thames Water** – No objection.
- 3.8 **Southern Gas Network** – No objection. Provided guidance on safe practice around gas pipes.
- 3.9 **Oxfordshire Clinical Commissioning Group** – Object until they can discuss how the local health economy would be supported as a result of housing growth.
- 3.10 **Oxfordshire County Council (OCC) Strategic Comments** – It is appreciated that there could be a strategic issue given the cumulative effect on the highway network from various developments in this area. However, the officer view is that the effects are not sufficient to sustain a transport objection on this application.
- 3.11 **OCC Highways** – No objection subject to conditions and completion of a legal agreement.
- 3.12 **OCC Education** – There is sufficient capacity at schools in the Henley planning area at this time to meet the demands arising from the development.
- 3.13 **OCC Local Member Views** – As a result of the Thames Farm decision the serious infrastructure issues around Henley will be significantly exacerbated and applications for further unallocated housing should be refused.
- 3.14 **South Oxfordshire District Council (SODC) Economic Development** – Expressed reservations about the proposal but appreciate that a complete B1, B2 or D1 scheme is not currently financially viable. Do not support the proposal but if the application is approved a minimum of 500 square metres of employment land should be secured.
- 3.15 **SODC Urban Design** – Supports the application.
- 3.16 **SODC Forestry** – No objection subject to conditions.
- 3.17 **SODC Countryside** – No objection subject to a condition.
- 3.18 **SODC Housing Development** – No objection subject to completion of a legal agreement.
- 3.19 **SODC Drainage** – No objection subject to conditions.

3.20 **SODC Air Quality** – No objection subject to conditions.

3.21 **SODC Contaminated Land** – No objection subject to conditions.

3.22 **SODC Environmental Protection** – No objection subject to conditions.

3.23 **SODC Waste Management** – No objection

3.24 **Local Residents**

15 representations in objection to the application raising the following concerns:

- Shiplake has already taken its fair share of housing
- Contrary to Neighbourhood Plan
- Should be retained in employment use / accord with current designation
- Undermines the planning system
- Viability not a sufficient justification for development
- Poor appearance of site not justification for development
- Further marketing required
- Impact on highway safety
  - Dangerous access
  - Additional traffic
  - Congestion
  - Lack of cycle lane / footpath
  - Cumulative impact with other developments
- Impact on character of village
- Urbanisation
- Intrusion into green gap between Shiplake and Henley
- Development too dense
- No need for further housing in the area
- Mix of units provided and whether they would be affordable
- Impact on services – education and health
- Unsustainable
- Limited job opportunities in local area
- Additional car parking pressure in village centre
- Pollution
- Thames Waters legal easements could alter layout

1 representation raising no strong views but with the following comments:

- All objections to the Thames Farm development are still valid
- Development would add pressure to community resources
- Impact of additional traffic on road infrastructure

2 representations received in support with the following comments:

- Site has become an eyesore and attracted vandals
- Need for more housing

4.0 **RELEVANT PLANNING HISTORY**

4.1 There is no relevant planning history on the application site.

4.2 There is an extant planning permission on adjoining land at Thames Farm. An outline planning application for up to 95 homes was allowed on appeal in August 2017 under application reference P16/S0970/O. This development will be located to the south of the application site, on the opposite side of Upper Bolney Lane.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)** updated in July 2018 and the associated NPPF Planning Practice Guidance (PPG)

5.2 **Adopted South Oxfordshire Core Strategy (SOCS) 2027**

- CS1 - Presumption in favour of sustainable development
- CSB1 - Conservation and improvement of biodiversity
- CSC1 - Delivery and contingency
- CSEN1 - Landscape protection
- CSG1 - Green infrastructure
- CSH1 - Amount and distribution of housing
- CSH2 - Housing density
- CSH3 - Affordable housing
- CSH4 - Meeting housing needs
- CSHEN1 - The Strategy for Henley-on-Thames
- CSQ4 - Design briefs for greenfield neighbourhoods and major development sites
- CSI1 - Infrastructure provision
- CSM1 - Transport
- CSM2 - Transport Assessments and Travel Plans
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

