

APPLICATION NO.	P23/S4036/FUL
SITE	The Mount Rotherfield Road Henley-on-Thames, RG9 1NR
PROPOSAL	Demolition of existing house and associated outbuildings and structures and redevelopment to provide two dwellings with associated access, hard and soft landscaping and other infrastructure (DLL certificate received 1 February 2024 and Plot 2 repositioned and redesigned, waste storage point added, updated landscape assessment and additional heritage assessment as shown on amended documents received 19 July 2024 and amended site plan to show Plot 1 bin presentation received 20th August 2024 and revised biodiversity metric received 8th October 2024).
APPLICANT	Kingerlee Homes
APPLICATION TYPE	FULL APPLICATION
REGISTERED	1.12.2023
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett Kellie Hinton Stefan Gawrysiak
OFFICER	Paul Lucas

1.0 **INTRODUCTION**

- 1.1 This report sets out the justification for officers’ recommendation to grant planning permission having regard to the development plan and any other material planning considerations. The application has been called in to planning committee by Councillor Ken Arlett who agrees with Henley Town Council’s opinion that the proposal would conflict with Policies H16, ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.
- 1.2 The application site is shown at **Appendix A**. The existing dwelling is set in a generous plot measuring approximately 0.9ha and located towards the edge of the built-up limits of Henley. The site does not fall within a designated area. There are trees to the front of the site and along part of the eastern boundary which are covered by a Tree Preservation Order (TPO). The land to the rear of the plot slopes in a southerly direction, terminating at Harpsden Cricket Ground. The Chilterns National Landscape (CNL) boundary is approximately 170m from the rear site boundary.

1.3 The Mount is bordered by 19 Rotherfield Road (The Rise) to the west and 25 Rotherfield Road (Cedar House) to the east. To the rear of The Rise, there are two dwellings, 15A Rotherfield Road (The Pines) and 15 Rotherfield Road (Belvedere). Belvedere was originally granted planning permission as a bungalow in 1959. It was then replaced with a two-storey dwelling following planning permission at appeal in 2005. A further planning permission was also granted in 2005 for The Pines. The built form on the land to the east of The Mount therefore extends about 100 metres further south.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the demolition of the existing dwelling and associated outbuildings and structures and redevelopment to provide two dwellings. Plot 1 would be located at the front of the site, broadly on the footprint of The Mount. Plot 2 would be positioned to the south of The Mount, around 75 to 85 metres from the front boundary. The Mount has two existing vehicular access points. Plot 1 would be served by the eastern one and Plot 2 would use the western one, with a driveway extended southwards inside the western site boundary. Both dwellings would also include a garage and store building, which would provide annexe accommodation on the first floor.

2.2 The application follows on from a previous planning application for the demolition of the existing dwelling and the erection of three dwellings on the site. Planning permission was refused on 16 January 2023 for the following reasons:

“1. The proposed development would, as a result of the scale, appearance and siting of the dwellings, further erode the undeveloped, rural character and appearance of the hillside to the south of Rotherfield Road. There would be an adverse impact upon the local landscape character and the setting of the Chilterns Area of Outstanding Natural Beauty, contrary to policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035, policy SD3 of the Joint Henley and Harpsden Neighbourhood Plan, and paragraph 176 of the NPPF. The limited, short-term benefits of granting permission would not outweigh the harm identified by the Council.

2. The submitted biodiversity assessment is not considered sufficiently robust to demonstrate that the development would avoid a net loss to biodiversity. As such, the proposal is contrary to Policy ENV3 of the South Oxfordshire Local Plan 2035.

3. The application submission has failed to adequately assess the impact upon Great Crested Newts, an important European protected species. As such, the proposal fails to meet the requirements of Policy ENV2 of the South Oxfordshire Local Plan 2035 and Paragraphs 174 and 180 of the National Planning Policy Framework.”

2.3 The application was amended to reduce the width of Plot 2 and reposition it further north. Changes were also made to the proposed planting. Additional and updated documents were provided in relation to landscape impact, drainage, Great Crested Newts (GCNs), heritage appraisal, arboricultural impact, energy statement and biodiversity metric.

2.4 The current plans can be found at **Appendix B**. Other supporting documents can be found on the council’s [website](#).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Publicity**

3.2 **Statutory Consultee responses**

Representation	Comments
South -Highways Liaison Officer (Oxfordshire County Council)	No objection subject to highway-related planning conditions.

3.3 **Council - professional officer comments**

Representation	Comments
Ecology Team (South and Vale)	No objection to amended details subject to several ecology-related planning conditions.
Drainage - (South&Vale)	No objection subject to several drainage-related planning conditions.
Forestry Officer (South and Vale)	No objection subject to tree protection and landscaping planning conditions.
Landscape Architect (South and Vale)	Whilst changes to the design have reduced the impact of the proposals, I still have some concerns with respect to the amount of glazing, and the location of tree planting in relation to the level of the building, however these matters could be dealt with by planning conditions.
Waste Management Officer (District Council)	Bin presentation points on amended plans are acceptable.
Heritage Officer (South and Vale)	No heritage objection to this application.

