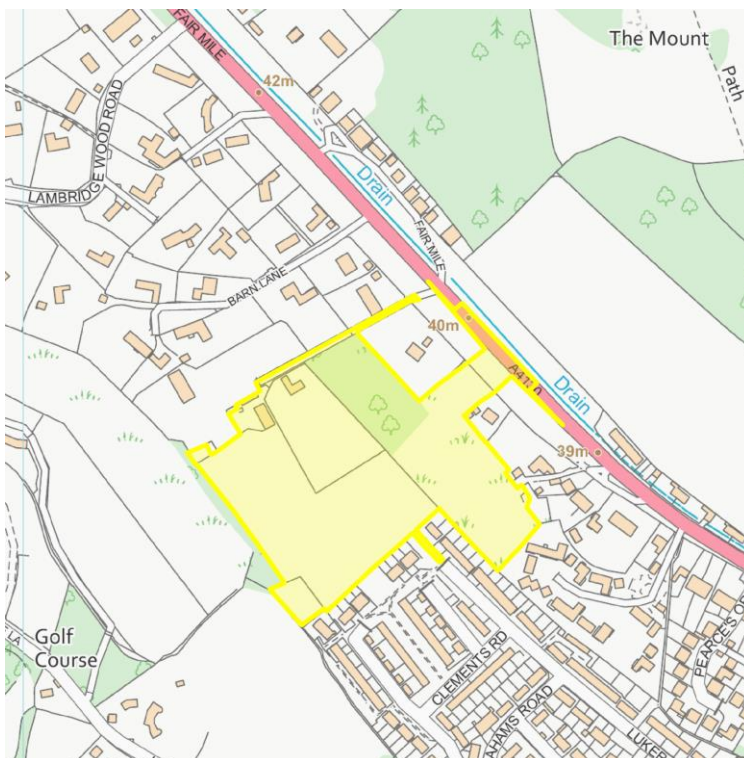


<b>APPLICATION NO.</b>	<a href="#">P19/S2350/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	23.7.2019
<b>PARISH</b>	HENLEY-ON-THAMES
<b>WARD MEMBER(S)</b>	Ken Arlett Kellie Hinton Stefan Gawrysiak
<b>APPLICANT</b>	C/o Agent
<b>SITE PROPOSAL</b>	Land west of Fairmile Henley-on-Thames. Demolition of existing buildings and development of 71 residential units comprising 51 houses and 20 flats with associated access, servicing, parking, amenity space and landscaping.
<b>OFFICER</b>	Amanda Rendell

**1.0 INTRODUCTION AND SITE DESCRIPTION.**

- 1.1 This application has been referred to Planning Committee as the site incorporates land owned by South Oxfordshire District Council, on Luker Avenue.
- 1.2 The site is allocated in the Joint Henley and Harpsden Neighbourhood Plan under policy DS2 for 72 residential units. It occupies 4.6ha and is situated on the south-western side of Fairmile, approximately 1km to the north-west of Henley town centre (see *Figure 1 below and Appendix 1 attached*).



- 1.3 The allocation is comprised of undeveloped greenfield land together with the residential dwelling of Field Cottage, along with an abandoned low grade farm building in the north-west corner, which is accessed from Badgemore Farm Track, and land to the rear of 127 Crisp Road which is situated to the south of the site within an early post-war development also comprising Luker Avenue.
- 1.4 The land adjacent to Fairmile is relatively flat yet it rises steeply to the south-west towards the Chilterns AONB, rising on an average gradient towards the south-west of 1 in 8.
- 1.5 The site sits between the two areas of the Chilterns AONB to the north-east and south-west but is not covered by the designation itself. Land to the north-west and south-east have been previously developed for residential use.
- 1.6 The Henley Conservation Area runs along the length of the Fairway and the lower (north-western) part of the application site is situated within the Henley Conservation Area. There are also Listed Buildings in the immediate setting of the application site (Nos. 23 and 25 Fairmile) as well as the non-designated heritage asset of no 27 Fairmile (Mile End).
- 1.7 The frontage of the site comprises mainly unmanaged scrub and there are trees within the site that are subject to a tree preservation order (TPO) including a bank of trees in the southern part of the site adjacent to Luker Ave and Bowling Court and along the northern boundary adjacent to Badgemore Farm House. There are also significant hedgerows to the rear of Mile End and surrounding the curtilage of Field Cottage on the northern boundary of the site.
- 1.8 There are a number of rights of way around the site including a Countryside Restricted Byway (CRB) (245/26/30) which runs along the front of the site. There is a short break between this byway and footpath 245/26/30 which provides a route into Henley via Luker Avenue. To the north-east within the AONB, runs the Oxfordshire Way which leads up to Bix and Assendon.
- 1.9 The site lies within Flood Zone 1 which has the lowest risk of flooding.

