

APPLICATION NO.	P21/S3371/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	27.7.2021
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett, Kellie Hinton & Stefan Gawrysiak
APPLICANT	Westbourne Homes
SITE	Tree Tops House, Gillotts Lane, Henley-on-Thames, RG9 1PT
PROPOSAL	Demolition of house. Construction of five apartments with detached car ports and bin/cycle store.
OFFICER	Marc Pullen

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing dwelling, which has been damaged by fire, and the erection of a new building to accommodate five apartments. The five apartments would be spread across three storeys.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) lies south-west of the main built-up area of Henley-on-Thames, opposite Gillott's School and is accessed off Gillotts Lane. The site lies within the Chilterns AONB and contains a number of trees which are protected by tree preservation orders.
- 1.3 This application is referred to planning committee as Henley-on-Thames Town Council do not support the proposed development.
- 1.4 Reduced copies of the detailed plans accompanying the application are **attached** as Appendix B of this report. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Henley-on-Thames Town Council – Objects

- Recommend refusal on the grounds of overdevelopment caused by the proposed increase of development and associated car parking, the removal of natural habitat and trees and the site being located outside of the built-up area and within the AONB. The site should only come forward for one additional dwelling as already approved.

Harpsden Parish Council – Object

- Harpsden Parish Council objects to this application. We agree fully with the points made by The Henley Society in their response. Furthermore, the outline application granted in 2020 was for a building with a maximum 2 storeys, whereas this proposal has 3 storeys. Flats and a building of this size would be completely inappropriate overdevelopment for this location.

County Archaeological Services (SODC) – No objections

- 10/08/2021 – There is potential that the site could contain important historic artefacts – as such an archaeological field evaluation is needed prior to determination.
- 07/01/2022 – The applicant has now submitted the results of an archaeological field evaluation as requested. The evaluation has demonstrated that the development may likely disturb and impact upon recorded deposits containing

important Palaeolithic material. We would therefore recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction where development impacts are to exceed a depth of 1.30m below existing ground level. This can be achieved via suitably worded conditions.

Countryside Officer (South and Vale) – No objections

- This application is supported by a preliminary ecological appraisal (PEA) and an arboricultural impact assessment.
- The proposed development would be focused on already developed areas of the site – 14 trees are proposed to be felled on site. There are no priority habitats on site which would be impacted.
- Trees to be felled have been assessed for their suitability to support roosting bats and are not considered likely to support them. The existing dwelling supports roosting bats and will need to be demolished under a derogation licence from National England. I am confident that a licence application would be granted, having regard for the scope of mitigation and compensation possible on site.
- The supporting biodiversity metric assessment has concluded that the development is likely to achieve a no net loss of biodiversity. Biodiversity enhancements are proposed across the site in the PEA. Subject to the delivery of those enhancements and compensatory tree planting, I am satisfied that the proposed development can achieve compliance with the local development plan.
- Conditions are recommended to 1) ensure implementation of the ecological mitigation measures set out in PEA and 2) the submission and approval of a biodiversity enhancement plan to ensure biodiversity net gain.

Drainage (South and Vale) – No objections

- I have no objections to planning permission being granted subject to the inclusion of a condition being attached to any permission, requiring surface water drainage details to be submitted and approved

Forestry Officer (South and Vale) – No objections

- *06/10/2021* – Holding objection the proposed parking provision will lead to foreseeable pressure to remove protected trees adjacent to the parking spaces located on the western site boundary. Therefore, in its current form the proposed development is contrary to South Oxfordshire Local Plan 2035 policies ENV1, DES1 & DES2. As well as the South Oxfordshire Design Guide and BS 5837, 2012 Trees in Relation to Design, Demolition and Construction. However, if the parking issue can be suitably resolved, and the contradictory plans amended, I would be able to support the application.
- *30/11/2021* - The amended design has addressed my previous concerns. Therefore, I have no objections to the proposal subject to a tree protection condition being attached.

Highways Liaison Officer (Oxfordshire County Council) – No objections subject to conditions ensuring adequate and safe visibility splays, access and parking on site.