5.3 **Adopted South Oxfordshire Local Plan (SOLP) 2011 saved policies**

- C4 - Landscape setting of settlements
- C6 - Maintain & enhance biodiversity
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- D1 - Principles of good design
- D10 - Waste Management
- D12 - Public art
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D6 - Community safety
- E6 - Retention of employment sites
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration
- EP3 - Adverse affect by external lighting
- EP4 - Impact on water resources
- EP6 - Sustainable drainage
- EP7 - Impact on ground water resources
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G3 - Development well served by facilities and transport
- G4 - Protection of Countryside
- R2 - Provision of play areas on new housing development
- R6 - Public open space in new residential development
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

5.4 **Made Joint Henley and Harpsden Neighbourhood Development Plan (JHHNP) 2027**

- H1 – Allocate land for 500 new homes
- H3 – Type and size of new housing

E2 – Former Wyevale Garden Centre  
T1 – Impact of development on the transport network  
EN1 – Biodiversity  
DQS1 – Local Character

**5.5 Emerging South Oxfordshire Local Plan 2032**

The Council is preparing a new Local Plan, which will set out how development will be planned and delivered across South Oxfordshire to 2033. The overall strategy in draft policy STRAT1 includes supporting and enhancing the economic and social dependencies between towns and villages; supporting the role of Henley-on-Thames; and allowing limited housing and employment development at smaller villages.

Due to the stage of preparation, the Emerging Plan can only be given limited weight.

**5.6 Emerging Shiplake Neighbourhood Development Plan**

Shiplake Neighbourhood Area was formally designated in July 2017. The Parish Council has started the process of gathering evidence and engaging with the local community. This is to give the plan direction and draft policies that will form part of the neighbourhood plan.

This document carries very limited weight due to its early stage in preparation.

**5.7 South Oxfordshire Design Guide (SODG) 2016**

This guide sets out the standard that we expect developments to meet through a series of checklists that relate to key design principles.

**5.8 Environmental Impact Assessment (EIA)**

The proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This is because the proposal does not exceed 150 homes, the site area is under 5ha and is not within a 'sensitive area'. It is therefore not EIA development.

**6.0 PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations in the determination of this application are:

- The principle of the development
- Matters of detail / technical issues:
  - affordable housing and housing mix,
  - traffic impact and highway safety,
  - character and appearance,
  - trees and ecology,
  - neighbour amenity and amenity of future residents,
  - flood risk and surface / foul drainage,
  - environmental matters (air quality, contamination and noise).
- Infrastructure requirements:
  - on-site infrastructure to be secured under a legal agreement,
  - contributions pooled under the Community Infrastructure Levy.

### The principle of the development

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3 In the case of South Oxfordshire, the Development Plan consists of the South Oxfordshire Core Strategy (SOCS) which was adopted in December 2012, and the saved policies of the South Oxfordshire Local Plan (SOLP) 2011.
- 6.4 The Joint Henley Harpsden Neighbourhood Plan (JHHNP) also forms part of the Development Plan and was formally “made” in April 2016. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.
- 6.5 There is a site-specific policy for the application site in the JHHNP. Policy E2 states:
- The Former Wyevale Garden Centre is allocated for:*
- a. *B1 and B2 business activities;*
  - b. *D1 activities, where these can be shown to make a demonstrable contribution to the local economy.*
- Proposals for this site should demonstrate how the proposed development has appropriately:*
- c. *Made a design response that suits the sensitive rural nature of the location and adjacent village of Lower Shiplake; and*
  - d. *Suitably mitigated impact on views use planting and green screening.*
- 6.6 The text accompanying this policy explains:
- The currently redundant site has the potential to contribute significantly to the employment and culture of the local area through an appropriately sensitive development. Proposals should deliver a low-density development that could incorporate modern offices that are sensitively designed using traditional materials, alongside accommodation to suit more traditional arts and crafts that may also operate with an ancillary retail component. Sensitive landscaping and planting and an integrated parking strategy will be important in ensuring a satisfactory design response.*
- 6.7 The application proposes a housing-led mixed-use development, with an area specified for employment. The indicative plans show that the employment area would represent around 11% of the site area (0.2 hectares). Hence although there is a business element, the proposed housing led scheme conflicts with the site-specific JHHNP policy E2, which allocates the site exclusively for commercial use. As such, the development does not accord with the site allocation in our up-to-date Development Plan.
- 6.8 The applicant has presented a case to demonstrate that there are material considerations that require the development to be assessed otherwise than in accordance with the Development Plan. The application was accompanied by a viability assessment which concluded that the balance of costs and values associated with bringing forward a development that would comply with the allocated use of the site would not be viable. This report was updated in October 2018 to take account of the most up to date market conditions and guidance on viability appraisals.