3.4 **Public responses**

Representation	Comments
Henley Town Council	Recommend refusal to original and amended plans as the proposal is in conflict with several policies in the South Oxfordshire Local Plan: H16 Backland and Infill Development and Redevelopment with regard to the extension of the built limit of the settlement; ENV1 Landscape and Countryside due to the effect on the setting of the AONB; DES1 Delivering High Quality Development; DES2 Enhancing Local Character due to the development failing to enhance the local character.
Harpsden Parish Council	A strong objection to original and amended plans to building on the green hillside below the existing house on Rotherfield Road. This proposal fails to understand that the Joint Henley/Harpsden Neighbourhood Plan (JHHNP) and the

	<p>Development Plan of which it now forms an intrinsic part, twice confirmed by public acclaim at Referendum, provides for development elsewhere. The hillside in question is not only "close to the AONB" but could be part of the 'national landscape' if current recommendations are accepted.</p>
<p>Third Parties – eight representations of objection / concern summarised as follows</p>	<ul style="list-style-type: none"> • Backland development is significantly out of keeping with the prevailing character of the area which comprises predominantly frontage development • The proposed dwellings would have an overbearing impact on their surroundings, including the cricket ground and the hillside as viewed from the roads to the south. They would impact adversely upon the landscape character of the area and the setting of the CNL. • This development would result in a significant increase in additional cars travelling along Rotherfield Road, a narrow carriageway with no pavements. It would impact adversely upon pedestrian and highway safety. • The site is not allocated within the Joint Henley and Harpsden Neighbourhood Plan for development and the proposed housing scheme fails to provide any on-site affordable housing. • The proposal would result in losses of privacy with respect to the neighbouring houses and gardens and the bulk and massing would result in material losses of daylight and sunlight. • There would be adverse impacts, through noise, dust, fumes and other disturbances arising from the construction activities. The site constraints and road condition would also make the construction traffic management very difficult and disruptive. • The existing dwelling has historic and aesthetic value, which would be lost in this scheme if approved. The design of the proposed dwellings does not reflect the prevailing local vernacular. • Insufficient ecological mitigation. • Insufficient drainage details. • Arboricultural information inadequate. • Precedent for other similar development.

	<ul style="list-style-type: none"> The proposed amendments to the scheme do not address the core issues raised during the initial public consultation.
The Henley Society	The Henley Society fully support the recent comments from Harpsden Parish Council and others and would support refusal of this application.
All of these consultation responses can be read in full on the council's website.	

4.0 **RELEVANT PLANNING HISTORY**

Application Number	Description of development	Decision and date
4.1 P22/S1690/FUL	Demolition of existing house and associated outbuildings and structures and redevelopment of site with three detached dwellings with associated access, hard and soft landscaping and other infrastructure.	Refused (16/01/2023) See refused layout and section at Appendix C .
P72/H0289	Erection of one detached house.	Refused (11/07/1972) - Appeal dismissed (10/09/1973)
P64/H1009	Site for one dwelling and access.	Refused (23/06/1965)

5.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Statement is not required.

6.0 **POLICY & GUIDANCE**

6.1 **National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG)**

6.2 **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
- DES8 - Promoting Sustainable Design
- DES10 - Carbon Reduction
- ENV1 - Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- ENV6 - Historic Environment

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
EP3 - Waste collection and Recycling
EP4 - Flood Risk
H1 - Delivering New Homes
H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford
H16 - Backland and Infill Development and Redevelopment
HEN1 - The Strategy for Henley-on-Thames
INF4 – Water Resources
STRAT1 - The Overall Strategy
STRAT5 - Residential Densities
TRANS5 - Consideration of Development Proposals

Emerging Joint Local Plan 2041

The Council is currently preparing a Joint Local Plan (JLP) for South Oxfordshire and Vale of White Horse, which, once adopted, will replace the existing local plans. The JLP has reached the Regulation 19 stage, with the pre-submission version open for representations between 1 October and 12 November 2024. In line with paragraph 48 of the National Planning Policy Framework (NPPF), decision-makers may give weight to relevant policies in emerging plans depending on several factors: the stage of preparation, the extent of unresolved objections, and the degree of consistency with the NPPF. The starting point for decision taking remains the policies in the current adopted plan(/s). The JLP is at an advanced stage of preparation and carries some weight. However, as the examination process has not yet commenced, the weight must be tempered by the potential for any necessary modifications. Whilst the representations period is ongoing there will not be sufficient information to assess which policies are the subject of objections or the extent to which they may be resolvable. Even when the representation period has ended, particular care will need to be given when considering any unresolved objections to policies, which may limit the weight assigned to certain policies until further clarity is achieved through the JLP examination process. Therefore, limited weight can be attributed to its policies at this stage.