## 2.0 **PROPOSAL**

This application seeks approval for 71 residential units comprising:

- Demolition of Field House and associated farm outbuildings
- 40% affordable housing (comprising 28 dwellings)
- 60% Market housing (comprising 43 dwellings)
- Access from A4130 Fairmile with the exception of Plots 46 and 49 which will be accessed from Badgemore Farm Track to the north.
- Pedestrian and cycle access will also be created through to Luker Avenue to the south.
- Amenity space incorporating timber play feature, run around/kickabout space, native woodland, orchard and meadow grasslands
- Landscaped areas comprising mown grass, woodland edge planting, street tree planting, native tree/scrub planting. A central landscaped belt is proposed through the centre of the site.

- Cut and fill works to enable construction
- Trees protected under TPO within the site are situated in a group behind Luker Avenue and Bowling Court to the south-east of the site, along the northern boundary with Badgemore Farm Track. A section of protected trees is also situated to the south of no 27 Fairmile.
- Ecological mitigation: installation of bat access tiles and artificial roosts on at least 10% of new buildings; low level lighting, retention of dormice habitat to the south of the site; translocation of slow worms to suitable receptor site.
- Energy efficient measures including: air source heat pumps for all properties; water efficiency measures; sustainable construction materials.
- Properties designed to complement the local vernacular with a common pallet of material such as flint and stone detailing, clay tiles, timber boarding and renders.
- The application proposes 181 car parking spaces, of which 20 will be unallocated. All parking spaces for affordable units will be allocated. Parking will be provided as a mix of on-plot, garages, basement, courtyard parking and on-street spaces.
- Three properties incorporate a studio above the detached garages (Plots 26, 28, 29) providing 16m<sup>2</sup> of space.

2.1 The proposed layout has been amended during the application process to address concerns raised by consultees, particularly in respect of landscape and highways. One dwelling has been omitted from the scheme resulting in a total of 71 units and the proposed built form is contained within the area as shown on the layout plan in [Appendix 2](#).

2.2 The housing mix is proposed as follows in Table 1. The mix has varied slightly since first submission to take into account the requirements of policies H9 and H11 of the SOLP:

*Table 1: Proposed Housing Mix*

	<b>1 bed flat</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed +</b>	<b>Total</b>
<b>Market Homes</b>	2	9 (4 x flats 5 x houses)	21 (2 x flats 19 x houses)	11 (houses)	43
<b>Affordable Homes</b>	4	18 (8 x flats 10 x houses)	6 (houses)	0	28
<b>Total</b>	6	27	27	11	71

2.3 The application is accompanied by several technical assessments, some of which have been revised/amended during the application following consultation with statutory and non-statutory consultees as follows:

- Landscape and Visual Impact Assessment (LVIA) (June 2022)
- Landscape Specification and Maintenance Plan June 20
- Amended Biodiversity Net Gain Assessment Report and Metric April 21

- Arboricultural Method Statement Rev B (Date 27/09/2022) including Tree Protection Plans Rev J September 2022.
- Heritage Statement Addendum April 21
- Reptile Mitigation Strategy Set 2020
- Transport Assessment Addendum April 2021
- Revised Energy and Sustainability Statement
- Flood Risk Assessment and Drainage Addendum Aug 2022

2.4 All plans and representations can be viewed on the Council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

### 3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 This provides a summary of the technical comments on the most recent iteration of the plans and supporting information.