- 6.9 The viability assessment was reviewed on behalf of the council by an independent consultant who concluded that a B1, B2 or D1 scheme in this location is not currently financially viable. The independent review specified that in order for such a use to become viable, build costs would need to reduce considerably and achievable rents increase to a level which is highly unlikely in the short to medium term. Our consultants review of the updated viability report again confirmed that a B1, B2 or D1 development opportunity remains unviable.
- 6.10 The application is also accompanied by a marketing report outlining how the site has been marketed for the past seven years, and specifically for the 12-month period prior to the submission of the application. Our economic development manager has reviewed this report and has expressed reservations about the proposal. She has raised concerns about whether the level of employment land proposed would be suitable for businesses and commented that she has been contacted by stakeholders strongly objecting to the loss of employment land.
- 6.11 However, our economic development manager has noted that the applicant has provided documentation to meet the requirements of policy E6 of the SOLP, which seeks to retain employment sites. Policy E6 specifies that proposals for the change of use of redundant land or buildings in employment use to non-employment use will be permitted if:
- The existing use is no longer economically viable, and the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses.*
- 6.12 Given that the applicant has carried out a suitable marketing exercise and has demonstrated that the site allocation is not viable, I consider that it would be difficult to resist a housing led development on the site. Sufficient justification has been provided to demonstrate that the allocated use is unlikely to come forward.
- 6.13 As advised by the NPPF, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in the Development Plan:
- a) *They should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) *in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*
- 6.14 Based on the above assessment, I consider that there are material considerations of sufficient weight that would justify a decision that is contrary to the allocation in the JHHNP. I therefore have no objection to the principle of the development.
- 6.15 To ensure that the employment use does come forward, I recommend that a mechanism is included in the legal agreement to help secure the development of this land.

**Matters of detail / technical issues**

Affordable housing and housing mix

- 6.16 The application proposes to provide 16 affordable units on site, which would amount to 40% of the development. An indicative layout of the affordable units is **attached** as Appendix C. The affordable units would have a tenure split of 75% affordable rent and 25% shared ownership. The mix has been agreed with our housing development team and would meet the needs on our housing register.
- 6.17 I am satisfied that the indicative plans show that a policy compliant level of affordable housing provision can be delivered across the site in a tenure blind manner. Subject to the completion of a legal agreement to secure the affordable housing provision, I consider that the scheme is acceptable in this respect and complies with the above relevant policies.
- 6.18 In relation to the market mix, the indicative plan states that this will be in general conformity with the Strategic Market Housing Assessment (SHMA). Subject to a suitable condition, the mix of homes would deliver a wide choice, in accordance with the relevant policies. JHHNP policy H3 requires a Dwelling Statement to demonstrate how the mix of homes would contribute towards meeting local needs and I suggest that a condition requiring a Dwelling Statement to be submitted as part of a reserved matters submission.

Traffic impact and highway safety

- 6.19 A number of consultees have raised concerns that the proposed development will add to pressures on the local highway network. In accordance with the NPPF, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.20 The County Council Highways Officer has assessed the submitted information and has commented that the proposal would result in a modest increase in peak hour trips, in comparison to the lawful use of the site. However, subject to appropriate travel planning and the provision / improvement of sustainable transport services and infrastructure, he is satisfied that the impact of development traffic would not be sufficient to justify a refusal of planning permission.
- 6.21 Furthermore, it is important to consider the impact that the allocated use of the site would have on the highway network. If the site was used for employment generating B1 / B2 / D1 use, as specified in policy E2 of the JHHNP, this would generate greater levels of peak time travel.
- 6.22 In terms of accessibility, the highways infrastructure for this development would meet up with the highways infrastructure associated with the Thames Farm development to allow pedestrian access to Lower Shiplake via the Reading Road. The centre of Lower Shiplake can also be accessed via a footpath and Northfield End, which is around a half a mile walk. A small range of local amenities are available in the village including post office, local shop and railway station. Shiplake primary school is somewhat further away, approximately 2.2km.
- 6.23 In addition, Reading Road is a bus corridor that provides frequent access to Henley, Reading and High Wycombe. Subject to improvements to public transport, I am satisfied that future residents would not have to be wholly reliant on travel by private car

and would have a choice of travel modes to access employment, amenities and leisure activities.