6.3 Joint Henley & Harpsden Neighbourhood Plan 2022

SD1 – Minimising Carbon Emissions
SD1a – Fabric First Approach
SD1b – Other Methods
SD3 – Local Character
ENV2 – Biodiversity
ENV3 – Trees
H4 – Infill and self-build dwellings
T1 – Impact of Development on the Transport Network
T6 – Parking and Standards

6.4 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (JDG22)
The Chilterns AONB Management Plan 2019–2024
Chilterns Buildings Design Guide
South Oxfordshire Landscape Character Assessment 2017 (SOLCA)

7.0 **PLANNING CONSIDERATIONS**

7.1 **The relevant planning considerations are the following:**

- **Principle of development**
- **Historic environment**
- **Landscape and local character**
- **Residential amenity**
- **Access and parking**
- **Ecology and biodiversity**
- **Other material planning considerations**

7.2 **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the South Oxfordshire Local Plan 2035 (SOLP) and the made Joint Henley & Harpsden Neighbourhood Plan Review 2022 (JHHNP).

7.3 Policy STRAT1 of the SOLP sets out the overall strategy for the District. It seeks to focus major new development at the growth point of Didcot, with Henley, Thame and Wallingford also being a focus for development and regeneration. The SOLP Policy H1 Criterion 3. iii) explains that residential development on sites not allocated in the Development Plan will only be permitted within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy; provided an important open space of public, environmental, historical, or ecological value is not lost, nor an important public view harmed. Policy H4 of the JHHNP states that infill housing developments and proposals for the construction of self-build dwellings within the built-up areas of Henley and Harpsden will be supported where it is demonstrated that the proposed development is in accordance with other relevant policies of the development plan. The SOLP Policy H16 imposes further restrictions on backland development, however, this policy only relates to sites within Smaller Villages and Other Villages.

7.4 Neither the SOLP nor the JHHNP provide a settlement boundary that defines the built-up area of Henley. This means that it is a matter of judgement as to whether a site resides within the built-up area. The inclusion of part of the site within a landscape character area is not an indicator of the built-up area, because in some cases landscape types wash over entire settlements where new housing is nonetheless supported in principle. The existing dwelling is within a ribbon of housing development fronting Rotherfield Road. The rear garden extends some distance to the south, terminating at a wooded area. There is a line of residential properties (The Rise, The Pines, Belvedere) extending along the eastern site boundary. Officers also note that No.9 and No.9A further to the east occupy similar positions to Belvedere in relation to the southwards projection of built form. The land adjacent to the western boundary is garden land serving Cedar House and there is an enclosed tennis court constructed in that garden roughly next to the proposed Plot 2. That structure has a certificate of lawful development (P17/S1304/LDP) confirming it lies within the residential curtilage of Cedar House.

- 7.5 It is a material planning consideration that application [P22/S1690/FUL](#), when assessed against the same development plan policies, was not refused planning permission on the basis of a conflict with the council's housing distribution strategy. Officers remain of the view that the application site forms part of the domestic garden of The Mount. Although this is not previously developed land, having regard to the position of the line of established backland development to the east, the proposal would constitute development within the existing built-up area of Henley rather than physically encroaching into the countryside. As such, the proposed development is considered to broadly comply with the spatial strategy of the Development Plan.
- 7.6 **Historic environment**
The SOLP Policy ENV6 seeks to preserve or enhance the District's designated heritage assets, including conservation areas and listed buildings. Provision is made under the NPPF for the identification of buildings as non-designated heritage assets and for their heritage interest to be given some weight within the planning balance.
- 7.7 There are no designated heritage assets on the application site but the local heritage interest of the building to be demolished has been referenced. The Mount is a simple early C20 dwelling in a local vernacular style for large, detached dwellings of this time. Architecturally, it features some simplified Arts and Crafts elements, although there are far stronger and more refined examples elsewhere in Henley and Harpsden. The application is supported by a proportionate heritage assessment of the site and a photographic record of the building. The council's Heritage Officer is satisfied that this provides a suitable record of the building relative to its limited historic interest, in accordance with Policy ENV6. They also consider that development as proposed would not harm the significance of the nearby Grade II listed, No.9 Rotherfield Road (Past Field). As such, there is no heritage objection to the application.
- 7.8 **Landscape and local character**
The site lies close to the CNL. Paragraph 182 of the NPPF confirms that "great weight" should be given to conserving and enhancing the character and qualities of the CNL "which have the highest status of protection". This reinforces the statutory duty placed on the council under S85 of the Countryside Rights of Way Act 2000. Development within the setting of the CNL should be sensitively located and designed to avoid or minimise adverse impacts. The SOLP Policy ENV1 echoes the aims of the NPPF in respect of protecting landscape and scenic beauty of the CNL. It explains that development "affecting the setting of an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB." JHHNP Policy ENV3 explains that wherever practicable, three new trees should replace every tree lost and a minimum of three trees should be planted for each dwelling. AONB Management Plan policy DP8 aims to keep skies dark at night by avoiding architectural designs that spill light out of large areas of glazing.