Henley-on-Thames Town Council	<b>Fully Support</b> Development of the site is acceptable as it is in the current Neighbourhood Plan. HTC would like to see further research on wildlife corridors and habitats on the site and also the visual impact/mitigation of the bulk and positioning of flats on higher ground. Leaving final decision on the items raised to Officers.
Conservation Officer	<b>No objections</b> Amended plans have resolved concerns regarding buildings at the top of the site. Conditions are recommended regarding tree pits and a sample panel to show materials.
Landscape Architect -	<b>No objections</b> Satisfied with amendments to the scheme and all previous concerns now addressed. Recommend that conditions are imposed regarding: Tree crate requirements; full details of play areas.
Countryside Officer	<b>No objections subject to conditions:</b> 1) a CEMP, 2) Biodiversity Enhancement Plan 3) Biodiversity Offsetting Scheme and S106 matters to cover reptile receptor for the offsite translocation exercise.
Drainage	<b>No objections</b> subject to conditions regarding 1) detailed sustainable drainage scheme 2) SUD's

	compliance 3) detailed foul drainage scheme.
Forestry Officer	<b>No objections</b> subject to conditions regarding implementation of tree protection measures as set out on the submitted documents and plans, and to secure planting and its long term maintenance.
Air Quality	<b>No objections</b> subject to conditions regarding the provision of EV charging points, sustainable travel packs, minimum gas boiler standards, cycle provision
Contaminated Land	<b>No objections</b> subject to a condition requiring contaminated land investigations on previously inaccessible areas of the application site have been investigated for land contamination. From a contaminated land perspective I would have no objection to any required demolition/ site clearance works being undertaken.
Env. Protection Team	<b>No objections</b> subject to conditions regarding restrictions on noise levels arising from construction operations and hours of operation for construction and demolition works.
Housing Development	<b>No objections.</b> The amended application has taken into consideration the changes in relation to the new SOLP and therefore aligns with the tenure mix as required.
Oxfordshire County Council - Highways	<b>No objection</b> subject to conditions:  A s106 legal agreements will also need to secure highways contributions towards public transport services and infrastructure, traffic regulation order, and travel plan monitoring.
Oxfordshire County Council -Lead Local Flood Authority (LLFA)	<b>No objection</b>
Oxfordshire County Council - Archaeology	<b>No objection</b> subject to conditions requiring a written scheme of investigation and staged programme of archaeological evaluation and mitigation.

Oxfordshire County Council - Education	<b>No objections</b>
SODC Property	Discussions are ongoing regarding the creation of a link through Luker Avenue on land owned by SODC. This is likely to involve either the sale of a strip of Council land or granting of an easement, either of which would enable them to construct and maintain a cycle/pedestrian path from their site to Luker Avenue.
SGN Plant Protection Team -	<b>No objections.</b> Advice is provided on SGN equipment in the area however these will not be affected by the proposal based on the information submitted.
Thames Water Development Control -	<b>No objections</b> raised in respect of foul water or surface water. A condition will be imposed regarding all water network upgrades.
Urban Design Officer-	<b>No objections</b>
Waste Management Officer-	<b>No objections</b>
The Henley Society (Planning) -	<b>Object.</b> Concerns expressed regarding proposed density, height of flats, Thame Water concerns, and not in line with Neighbourhood Plan recommendations.
Chilterns Conservation Board-	Express concerns regarding impact of the development from the Oxfordshire Way. Acknowledge that design amendments have been made but these could go further and reduction in numbers would improve layout of site. Lighting would need to be low-level.
Energy Assessor	<b>No objection</b>

Fifty-eight letters of representation have been received from local residents raising the following objections:

- Land should be used for ecology/community use
- Landscape Impact- harm to AONB and proposed layout of houses/flats at the top of the site. 12 dwellings on western portion of site should be removed
- Impact on Residential Amenity: Impact on properties on Crisp Road, Fairmile, Luker Avenue and Badgemore Farm Track. Overlooking from

plots 36-33. These should be removed. Play area should be moved away from residential properties