- 6.24 The following contributions are required towards public transport services and infrastructure to improve accessibility and reduce the likely reliance on private motor cars and can be secured through a legal agreement:
- A £1,000 per dwelling contribution towards public transport services (indicatively £40,000) to pump prime an increased level of service.
  - A £10,410 contribution towards public transport infrastructure for the provision of a bus shelter and bus stop flags / poles.
  - Highways works including gateway features, resurfacing of bridleway, footpaths and uncontrolled pedestrian crossings
- 6.25 The form of the junction at the access was changed from a proposed mini-roundabout to a simple priority junction during the application process. The highways officer is satisfied that the revised form of access is appropriate for the scale of the development proposed. Appropriate visibility splays, commensurate with surveyed speed of traffic along Reading Road, are demonstrated on the submitted plan and should be retained without obstruction.
- 6.26 I am satisfied that there is sufficient space on site to accommodate a level of parking that would accord with the council's parking standards and this would be detailed at reserved matters stage. Subject to conditions to secure the visibility splays, agree a Construction Traffic Management Plan, and secure a Travel Plan, I have no objection to the development on traffic and highway safety grounds.
- 6.27 In my opinion the proposal would comply with the relevant Development Plan policies. This includes policy CSM1 of the SOCS, policy T1 of the SOLP and policy T1 of the JHHNP, which encourage and support the use of sustainable transport modes and provide for a safe and convenient access to the highway network.

#### Character and appearance

- 6.28 There are clear views of the derelict buildings on the site from Reading Road and the current roadside fencing detracts from the approach to Lower Shiplake. There are also glimpsed views of the site from Upper Bolney Lane, which is a public footpath, to the south of the site. The immediate surrounding area is characterised by agricultural land and vegetation. The site is generally flat, is well contained by vegetation, and is not particularly prominent in the wider landscape.
- 6.29 The introduction of housing on the site will significantly change the overall character and appearance of the site. Given the characteristics of the site, I consider that this impact would be localised and would have a limited impact on the wider landscape character of the area. This is a brownfield site and I do not consider that the development would result in adverse impacts in terms of coalescence between Lower Shiplake and Henley.
- 6.30 In due course the proposed development would also be experienced in the context of the Thames Farm development to the south. This adjoining development would link the proposed development to the existing built-up-limits of Lower Shiplake. Based on all the above factors, I consider that a high quality and well-designed housing led scheme

would be an acceptable alternative to the existing site use and its allocated use for a business development.

- 6.31 The applicant has worked with our urban design officer to improve the layout and overall design rational of the development. The amended plans have addressed several of the issues raised by our design officer, who now supports the application. I am satisfied that the illustrative layout has demonstrated that the level of development proposed could be accommodated on site and that a detailed scheme could be improved further at reserved matters stage.
- 6.32 I consider that the scheme represents an appropriate response to the constraints and opportunities of the site and its surroundings. I am satisfied that the scale of the development would be appropriate to the context of the site and that the development would generally meet the design objectives of the NPPF and the Development Plan policies that seek to secure high quality developments. This includes policy CSQ3 of the SOCS, policies D1-D4 of the SOLP and JHHNP policy DQS1, which together seek to ensure developments contribute to a sense of place, respond to local character and that new environments are safe and accessible.