SGN Plant Protection Team -

- Guidance on gas and electricity

Waste Management Officer (District Council) –

- Guidance on what bins are needed for recycling/refuse

The Henley Society (Planning) -

- The proposal is incompatible with planning policy. The whole site lies within the Chilterns AONB. An important aim of the Local Plan is also to minimise the impact of development on the AONB. There are no exceptional circumstances to justify such intensive development of the site.
- It would have a detrimental impact on the adjoining Gillotts Corner Field which is a well-used recreational and wildlife conservation area with an essentially rural ambience and also in the AONB. A further objection to this proposal is the impact that the additional traffic would have on the narrow and dangerous Gillotts Lane.

Energy Assessor (ESE Ltd) – No objection

- Energy Statement complies with Policy DES10, no objection, subject to imposition of compliance condition

Neighbours – Support (2)

- We strongly believe that the approval of the current proposal will be a positive addition to the landscape and the design of this relatively small apartment building is far more appropriate than the previous outline approval for a highly contemporary glass block
- This application site is entirely concealed from the wider public views by the extensive tree screens on the boundaries and the proposed building will have no effect to the wider landscape other than the benefit of removing a derelict and dangerous building
- The new apartments make an attractive addition to the local housing on offer.
- The design of the apartments are attractive and will fit well into their surroundings
- The whole plot has been neglected and left unattended for too long, and it will be a positive step forward for it to return to residential use, with tended gardens etc.

3.0 RELEVANT PLANNING HISTORY

3.1 [P20/S2833/O](#) - Approved (22/01/2021)

Outline application with all matters reserved for the demolition of existing dwelling and associated outbuildings to allow for a redevelopment comprising the erection of up to two detached dwellings with associated access, car parking, landscaping and other associated works. (as amended by additional information received 15 December 2020 reducing the proposed maximum number of units from three to two).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The site is within a 'sensitive area' for the purposes of the EIA regulations 2017 but the scale and nature of the proposed development does not require an Environmental Statement.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources

DES10 - Carbon Reduction
ENV1 - Landscape and Countryside
ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
ENV3 - Biodiversity
EP3 - Waste collection and Recycling
EP4 - Flood Risk
H1 - Delivering New Homes
H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford
INF4 - Water Resources
STRAT1 - The Overall Strategy
STRAT5 - Residential Densities
TRANS5 - Consideration of Development Proposals

5.2 Henley and Harpsden Neighbourhood Plan

H4 - Infill and Self-Build Dwellings
EN1 - Biodiversity
DQS1 - Local Character

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Other Relevant Legislation

- Section 85 of the Countryside and Rights of Way Act 2000.
- 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:

- **Principle of development**
- **Design and character**
- **Access and Parking**
- **Impact on trees and ecology**
- **Other material planning considerations**
- **Other matters**

Principle of development

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. In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan (SOLP, 2035) and the Henley and Harpsden Neighbourhood Plan (HHNP, adopted in 2016).

6.3 Policy H1 (SOLP) allows for housing in the district in accordance with sites allocated within the SOLP or allocated by Neighbourhood Development Plans. Residential development on sites in Henley-on-Thames not allocated in the SOLP or Neighbourhood Development Plans will be permitted where it is development within the

existing built-up areas of the town. The residential development of previously developed land will be permitted adjacent to the existing built-up areas of Towns. Policy H4 (HHNP) allows for infill housing developments and proposals for the construction of self-build dwellings within Henley and Harpsden where it can be demonstrated that the proposed development constitutes sustainable development.

- 6.4 It is officer's view that the site would represent a redevelopment proposal of previously developed land. This stance was taken previously when granting planning permission for the demolition of the existing dwelling and the erection of two new dwellings on site (ref. P20/S2833/O). The proposed development would utilise the existing land available to deliver a higher density of development in support of Policy STRAT5 and DES7 (SOLP). As such, the principle of development is considered acceptable in accordance with Policy H1 (SOLP).