- Traffic Impact on Fairmile and Badgemore Farm Track
- Impact on Rights of Way-Restricted byway should not be used and secured with bollards/concern re intensification of Countryside Restricted Byway.
- Landscape Mitigation-Perimeter belt should be planted prior to construction/ Mitigating tree planting will curtail open views and light.
- Overdevelopment-numbers need to be reduced to bring development in line with neighbourhood plan. Lack of justification.
- Harm to Henley Conservation Area and setting of adjacent Listed buildings
- Loss of privacy from proposed public footway and cycleway
- Impact on drainage
- Loss of trees and wildlife habitat/ Proposed landscaped areas should be protected and where possible increased.
- Location of social rented housing
- Impact on air quality
- Construction traffic will need careful management
- Inadequate infrastructure for additional houses

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

##### 4.1 [P16/S3676/HH](#) - Approved (24/05/2017)

Provide new vehicular access onto secondary road adjoining the Fairmile. Resubmission of a planning application previously granted P97/SO696. Access now proposed is exactly the same.

##### [P15/S2382/DIS](#) - Approved (28/08/2015)

Discharge conditions 3 (ground levels), 4 (materials) and 8 (arboricultural) of planning permission P14/S3881/FUL.

Erection of two storey five bedroom replacement dwelling.

##### [P14/S3881/FUL](#) - Approved (13/02/2015)

Erection of two-storey five-bedroom replacement dwelling.

#### 5.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

- ##### 5.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 2 (section 10b) requires local planning authorities to screen infrastructure projects to determine whether significant effects on the environment are likely and whether an Environmental Statement is required. The screening threshold and criteria for infrastructure projects include where more than 150 dwellings are proposed or where the overall area of the development exceed 5 hectares.

The application site does not exceed the 150 homes threshold as set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), and the site area is less than

5ha. Although the site adjoins the Chilterns AONB, it is not within a sensitive area. The development therefore does not need to be screened for EIA.

## **6.0 POLICY & GUIDANCE**

### **6.1 Development Plan policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 - The Overall Strategy

STRAT2 - South Oxfordshire Housing and Employment Requirements

STRAT5 - Residential Densities

HEN1 - The Strategy for Henley-on-Thames

H1 - Delivering New Homes

H11 - Housing Mix

H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford

H9 - Affordable Housing

INF1 - Infrastructure Provision

TRANS2 - Promoting Sustainable Transport and Accessibility

TRANS4 - Transport Assessments, Transport Statements and Travel Plans

TRANS5 - Consideration of Development Proposals

INF4 - Water Resources

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV4 - Watercourses

ENV5 - Green Infrastructure in New Developments

ENV6 - Historic Environment

ENV7 - Listed Buildings

ENV8 - Conservation Areas

ENV9 - Archaeology and Scheduled Monuments

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

EP1 - Air Quality

EP3 - Waste collection and Recycling

EP4 - Flooding

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES4 - Masterplans for Allocated Sites and Major Development

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

### **6.2 The Henley and Harpsden Joint Neighbourhood Plan:**

The Joint Henley and Harpsden Joint Neighbourhood Plan Review 2020-2035 was made on 24 November 2022. This replaces the JHHNDP made on 14 April 2016.



Policy DS1 of the JHHNDP allocates eight sites for residential development subject to compliance with the site-specific policies of the plan. The application site is allocated under DS2 for 72 residential units. The relevant policies are:

ENV1-Air Quality

ENV2-Biodiversity

ENV3-Trees

Policy SD1: Minimising Carbon Emissions:      Policy SD1a: Fabric First Approach  
Policy SD1b: Other Methods

Policy SD3: Local Character

Policy H1: Design Brief

Policy H2: Affordable Housing

Policy H3: Housing Type and Mix

Policy T1: Impact of Development on the Transport Network

Policy T2: Active Travel

Policy T3: Easing Congestion

Policy T4: EV Charging Points

Policy T6: Parking and Standards

Policy DS1: Proposed Allocations

Policy DS2: Land West of Fair Mile (Site A1)

### **6.3 National Planning Policy Framework (NPPF)**

Updated on 19 February 2019 and the associated NPPF Planning Practice Guidance (PPG).