#### Trees and ecology

- 6.33 As referred to earlier the initial plans submitted with the application proposed a mini-roundabout at the access. The impact of the highways works required to provide the roundabout would have resulted in the loss and premature decline of the trees fronting the road. These trees are protected by a Tree Preservation Order (TPO) and are significant landscape features. The loss of these trees would have adversely changed the character of the area and opened up views into the site.
- 6.34 The amended plans have addressed this issue and our forestry officer is satisfied that, subject to suitable mitigation measures, the development can progress without a significant impact on any important arboricultural features. A tree protection condition would ensure that retained trees are protected during development.
- 6.35 A reserved matters application would require detailed landscaping proposals and would need to provide substantial tree planting to help enhance and soften the development, as well as to mitigate for tree losses. Subject to the future agreement of these details, I consider that the development would accord with policies CSEN1 of the SOCS and Policy C9 of the SOLP, which seek to resist the loss of important landscape features and require measures to integrate development into the landscape.
- 6.36 With regards to ecology, the site has been subject to surveys which have not revealed the presence of any important habitats or populations of rare or protected species. The existing habitats are principally formed of hard standing and the remnants of the former garden centre buildings. These habitats are of low ecological value.
- 6.37 Our ecologist has confirmed that the proposals are unlikely to result in a net loss of biodiversity resource for the site, in accordance with policy CSB1 of the SOCS. Subject to a condition requiring a Biodiversity Enhancement Plan (BEP) to accompany a reserved matters submission, I have no objection to the development in relation to this matter. A BEP should demonstrate both habitat and species enhancements.

#### Neighbour amenity and amenity of future residents

- 6.38 As the application is in outline, the position and scale of the proposed homes is not fixed. The layout of the proposed development may change at reserved matters stage

and the impact on neighbouring properties will be carefully assessed under any future application.

- 6.39 Based on the indicative layout, the distance to neighbouring properties, and the intervening screening, I believe the development could be achieved without any adverse impacts on neighbours in terms of light, outlook and privacy. This would accord with policy D4 of the SOLP, which requires new development to secure an appropriate level of privacy for existing residents.
- 6.40 Policy D3 of the SOLP requires all new homes to benefit from either a private garden, outdoor amenity space or a shared amenity area. Based on the indicative plans, I am satisfied that a suitable layout could be achieved that would provide an appropriate level of outdoor space for future residents.

Flood risk and surface / foul drainage

- 6.41 The application site is within Flood Zone 1 (least probability of flooding). Our drainage engineers have considered the submitted Flood Risk and Drainage Assessment and have raised no objection to the development.
- 6.42 The development would need to incorporate sustainable drainage details to ensure that all surface water run-off is accommodated within the confines of the site and discharged in a controlled manner. As the site is in a groundwater source protection zone the drainage details will need to provide a robust solution to pollution prevention and this should be in consultation with the Environment Agency. As required by our drainage consultant, the details of this can be secured by condition, in accordance with policies EP6 and EP7 of the SOLP, which seek to protect ground / surface water resources.
- 6.43 Thames Water have advised that they have no objection with regards to water network infrastructure capacity. They have also raised no objection with regards to waste water network and waste water process infrastructure capacity. Details of foul drainage can be secured through a condition.

Environmental matters (air quality, contamination, noise)

- 6.44 Our air quality officer has reviewed the submitted air quality assessment and has confirmed that the mitigation measures proposed would be sufficient to mitigate against the air quality impacts of this development and the cumulative effects of piecemeal developments.
- 6.45 The mitigation measures include electric vehicle charging points, cycle storage and the provision of Sustainable Travel Packs. Our air quality officer has also requested that a minimum standard of gas boiler is used in the development and this is a matter that can be addressed through a condition. As such, the proposal would comply with policy EP1 of the SOLP, which seeks to secure mitigation measures to ensure that developments do not have an adverse effect on health and amenity.
- 6.46 With regards to contamination, our contaminated land officer has considered the details that were submitted with the application and has no objection to the development subject to contaminated land conditions. These require a phased risk assessment to include an investigation and any necessary remediation of the land, to accord with policy EP8 of the SOLP.

- 6.47 As recommended by our environmental protection officer, conditions are necessary in relation to construction hours and the control of dust, to reduce the impact of construction activities on local residents.
- 6.48 As the application proposes an area of commercial development in close proximity to residential development, I also consider it necessary to require a noise assessment for the future commercial use and a restriction on operating hours of this part of the development. This would comply with policy EP2 of the SOLP, which seeks to ensure that developments do not have an adverse impact on existing or new occupiers in terms of noise.