- 7.9 The SOLP Policy DES1 seeks to ensure that all new development is of a high-quality design. The SOLP Policy DES2 requires all new development to 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. These policies are reinforced by JHHNP Policy SD3 and advice contained within Section 5 of the Joint Design Guide 2022 (JDG 2022) and the AONB Management Plan.
- 7.10 The site includes a significant amount of mature existing vegetation, as do adjacent plots, and is typical of the character of this part of Henley. Trees on the northern and eastern site boundaries are subject to Tree Preservation Orders. The site can be seen from Rotherfield Road and adjoining properties, and in views from the south from Harpsden Way on the CNL boundary and from the cricket ground and cemetery; in these views the existing property is elevated but partly concealed and set within a framework of trees. In contrast, Belvedere adjoining the site to the east is set well forward from the Rotherfield Road building line in views from this direction, and, despite a limited height of 1.5 storeys, appears larger and more prominent compared to the more filtered views of the older houses, and adversely affects the character of the area to the south.
- 7.11 The southern part of the site and adjoining land south of the site are within South Oxfordshire local landscape character area (LCA) 10, Chilterns Plateau with Valleys, and landscape character type (LCT) 16, Semi-enclosed Dipslope. This is a loose mosaic of farmland and woodland, typically on level or gently sloping ground, with open fields contained within a strong structure of woods and hedgerows providing visual containment. There is a distinctive pattern of winding roads, irregular field boundaries and scattered rural settlement, typical of ancient countryside, and a generally rural and unspoilt character but with some localised intrusion of built development. Guidelines for development, expansion and infilling of settlements, include maintaining vernacular character and promoting the use of building materials and a scale of development appropriate to the landscape type.
- 7.12 The council's Landscape Officer found that in the original plans for this application Plot 2 would have a similar scale and extent of visibility to Plot 3 of planning application [P22/S1690/FUL](#), that was deemed to have an unacceptable impact in landscape terms. This was because the new dwelling would have appeared much larger and significantly more prominent than the existing house, and other houses to the west on Rotherfield Road, which are largely concealed by vegetation with visibility largely restricted to glimpses of roofs, particularly in summer, and would have resulted in increased light spillage, adversely affecting the setting of the CNL and compounding the adverse effect of the adjacent existing property Belvedere.

- 7.13 The amended plans have slightly reduced the scale of the built form of Plot 2 and it has been positioned further north to allow space for planting at the same level as the building. Officers are satisfied that the proposed sections are accurate, with Plot 1 having a finished ground floor level of 49.5m and a ridge height of around 58.8 metres and Plot 2 having a finished ground floor level of 44.3m and a ridge height of 52.45m. This means that the ridge height of Plot 1 would be very similar to The Mount and the ridge height of Plot 2 would be 6.35 metres lower. Although the section shows that the ridge of Plot 2 would be 2.85 metres higher than the ridge of Belvedere (49.66m), the south elevation of Plot 2 would be 27.5 metres further north.
- 7.14 Although the sections show that planting is still proposed on the steep slope, lower than the building, the Landscape Officer considers that there is now scope for planting at the same level as Plot 2 and this could be secured through a landscaping planning condition. This could be supplemented with a landscape management plan planning condition to enable the planting to become established. Whilst the glazing on the southern elevation of Plot 2 has been reduced, large windows remain. However, a further reduction in light spillage could be secured by a planning condition requiring the installation of light emission reducing and low reflectivity glazing. External lighting could also be strictly controlled through a planning condition. The Landscape Officer is also satisfied that the proposed materials would not stand out against the backcloth of vegetation and with the retention of the planting, views would be subject to increased filtering over time.
- 7.15 The proposed replacement of The Mount with Plot 1 would be sufficiently in keeping with the local vernacular in terms of its scale, massing, form, and detailing. Moreover, the position, scale and design of the garage building would be similar to a number of other developments within the locality. There would be a reasonable level of vegetation retained at the frontage. This aspect of the scheme is considered acceptable in terms of its potential impact upon the character and appearance of the road. It is accepted that Plot 2 would be unlikely to be immediately visible in public views from Rotherfield Road, due to the topography of the site, the boundary treatments, and the alignment of the dwellings. The driveway serving Plot 2 would not be particularly out-of-keeping with the character of the road, where other properties are served by similar driveways.
- 7.16 The council's Tree Officer considers that the trees at this site make an important contribution to the wider landscape as well as providing boundary screening from the road and surrounding properties. Several trees located at the site frontage with Rotherfield Road as well as trees located on the Eastern boundary are protected by a TPO. To facilitate the development proposals two moderate quality trees (T15) and G2 (one tree from group) would be removed as well as the partial removal of two hedge / shrub groups (H3 + G9). In addition, several other garden shrubs and hedges internal to the site are proposed for removal. Trees and vegetation proposed for removal are not significant and their loss can be acceptably mitigated with replacement tree planting to be secured by a landscaping condition. Retained trees can be adequately protected through a detailed tree protection condition.