### **6.4 Supplementary Planning Guidance/Documents**

Joint South and Vale Design Guide

South Oxfordshire Developer Contributions SPD January 2023

Community Infrastructure Levy (CIL) Charging Schedule January 2023

### **6.5 National Planning Policy Framework and Planning Practice Guidance**

### **6.6 Other Relevant Legislation**

#### 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.

#### **Other Material planning considerations**

- Chilterns AONB Management Plan 2019-2024
- Chilterns AONB Design Guidance
- Landscape Character Assessment for the Local Plan 2033 November 2017
- Oxfordshire Wildlife and Landscape Study (Oxfordshire County Council, 2004)

**7.0 PLANNING CONSIDERATIONS**

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

- The principle of the development including
  - strategy
  - housing land supply
- Matters of details/technical issues, including:
  - Landscape
  - Heritage
  - Biodiversity and Trees
  - Transport and Parking
  - Design and Layout
  - Housing
  - Residential Amenity
  - Amenity Space
  - Air quality
  - Environmental matters (Contaminated Land, Waste and Drainage)
  - Archaeology
  - Energy Efficiency
  - Infrastructure – S106 and CIL

**7.2 Principle of development**

7.3 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current development plan consists of the South Oxfordshire Local Plan 2035 (SOLP) and the Joint Henley and Harpsden Neighbourhood Plan (JHHNDP) 2020-2035.

7.4 Policy STRAT 1 of the SOLP seeks to build upon the existing settlement hierarchy and supports the roles of Henley-on-Thames by providing new homes. Amongst other criteria, this policy also requires proposals to demonstrate that they protect and enhance the AONB's and historic environment and contribute to tackling climate change. This is complemented by policy H1 which supports the delivery of housing on sites that are allocated by Neighbourhood Plans.

7.5 Henley is a market town and Policy H3 of the SOLP requires that Henley deliver at least 1,285 homes. The Neighbourhood Development Plan (NDP) for market towns should seek to meet demonstrable needs, for example affordable housing. Policy HEN1 of the SOLP expects NDP's to support proposals that deliver homes in accordance with policy H3, enhance the towns environment and conserve and enhance the town's heritage assets and improve accessibility and pedestrian and cycle links.

7.6 Policy DS1 of the JHHNDP allocates eight sites for residential development subject to compliance with the site specific and general policies of the Plan. The site is allocated in the JHHNDP under policy DS2 for 72 residential units and requires the design brief to demonstrate:

- The sites environmental and landscape context;

- Heritage context;
  - Improved and new cycle and walking links through the site to adjacent residential areas;
  - High quality green link and biodiversity enhancement; and
  - Consideration of archaeology
- 7.7 The previous JHHNDP (made on 14 April 2016) allocated this site for around 60 dwellings. However, since this number was established, the site area has been enlarged from 3.86ha to 4.6ha to include Field Cottage and land to the rear of 127 Crisp Road, which were incorporated to facilitate more development of the site and to also benefit ecological connectivity through the site.
- 7.8 In the Independent Examination of the JHHNDP Review, the Examiner confirmed that he was satisfied that this increase from 60 to 72 as it was based on proportionate evidence. Accordingly, the proposed development including the number of dwellings is supported by policy DS2.
- 7.9 Policy STRAT2 of the SOLP sets out the housing requirements for South Oxfordshire for 1 April 2011 to 31 March 2035. The Council published its five-year housing land supply position in July 2022 as of 1 April 2022 which covers the period between 1 April 2022 and 31 March 2027. The Council can demonstrate a 5.58 years' supply of housing land, therefore meeting the requirements of the South Oxfordshire Local Plan 2035.