### **Infrastructure requirements**

#### On-site infrastructure to be secured under a legal agreement

- 6.49 On-site infrastructure can be secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). In addition to the affordable housing, the County Council highway contributions outlined above, and a mechanism to help secure the delivery of the employment element, a S106 would be used to secure the provision and maintenance of on-site public open space and a Localised Area of Play. The size and quality of these on-site facilities would accord with policies R2 and R6 of the SOLP.
- 6.50 In accordance with the council's S106 Planning Obligations Supplementary Planning Document, the following additional financial contributions would be required towards on-site infrastructure:
- Provision of recycling / refuse bins - £170 per property (indicatively £6,800)
  - Street naming and numbering - £134 per 10 dwellings (indicatively £536)
  - Provision of public art - £300 per dwelling plus £10 per sq.m commercial (indicatively £12,000 plus commercial floorspace)
  - S106 monitoring fee - £2,606
- 6.51 I consider that these contributions / obligations accord with policy CSI1 of the SOCS, which requires new development to be supported by appropriate on and off-site infrastructure and services. They accord with the relevant tests in the NPPF as they are necessary to make the development acceptable in planning terms, are directly related to the development and are fair and reasonably related in scale and kind to the development. They are further justified through policies D10 (waste) and D12 (public art) of the SOLP.

#### Off-site contributions pooled under the Community Infrastructure Levy

- 6.52 The council adopted a Community Infrastructure Levy (CIL) in 2016. Except for the affordable housing, the development would be CIL liable at a rate of £150 per sq.m (index linked). The money collected from the development can be pooled with contributions from other development sites to fund a wide range of infrastructure to support growth, including schools, transport, community, leisure and health facilities.
- 6.53 Under the CIL regulations, Harpsden Parish Council will receive 25% of the CIL monies. This can be spent on infrastructure projects that are priorities for the community or could contribute towards strategic infrastructure.

## 7.0 CONCLUSION

- 7.1 This application proposes a mainly residential development of a site that is allocated in a Neighbourhood Plan for employment use. As such, the development is contrary to the Development Plan. However, in this case, there are material considerations that indicate that a decision should be taken that is not in accordance with the Development Plan.
- 7.2 The applicant has provided an up to date viability assessment which demonstrates that the allocated employment use of the site is not viable, and this has been confirmed through an independent review. The site has also been marketed. The application is accompanied by sufficient evidence to demonstrate that there is no reasonable prospect of an application coming forward for the allocated use.
- 7.3 In accordance with the NPPF, applications for alternative uses should be supported where the proposed use would contribute to meeting an unmet need for development in the area. The proposal would contribute towards the housing needs in our district and would add to our much-needed affordable housing stock.
- 7.4 The development would utilise a currently vacant brownfield site and is a location where some services and facilities would be available to future occupiers without reliance on the private car. The development would add some further pressure to local roads but the cumulative impacts on the road network would not be severe. Furthermore, the development would have a limited landscape impact and a suitably designed scheme could be achieved through a reserved matters application.
- 7.5 Solutions have been found to all technical matters and the development would not result in any adverse impacts that would outweigh the benefits of bringing this brownfield development back into efficient use. The NPPF requires local planning authorities to approach decisions on proposed development in a positive and creative way, and when considered against the development plan as a whole, the proposal would represent a sustainable form of development bringing social and environmental benefits.

## 8.0 RECOMMENDATION

**To delegate authority to grant planning permission to the Head of Planning subject to:**

**i) The prior completion of a Section 106 agreement to secure the affordable housing, financial contributions and other obligations stated above; and**

**ii) The following conditions:**

- 1. Approval of reserved matters – appearance, landscaping, layout and scale.**
- 2. Timeframe for submission of reserved matters.**
- 3. Commencement.**
- 4. Development to accord with approved plans.**
- 5. Dwelling statement based on most up-to-date evidence.**
- 6. Approved access provided prior to occupation.**
- 7. Visibility splays.**
- 8. Construction traffic management plan.**
- 9. Travel plan / information pack.**
- 10. Tree protection.**

11. Biodiversity enhancement plan.
12. Foul drainage provision.
13. Sustainable drainage details.
14. Air quality mitigation.
15. Phased contaminated risk assessment.
16. Remediation strategy.
17. Construction hours.
18. Control of construction dust.
19. Noise assessment and control (commercial element).
20. Operating hours (commercial element).

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