- 7.17 In the light of the above assessment, officers consider that the proposal would conserve the landscape setting of the nearby CNL and would have an acceptable visual impact on the locality and comply with the above policies and guidance.
- 7.18 **Residential Amenity**
The SOLP Policy DES6 relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution, and external lighting. The SOLP Policy DES5 requires satisfactory outdoor amenity space in line with the guidance under Section 4 of the JDG 2022.
- 7.19 The separating distances of the proposed built form from the nearest neighbouring dwellings would accord with the JDG 2022 recommendations. Officers accept that parts of the development would be visible to varying degrees from the properties immediately to the east and west. However, having regard to the size of the neighbouring gardens, the position of the proposed dwellings with respect to their plot boundaries, and the generally vegetated boundary conditions, which could be bolstered through the landscaping condition, officers consider that the proposed development would not have an unduly visually intrusive or dominant impact upon the private enjoyment of the neighbouring properties. There would be an adequate separation between Plots 1 and 2, meeting the minimum 21m distance recommended for directly facing windows under the JDG2022 (fig 26-27).
- 7.20 Officers consider that the development would not result in any significant losses of daylight or sunlight to primary living accommodation, having regard to the separating distances and the orientation of the site. Officers also consider that there would not be a material loss of privacy to any neighbouring gardens. It is accepted that there would be some intervisibility between the first floor side-facing windows and rooflights and the neighbouring properties at The Rise, Cedar House and The Pines. This could be addressed by way of planning conditions to secure obscure glazing and fixed shut windows and to ensure rooflights installed with a cill level of at least 1.7 metres above internal floor level. The first-floor rear balconies would potentially also allow for overlooking of adjoining gardens, which could be restricted through the imposition of a planning condition requiring details of 1.7-metre-high privacy screens in the side elevations to be agreed and installed prior to occupation. Based on this assessment, officers consider the impact on the amenity of existing neighbours to be acceptable and in accordance with the SOLP 2035 Policy DES6.
- 7.21 The dwellings would have garden areas more than the 100 square metres minimum recommended under Section 4.11 of the JDG2022. Each garden would achieve the recommended 10 metres minimum depth. As such, there would be no conflict with the amenity standards set out under DES5.

7.22 Access and Parking

The SOLP Policy TRANS5 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. This is supplemented by the JHHNP 2022 Policies T1 and T6. The Highway Liaison Officer has commented that the proposal is unlikely to result in any significant intensification of transport activity at the property and is unlikely to have a significant adverse impact on the highway network. They have raised no objection to the proposal, subject to planning conditions to secure the alterations to the existing vehicular accesses and parking provision and to ensure that the annexe accommodation above the garages is retained as ancillary to the host dwellings. As such, the proposal would comply with the aims and objectives of the above policies.

7.23 Ecology and biodiversity

The SOLP Policy ENV2 seeks to protect ecological receptors (designated sites, protected species, priority habitat, etc.) from adverse impacts. Where adverse impacts are anticipated, the tests under the policy must be met for development to be acceptable. Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. These aims and objectives are supported by JHHNP Policy ENV2. The application does not have to comply with mandatory BNG, because it was submitted prior to 1st April 2024.

7.24 The council's Ecology Officer has reviewed the application and supporting information and agrees with the conclusions of the submitted Ecological Appraisal. Previous omissions (proof of assessment under the District Licence for great crested newt (GCN); erroneous post-development habitats in the biodiversity net gain calculation) have now been corrected. The Ecology Officer raises no objections, subject to planning conditions to secure biodiversity offsetting to mitigate the loss of on-site units; the provision of on-site biodiversity enhancements (bat and bird boxes and hedgehog fence tunnels), control over external lighting and compliance with the terms of the District Level License for GCN. An informative is also required to highlight the need for a European Protected Species Mitigation Licence before any development or demolition can proceed. As such, the proposed development would accord with the above policies.

7.25 Other material planning considerations

The SOLP Policies DES8 & DES10 seek to ensure that all new development minimises the carbon and energy impacts of their design and construction and should be designed to improve resilience to the anticipated effects of climate change. The Energy Statement submitted in support of the application has been vetted and found to be acceptable. Planning conditions could be imposed to secure implementation of the measures, ensuring that the proposed ASHP would comply with noise standards and to secure EV charge points in compliance with the SOLP Policy TRANS5.

7.26 Matters relating to drainage could be dealt with through several planning conditions, to the satisfaction of the council's Flood Risk and Drainage Engineer. The council's Waste Management Officer is satisfied with the proposed waste collection arrangements.