### **Landscape**

- 7.10 SOLP policy ENV1 provides for the protection and enhancement of the setting of an AONB. In addition, Policy ENV5 requires developments to protect or enhance existing Green Infrastructure, and Policy DES1 requires all new development to be of a high-quality design that uses land efficiently while respecting the existing landscape character incorporating a network of green infrastructure. Policy SD3 of the JHHNDP requires development proposals to respond positively to the setting of the surrounding area.
- 7.11 The original scheme raised landscape objections in respect of the proposed development. Concern has been expressed by local residents and the Chilterns Conservation Board regarding the impact of the proposal on the setting of the AONB, in particular from the apartment blocks and detached houses proposed along the south-western edge of the site when viewed from the north-east along Oxfordshire Way and The Mount which is situated across the Fairmile on the opposite side of the valley
- 7.12 In response to these concerns amendments have been made to the proposed layout including the removal of one detached dwelling (plot 35) from the south-western corner of the site and repositioning the three remaining houses (plots 34 and 36) in this location, lower into the site and with garages to the side of the dwellings rather than in front. This has resulted in improved garden sizes to the rear of these properties, creating a more open edge. Plot 33 is proposed at a lower level with a reduced ridge height. Additionally, the amendments reduced the amount of retaining structures, providing a less urban feel. Belts of

planting along the contours in front will also filter views of this part of the site. The Landscape and Visual Impact Assessment (LVIA) accompanying the application demonstrates that this element of the development in this location can be assimilated into the landscape.

- 7.13 The private apartment buildings situated at the edge of the site adjacent to the AONB have also been reduced in size and height and now have a maximum height from ground floor level to ridge of just over 9 metres. The LVIA shows that these apartments do not appear bulky in views from outside the site. The mix and design of each apartment block has been amended to provide more variation. Both buildings have been substantially reduced in depth and height with a reduction in over 30% and a reduction in bulk by approximately 40% so they appear two storey buildings rather than 2.5 storeys. Distances between the two blocks have also been increased. The majority of parking for this accommodation would be hidden below ground to allow the space around the buildings to be left open. It is therefore considered that together with the sympathetic choice of roof materials (pitched/tiled), the effect on views from the opposite valley will be reduced and that the development can be supported, with regard to Policy ENV1 of the SOLP and SD3 of the JHHNDP.
- 7.14 Over 30 % of the site will be dedicated to open space/landscaping provided in the form of retained and dedicated biodiversity habitat and new areas of planting, wildlife corridors and communal open space, where existing mature TPO trees are to be retained. A central corridor of landscaping through the site will incorporate a belt of semi-mature woodland.
- 7.15 Previous concerns regarding the impact of lighting have been addressed through the revised approach to use low level directional bollards rather than lighting columns.

### **Heritage**

- 7.16 Policy ENV6 provides for the protection of the District's heritage assets. Policy ENV7 requires the setting of Listed Buildings to be conserved or enhanced. Under policy ENV8, proposals for development within or affecting the setting of a Conservation Area must conserve or enhance its special interest, character and setting.
- 7.17 This part of the Henley Conservation Area (HCA) is characterised by low density development and spacious plot sizes. The proposed layout responds to the existing heritage constraints by arranging lower density development to the north-east side where it relates more directly to the existing conservation area and the character of the Fairmile. Open space is also situated in the wider setting of the listed buildings which are situated to the east on Fairmile and adjacent to the retained TPO trees.
- 7.18 Concerns were also raised by Conservation Officer regarding: 1) the visual impacts of the larger blocks of development on higher ground and 2) potential impact of the proposed access on the character of Fairmile and its trees. As a result, amended plans have:

- 1) Reduced the scale of larger blocks and created adequate space between the site boundaries and plots on this steeply terraced part of the site
- 2) Clarified the retention of trees close to the proposed access road and additional screening

The Conservation Officer has confirmed that these amendments resolve the previous concerns.