Design and character

- 6.5 The National Planning Policy Framework (NPPF) seeks to ensure that all development is sympathetic to local character, including the surrounding built environment and landscape setting. Planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and include the appropriate and effective use of landscaping. The housing and development policies within the council's development plan seek to ensure that all new developments are of a design and size that is in keeping with the surroundings and does not harm the character of the area. The Council's Development Plan advises that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.
- 6.6 The proposed development would result in the demolition of the existing fire damaged property on site and the erection of a new detached building which would accommodate five flats. The proposed dwelling would be sited in a similar area of the site as the existing dwelling within a large plot which would be in keeping with the existing spacious character of the site whilst providing sufficient shared garden space for future occupants. The vehicular access would be similar to the existing and would require some widening to accommodate the development. Details of the new vehicular gate would need to be agreed by condition as, in officer's opinion, any overtly large or domestic gate would not appear in keeping with the wooded character and appearance of the site and its surroundings.
- 6.7 The architectural style of properties within the immediate area varies considerably and there is no overriding design or form that ought to be adhered to in officer's view. The design of the proposed building would adopt an arts and craft style dwelling, many of which can be observed in Henley-on-Thames. In this respect, the design of the building would make reference to its location. The design of the dwelling would share similar characteristics of the dwelling approved by planning application P21/S3034/FUL.
- 6.8 The site is well screened and populated with large trees which make an important contribution to the landscape character of the site, most notably the trees along the boundary. A small number of trees will need to be removed to accommodate the proposed development; however, these trees are not considered to contribute significantly to the wider landscape and importantly, they can be replaced on site to ensure no net loss in canopy cover. As such, despite the loss of these trees on site, the wooded character of the site would remain.

- 6.9 The visibility of the site within wider views is limited. Some glimpsed views of the existing property can be observed from small parts of the public footpath to the west of the site (Harpsden Footpath 10) but from Gillotts Lane and from other roads the site is not readily visible. As you travel further south along the nearby public footpath (towards Harpsden) the views of the site become obscured by vegetation and by the change in topography. In officer's opinion any glimpsed views of the site from this public footpath would not be harmful to the appearance of the area as the current dwelling is already read in context with the houses around the 'Gillotts Corner Field'. The loss of trees on site (as above) are not considered to open up the site any further to wider views and most importantly can be replaced where needed.
- 6.10 The NPPF attaches great weight to the conservation and enhancement of the landscape and scenic beauty of areas of outstanding natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 advises that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. In considering the impact upon the Chilterns AONB officers have considered the visibility of the site within the wider landscape and the impact upon the character and nature of the site. As discussed above, it is officer's view that the proposed development would not result in any adverse visual impacts upon the local landscape and the wider landscape would not be adversely affected. The woodland character of the site would be maintained with the retention of important trees (both within and on the edge of the site) that contribute significantly to the landscape character of the area and the wider landscape. Any that are sought to be removed will be replaced which would help to offset any harm caused.
- 6.11 The proposed development would increase activity on the site and would result in the increase in glazing on site. Officers deem it necessary in this instance that a suitably worded condition is attached to the grant of permission which requires the glazing to be coated to prevent any adverse levels of illumination and light spill. In light of this condition, officers do not consider the proposed development would result in any adverse levels of light spill on the wider landscape. The increase in activity coming and going from the site is not considered to result in any adverse harm to the character of the area. This is because Gillotts Lane is an already well used road and activity associated with the proposed development would consistent with the existing activity associated with nearby residential uses and the school.

Access and Parking

- 6.12 Oxfordshire County Council, as local highway authority, have been consulted on this application. Oxfordshire County Council do not object to the proposed development. The proposed development would not result in any significant increase in vehicle movements to the extent of being harmful to the local highway network.
- 6.13 The proposed development will result in improvements to the existing vehicular access and would achieve adequate visibility splays along Gillotts Lane. The parking and manoeuvring areas on site, as well as the proposed passing space along the access, are considered acceptable and should be maintained as such. Conditions should be attached to any grant of planning permission to ensure the proposed parking is provided, the access is safe and achieves the necessary visibility splays and that the new vehicular access gate is set far enough off Gillotts Lane to avoid any cars waiting on the highway.

Impact on trees and ecology

6.14 Ecology:

This application is supported by a preliminary ecological appraisal (PEA) and an arboricultural impact assessment. In the view of the council's countryside officer, the proposed development is very unlikely to impact any nearby designated sites, due to the location and scale of the development. The proposed development would be focused on already developed areas of the site and would utilise existing access infrastructure. There are no priority habitats on site which would be impacted. Trees that would be felled are not considered likely to support any roosting bats.

6.15 The existing dwelling supports roosting bats and will need to be demolished under a derogation licence from Natural England. The council's countryside officer is confident that such a licence application would be granted, having regard for the scope of mitigation and compensation possible on the site. Impacts on other species, such as reptiles and birds, can be adequately addressed through sensitive working methods.

6.16 The supporting biodiversity metric assessment has concluded that the development is likely to achieve a no net loss of biodiversity. Biodiversity enhancements are proposed across the site in the PEA. Subject to the delivery of those enhancements and compensatory tree planting, the council is satisfied that the proposed development can achieve compliance with the local development plan.