- 7.27 The OCC Highway Liaison Officer has raised no objection to the proposal in relation to the accessibility of the dwellings by fire trucks. They also do not consider a construction traffic management planning condition to be necessary, however, it would be open to the applicant to join the Considerate Constructors Scheme. Matters relating to noise, dust and fumes during construction could be dealt with under statutory nuisance legislation through the Environmental Protection Act 1990. In relation to the application setting a precedent, it is an accepted planning principle that each planning application must be considered based on its individual merits.
- 7.28 Exceptionally, a condition removing permitted development rights for various forms of householder development is considered necessary to allow the council to exercise control over any future additions to the dwellings that might otherwise result in visual or neighbour harm, or loss of / damage to retained trees, or reduction of on-site parking and / or turning capacity.
- 7.29 **Community Infrastructure Levy**
The application is CIL liable, 25% of which would go to Henley Town Council due to the made neighbourhood plan.
- 7.30 **Pre-commencement conditions**
Tree Protection
Biodiversity Offsetting
Surface Water Drainage
Foul Water Drainage
- 8.0 **Other Relevant Legislation**
- 8.1 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.
- 8.2 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.
- 8.3 Crime and Disorder Act 1998
In considering this application, due regard has been given to the likely effect of the proposal on the need to reduce crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 The proposed development would be acceptable in principle and would conserve the landscape setting of this part of the settlement. The scale, form and appearance of the proposal would be in keeping with the character and appearance of the area, would have an acceptable impact on residential amenity and all technical matters relating to drainage, trees, ecology, landscaping, access and parking and waste management could be satisfactorily addressed. Subject to the following conditions, the proposal would be in accordance with relevant Development Plan policies, Supplementary Planning Guidance and Government Guidance.

10.0 RECOMMENDATION

Grant Planning permission subject to the following conditions.

Sequence	Description	Details
1	Commencement 3 years - Full Planning Permission	<p>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	Approved plans	<p>That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 21080-PS300-B, PL-02 rev A, PL-01 rev A, PL-05, 6576-MJA-SW-XX-DR-C-001 PL07, 21080-PE202-B, 6576-MJA-SW-XX-DR-C-600 PL03, 21080-PP203-B, 21080-PP201-B, 6576-MJA-SW-XX-DR-C-002 PL08, LAS 320 05B, 21080-PP100-D, 21080-PP0011, 21080-PE102-A, 21080-PP103-A, 21080-PE101-A, 21080-L01, Sheet 1 and Sheet 2, except as controlled or modified by conditions of this permission.</p> <p>Reason: To secure the proper planning of the area in accordance with Development Plan policies.</p>
3	No change in levels	<p>Except in the case of any building work hereby permitted, no change in the levels of the land shall take place unless in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority before any development commences on site. The scheme shall include details of existing and proposed ground levels.</p>

		<p>Reason: In the interests of the visual appearance of the development in accordance with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.</p>
4	<p>Schedule of Materials (prior to slab level)</p>	<p>No development above slab level shall take place until a photographic schedule of all materials to be used in the external construction and finishes of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of the visual appearance of the development in accordance with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.</p>
5	<p>Obscure glazing</p>	<p>The first floor windows in the east and west-facing elevation of the dwellings hereby permitted shall be glazed in obscure glass with a minimum of level 3 obscurity, and shall be fixed shut with the exception of a top hung openable fanlight (or other means of opening to be first agreed in writing by the Local Planning Authority) prior to the first occupation of the accommodation and it shall be retained as such thereafter.</p> <p>Reason: To ensure that the development is not unneighbourly in accordance with Policy DES6 of the South Oxfordshire Local Plan 2035.</p>
6	<p>Rooflights (specified cill level)</p>	<p>The cill level of the rooflights in the east facing elevations of the garages / annexes hereby permitted and the rooflight in the west facing elevation of Plot 2 shall be at least 1.7 metres above the floor level of the associated rooms and shall be retained as such.</p> <p>Reason: To ensure that the development is not unneighbourly in accordance with Policy DES6 of the South Oxfordshire Local Plan 2035.</p>
7	<p>Glass coating for external glazing (prior to installation)</p>	<p>Prior to the construction of the development hereby approved above slab level, details of the specification of glass coating to be applied to the external glazing of openings on the south-facing elevation of Plot 2, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the glazing shall be implemented as approved prior to first occupation and retained in perpetuity.</p> <p>Reason: To minimise visible light transmittance and prevent illumination and light spill for the protection of the appearance of the area, the environment and</p>

		wildlife, and local residents from light pollution in accordance with Policies ENV1 and ENV12 of the South Oxfordshire Local Plan 2035.
8	Privacy Screens (prior to occupation)	<p>Prior to the construction of the development hereby approved above slab level, details of 1.7 metre high privacy screens for the east and west sides of the proposed first floor rear balconies of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the privacy screens shall be implemented as approved prior to first occupation and retained in perpetuity.</p> <p>Reason: To ensure that the development is not unneighbourly in accordance with Policy DES6 of the South Oxfordshire Local Plan 2035</p>
9	Withdrawal of P.D. (Part 2 Class A) - no walls, fences etc	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order) the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without obtaining planning permission from the Local Planning Authority.</p> <p>Reason: To safeguard the character of the area in accordance with Policies DES1, and DES2 of the South Oxfordshire Local Plan 2035.</p>
10	Withdrawal of P.D. (numerous householder)	<p>Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order), no development as specified in Schedule 2, Part 1, Class A - Extensions, Class B - Roof Extensions, Class E - Outbuildings, Class F - Hardsurfacing shall be undertaken without obtaining planning permission from the Local Planning Authority.</p> <p>Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development as specified in the condition to safeguard the amenities of the occupiers of the adjoining properties and the character of the area and retained landscaping in accordance with Policies DES1, DES2 and DES6 of the South Oxfordshire Local Plan 2035.</p>
11	Energy Statement Verification	Prior to first occupation, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby

		<p>approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing. The Verification Report shall demonstrate (with photographic evidence) that the energy efficiency measures have been implemented. These measures shall be retained and maintained as such thereafter in accordance with the Energy Statement and Verification Report.</p> <p>Reason: To ensure high standards of sustainable design and construction in accordance with Policy DES10 of the South Oxfordshire Local Plan 2035.</p>
12	Air Source Heat Pump(s) - MCS Certification	<p>The air source heat pumps hereby approved shall meet Microgeneration Installation Standard: MCS 020 to qualify as permitted development. If this MCS Certification cannot be met, the approved air source heat pumps shall be so installed, maintained, and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (2014) 'Method for rating industrial and commercial sound'. The measurement location shall be 1 metre from the facade of the nearest noise sensitive receptor. In the event of unacceptable noise or vibration being caused by the installed plant, machinery and equipment, the persons responsible/owner shall investigate and undertake works to resolve the problem to the satisfaction of the local planning authority.</p> <p>Reason: To protect the occupants of nearby residential properties from loss of amenity due to noise disturbance and in accordance with Policy ENV12 of the South Oxfordshire Local Plan 2035.</p>
13	Existing vehicular access	<p>Prior to first occupation of the dwellings hereby approved, the existing means of access onto Rotherfield Road shall be improved and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.</p> <p>Reason: In the interest of highway safety in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.</p>
14	Parking & Manoeuvring Areas Retained	<p>Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan 21080-PP100-D and shall be constructed, laid out,</p>

		<p>surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.</p> <p>Reason: In the interests of highway safety and in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.</p>
15	Cycle Parking Facilities (prior to slab level)	<p>Prior to the construction of the development hereby approved above slab level, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented prior to first use of the development and thereafter retained in accordance with the approved details.</p> <p>Reason: To encourage the use of cycles as a means of transport in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.</p>
16	Landscaping (incl hardsurfacing and boundary treatment)	<p>Prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.</p> <p>Reason: To help to assimilate the development into its surroundings in accordance with Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.</p>

<p>17</p>	<p>Landscape Management Plan (prior to slab level)</p>	<p>Concurrent with the submission of comprehensive details of the proposed landscape works, a maintenance schedule and a long term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:</p> <p>a) Details of long term design principles and objectives.</p> <p>b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, street furniture within open spaces and any play/ youth provision.</p> <p>c) A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible of the maintenance of the other areas of the site.</p> <p>d) Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.</p> <p>The schedule and plan shall be implemented in accordance with the agreed programme.</p> <p>Reason: To help to assimilate the development into its surroundings in accordance with Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.</p>
<p>18</p>	<p>Tree Protection (Detailed) (prior to commencement)</p>	<p>Prior to the commencement of any site works or operations, including demolition and site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The Arboricultural Method Statement must include the following:</p> <p>(1) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;</p> <p>(2) The specification and location of temporary tree protective fencing and any ground protection</p>

	<p>required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;</p> <p>(3) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;</p> <p>(4) The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;</p> <p>(5) The route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.</p> <p>(6) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;</p> <p>(7) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles with in Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees" and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.</p> <p>(8) Provision for the supervision of ANY works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local</p>
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		<p>Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.</p> <p>Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.</p> <p>Reason: To safeguard trees which are visually important in accordance with Policies ENV1, DES1, and DES2 of the South Oxfordshire Local Plan 2035.</p>
19	Biodiversity Offsetting (prior to commencement)	<p>No development shall commence unless and until a certificate confirming the agreement of a Local Offsetting Provider to deliver a Biodiversity Offsetting Scheme, totalling a minimum of 1.78 area biodiversity units, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Offset Provider. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for their records.</p> <p>Reason: To compensate for the net loss of biodiversity resulting from the development by providing biodiversity enhancements offsite in accordance with Policy ENV3 of the South Oxfordshire Local Plan 2035 and paragraphs 180 and 186 of the NPPF.</p>
20	Integrated Biodiversity Enhancements (prior to slab level)	<p>Prior to the commencement of the development above new slab level, details (including specification, position, height, orientation) of a scheme of biodiversity enhancements to be provided, shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed in conjunction with a suitably qualified ecologist and bird/bat boxes on buildings shall be integrated into the fabric of the development. Features provided will be additional and separate to those required as mitigation measures under any protected species licence. A minimum number of biodiversity enhancement features shall be provided onsite as follows: two integrated bird nest boxes for house sparrow <i>Passer domesticus</i> or swift <i>Apus apus</i>, two integrated bat boxes, two bird nest boxes on retained trees and one hedgehog fence tunnel within each length of close-boarded fencing forming a plot boundary (arranged so that each plot is connected to at least two</p>