- 7.19 Proposed samples of materials (brick, flint, stone window surrounds and detailing, clay roof tiles, timber boarding and render) are considered to be acceptable however an additional condition will be imposed to require a sample panel to be constructed on the site to ensure the colour and quality of all materials is appropriate in the context of the Henley Conservation Area and that the flints are suitably bedded in a traditional manner, and render is suitably muted.

### **Biodiversity and Trees**

- 7.20 Policy ENV2 seeks to avoid adverse impacts on sensitive ecological receptors (designated sites, priority habitats, protected species, etc.). Where adverse impacts are predicted, development must meet the tests outlined under the policy to be acceptable. These tests are related to need/benefit, reasonable alternatives and provision of mitigation/compensation. Policy ENV3 seeks to secure net gains for biodiversity. Where net losses are anticipated, it must be demonstrated that the mitigation hierarchy has been followed. Policy ENV2 of the JHHNDP requires development proposals to maintain and enhance the natural environment and its intrinsic ecological value. Environments and biodiversity should be enhanced and development proposals are encouraged to include tree and shrub planting. Policy ENV3 of the JHHNDP provides for the protection, maintenance and enhancement of trees.
- 7.21 With regard to biodiversity the habitats on site are important for bats, slow worms and dormice. The site supports foraging, commuting and roosting bats. and the loss of Field Cottage will require a derogation licence from Natural England to be implemented lawfully. The site also supports hazel dormice in woodland and scrub areas to the east of the site. As such, the clearance of woodland and scrub on site will require another derogation licence from Natural England to be implemented prior to any scrub/woodland removal works commencing on site. As much existing dormouse habitat will be retained on site as much as possible in the south-eastern corner of the site and to ensure improved connectivity around the site and off-site. Post development there will be around 1.28ha of high-quality habitat.
- 7.22 The site supports a population of slow worms within the field to the west of the site and the small area of grassland within the central part of the site. Due to the amount of development on the site, it is not possible to provide suitable replacement reptile habitat on the site. As such, it is proposed to undertake a capture-translocation exercise of reptiles on site to a receptor site which is

owned by Henley Town Council. The capture/offsite translocation exercise and ongoing long-term management will be secured under a s106 agreement.

7.23 The proposals, when assessed with the DEFRA biodiversity metric, conclude that development will result in a significant net loss of biodiversity, even when taking into account the offsite habitat creation for the reptile receptor site. The proposed development will result in a net loss of 18.79 biodiversity units. Usually, this disproportionate level of biodiversity net loss would indicate that the site is unsuitable for development. However, as the site is allocated for development in the neighbourhood plan officers are suggesting compensatory mitigation. To overcome this net loss, a biodiversity offsetting arrangement will need to be entered into with a local biodiversity offset provider. This matter can be dealt with via a planning condition.

7.24 Policy ENV1 states that development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes. The application proposes the removal of 57 trees which are mainly of limited arboricultural value and do not have significant amenity or landscape value. Out of a total of 166 trees (and two groups of trees), 109 trees and two groups of trees will be retained. All losses will be mitigated with replacement planting on site shown on the amended plans and secured by planning condition. With regard to proposed street tree planting, the use of underground crates will be required where space is restricted and conditions will require these details along with proposed soil volumes for planting in or adjacent to hard surface areas. Conditions will also require implementation of tree protection measures as proposed and to secure planting and its long term maintenance.

### **Transport and Parking**

7.25 In accordance with the requirements of policy TRANS4, the application is accompanied by a transport assessment. Policy TRANS5 requires all types of development to provide for a safe and convenient access for all users to the highway network.

7.26 Policy T1 of the JHHNDP requires development proposals to assess their impact on the local highways network. Policy T2 supports proposals which join up footpaths/cycleways into comprehensive networks. Identified projects will also be supported. Policy T3 development proposals will only be supported where it can be demonstrated that they will not have an unacceptable impact on highway safety. Additional opportunities to alleviate traffic congestion should be considered by improving pedestrian and cycling routes. Policy T6 requires development proposals to provide vehicle and cycle parking to meet the most up to date standards.