6.17 The council's countryside officer is satisfied that the proposed development would not result in any harm to protected species and subject to conditions the proposed development would deliver a net gain of biodiversity on the site.

6.18 Trees:

The proposed development will require the loss of a small number of protected trees, some to facilitate demolition of the existing derelict house and others to accommodate the new buildings. The loss of these trees is not likely to have a wider landscape impact and there would be opportunity to secure replacement planting to achieve a net gain in canopy cover. The driveway is shown to be widened in places, but the majority is within the footprint of the existing compacted gravel surfacing. Subject to the new driveway being constructed on top of the existing ground level using a suitable no dig cellular confinement system the remaining woodland trees could be retained unharmed.

6.19 As initially submitted, the proposed parking arrangement was not considered suitable on arboricultural grounds as the parking of cars under the canopy of trees would have led to foreseeable pressure (needles, cones, deadfall and sap) for their removal in due course. As such, a new car port structure has been introduced which will limit the nuisance experienced.

6.20 Subject to conditions ensuring the agreement of detailed tree protection measures and a landscaping scheme, the council's forestry officer does not object to the proposed development.

Other material planning considerations

6.21 Archaeology:

The submitted archaeological field evaluation has revealed significant evidence for Palaeolithic remains to be present on the site. The evaluation has demonstrated that where development impacts, either from demolition or construction, are to exceed depths of 1.30m, these are likely to disturb and impact upon recorded deposits containing important Palaeolithic material. As such, it is recommended that, should

planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action to be maintained during the period of construction of the development. This can be ensured through the attachment of suitably worded conditions.

6.22 Waste/recycling:

In consultation with the council's own waste team, it is considered that the site would be sufficiently large enough to provide the necessary waste/recycling storage on site. The bin store would be sited approx. 20 metres from the highway which would be within the limits set out by the waste team (25 metres).

6.23 Carbon reduction:

Policy DES10 (SOLP) advises that planning permission will only be granted for new dwellings where the development achieves at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. The submitted Energy Statement demonstrates compliance to this policy and the council's appointed energy assessor confirms this.

Other matters

6.24 Community Infrastructure Levy (CIL):

The council's CIL charging schedule applies to all relevant proposals. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development or net gain of residential use on site. This development would be liable to pay CIL since the development would result in the provision of new dwellings.

6.25 Pre-commencement conditions:

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These will all have been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

7.0 **CONCLUSION**

7.1 It is recommended that planning permission is granted for the proposed development. The proposed development is considered to be acceptable in principle and the development is not considered to result in any material harm to the character or appearance of the site or the surrounding area. The development would not result in any harm to important and protected landscape features, would protect against any harm to protected ecology, would ensure appropriate recording of archaeological remains and would not result in any harm to the safety of the highway network. As such, the development is considered to adhere to the relevant policies set out within this report.

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission subject to the following conditions:**

- 1 : Development to commence within three years**
- 2 : Development to be in accordance with the plans hereby approved**
- 3 : Development to be built with materials as submitted**
- 4 : All external glazing to be coated to prevent illumination and light spill**
- 5 : An organised archaeological watching brief should be maintained on site during construction**

- 6 : Findings of watching brief to be submitted for approval**
- 7 : Development shall be implemented in accordance with all of the ecological mitigation measures stated in supporting Preliminary Ecological Appraisal**
- 8 : A biodiversity enhancement plan (BEP) shall be submitted to and approved in writing by the local planning authority**
- 9 : Details of surface water drainage works to be submitted for approval**
- 10 : An Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted for approval**
- 11 : Details of landscaping of the site to be submitted for approval**
- 12 : Existing vehicular access to be improved in accordance with highway standards prior to occupation**
- 13 : Vision splay dimensions measuring 2.4 metres by 43 metres to be put in place prior to occupation**
- 14 : Parking & Manoeuvring Areas provided as approved and thereafter retained**
- 15 : Details of cycle parking to be submitted for approval**
- 16 : No surface water from the development shall be discharged onto the adjoining highway**
- 17 : Any gates provided shall be set back a minimum of 5.0 metres from the edge of the carriageway and shall open inwards into the site.**
- 18 : Details of new gate to be submitted for approval**
- 19 : Energy Statement Verification – verification report to demonstrate energy efficiency measures have been implemented**
- 20 : Each dwelling to be provided with an Electric Vehicle Charging Point**

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