		<p>separate adjacent plots or to one other plot and open/public space as appropriate). Thereafter, the development shall be implemented in accordance with the approved details. All features shall be provided prior to first use and shall subsequently be maintained and retained.</p> <p>Reason: To secure biodiversity enhancements onsite, in accordance with Policy ENV2 of the South Oxfordshire Local Plan 2035 and paragraphs 180 and 186 of the NPPF.</p>
21	NatureSpace Great Crested Newt condition	<p>No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a Further Licence) and with the proposals detailed on plan The Mount: Impact Plan for great crested newt District Licensing (Version 1), dated 25th September 2024.</p> <p>Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a Further Licence), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.</p>
22	Ancillary occupation and use only	<p>The garage and annexe accommodation for the dwellings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellings that they would serve.</p> <p>Reason: As the separate occupation of the accommodation would represent an undesirable sub-division of the property and result in inadequate standards of amenity and privacy in accordance with Policies DES1, DES2 and DES6 of the South Oxfordshire Local Plan 2035.</p>
23	External Lighting - Bats (prior to installation)	<p>No external lighting shall be installed on site unless and until a sensitive lighting strategy for bats is submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <p>a) identify those areas/features on site that are likely to be both particularly sensitive for bats and vulnerable to disturbance from artificial lighting, including: known or potential breeding sites, resting places, foraging areas or important routes used to access key areas of their territory.</p>

		<p>b) show how and where external lighting will be installed (through provision of appropriate lighting plans, isolux contour maps and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without the prior consent from the local planning authority.</p> <p>Reason: To avoid impacts on bats from insensitive external lighting in line with Policy ENV2 of the South Oxfordshire Local Plan</p>
24	Surface water drainage works (prior to commencement)	<p>Prior to the commencement of development, with the exception of any demolition, a full surface water drainage scheme following the disposal method as shown within document Drainage Statement & Appendices rev B.pdf shall be submitted to, and approved in writing by, the Local Planning Authority. The design of the surface water drainage system shall be in accordance with the non-statutory technical standards for sustainable drainage systems, including details of BRE 365 soakage testing, levels, size, position and construction of all drainage works. The drainage scheme shall be sized to accommodate a minimum of the worst case 1 in 30 year storm, with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% Climate Change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.</p> <p>Reason: To prevent pollution and flooding in accordance with Policies ENV12 and EP4 of the South Oxfordshire Local Plan 2035.</p>
25	Construction phase SWD (prior to occupation)	<p>Prior to the occupation of any dwellings, a SUDS Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following;</p>

		<p>1) Inclusion of as-built drawings in DWG or DXF format,</p> <p>2) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated,</p> <p>3) Details of any remediation works required following the initial inspection,</p> <p>4) Evidence that that remedial works have been completed.</p> <p>5) CCTV survey.</p> <p>Reason: To ensure the proper provision of surface water drainage and to ensure flooding is not exacerbated in the locality in accordance with Policy EP4 of the South Oxfordshire Local Plan 2035.</p>
26	Foul drainage works (prior to commencement)	<p>Prior to the commencement of development, with the exception of any demolition, a full foul water drainage scheme following the disposal method as shown within document Drainage Statement & Appendices rev B.pdf, shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of method, levels, size, position and construction of the drainage scheme and shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.</p> <p>Reason: To ensure the proper provision of foul water drainage and to ensure flooding and pollution is not exacerbated in the locality in accordance with policy EP4 of the South Oxfordshire Local Plan 2035.</p>
27	Construction phase FWD (prior to occupation)	<p>Prior to the occupation of any dwellings, a foul water drainage Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must suitably demonstrate that the foul water drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following;</p> <p>1) Inclusion of as-built drawings in DWG or DXF format,</p>

		<p>2) Inspection details of key foul water drainage features such as the manhole chambers, and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated,</p> <p>3) Details of any remediation works required following the initial inspection,</p> <p>4) Evidence that that remedial works have been completed.</p> <p>5) CCTV survey.</p> <p>Reason: To ensure the proper provision of foul water drainage and to ensure flooding and pollution is not exacerbated in the locality in accordance with policy EP4 of the South Oxfordshire Local Plan 2035.</p>
28	Electric Vehicles Charging Point (implementation)	<p>Prior to the first occupation of the development hereby approved, an Electric Vehicle Charging Point shall be installed for each dwelling and thereafter retained as such.</p> <p>Reason: To ensure sustainable forms of transport in accordance with Policies TRANS5, ENV12 and EP1 of the South Oxfordshire Local Plan 2035.</p>

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