7.27 The main vehicular and pedestrian access is from the Fairmile. OCC Highways Officers require the development to provide a small ghost island on Fairmile at the proposed site access. This will be required by planning condition with details required prior to commencement of development. The Local Highways Authority also require the restricted byway outside the front of the site on

Fairmile to be resurfaced under a section 278 agreement. This is currently in a poor condition and its' improvement is necessary to enable residents to walk and cycle into Henley town centre safely between the access and Bowling Court. Concern has been expressed regarding the impact of this route on privacy and this is considered in the section on Residential Amenity

- 7.28 In accordance with the requirements of policy DS2 of the JHHNDP and TRANS5 of the SOLP, a new pedestrian and cycle link to Luker Avenue will be provided to create a convenient and additional link for residents traveling into Henley Town Centre. The path will cross land owned by SODC and will need to be a minimum of 3m wide. The applicant and SODC Property have been in discussion about the terms for this provision and options are currently being discussed. The County Council advise that this path should be constructed in accordance with specified details prior to occupation of the development. This can be secured by condition (details) and s106 agreement (implementation).
- 7.29 Some minor adjustments have been made to the proposed internal road layout which OCC Highways Officer have confirmed are acceptable:
- Revisions to the site access to demonstrate that a 11.6m refuse vehicle is able to pass a large car
  - One of the parking courts has been removed to improve the interface with the public realm.
  - Additional landscaping has also been added to other parking courts in order to break up groups of parking bays and add variety and interest in accordance with the Joint Design Guide.
- 7.30 The development proposes a total of 181 car parking spaces to be provided in garage/car ports, private under croft, allocated and unallocated spaces in lay-bys. Whilst provision for some of the plots is in excess of the recently adopted t OCC standards the proposal was designed in relation to the former standards. Given the location of the site a little way from the centre of Henley this level of parking is considered acceptable. Sustainable transport will be encouraged through the provision of the Luker Avenue link and improvements to the Fairway. In order to ensure the provision of adequate off-street car parking for visitors, OCC have requested that a condition will be imposed to ensure that the garage accommodation for plots 9, 10, 23,24 and 26 - 31 to be retained as garages and shall not be adapted for living purposes without the prior written permission of the LPA.
- 7.31 Cycle parking will be provided for each dwelling in accordance with SOLP policies TRANS2 and TRANS5. For dwellings this will be within the curtilage of their property and for the apartments, within a shared storage area.

### **Design and Layout**

- 7.32 Policies DES1, DES2 and DES7 of the SOLP and policy SD3 of the JHHNDP requires all new development to be of a high-quality design, using land efficiently, enhancing biodiversity, good layout and sustainable, taking into account local character and existing features. In accordance with policies

DES3 and DES4 of the SOLP and Policy H1 of the JHHNDP, the application is accompanied by a design and access statement and design brief/masterplan.

- 7.33 Policies SD1, SD1a and SD1b of the JHHNDP promote the lowering of carbon emissions through good building design and enhancement to the natural environment.
- 7.34 With regard to Policy DES7 of the SOLP, the site density is 15 dwellings per hectare. Whilst this is a lower density than is usually sought, since new development should make efficient use of land, the constraints of the site particularly the levels, wildlife habitats and the adjoining AONB landscape designation have led to a relatively low density. The layout responds to the higher density layout of Luker Avenue to the south, whilst larger dwellings are proposed to the north and complement the character of properties on Badgemore Track and Fairmile. Amenity space and ecological mitigation areas are situated to the south-east preserving the dormouse habitat.
- 7.35 The development proposes a variety of different house styles and layouts with different character areas to complement the context. Short terraces are proposed to give the appearance of cottages, and other areas designed to give the appearance of village streets. Given the topography of the site, buildings will be arranged on the contours where possible, providing for long views through the site with structural landscaping. Buildings have been designed to step up the levels without excessive engineering, and retaining structures (generally timber to 600mm and brick where retaining exceeds this) will be used for boundaries, along with stepped access in some places. Brick walls will be used extensively along with rural style black estate railings.
- 7.36 The majority of dwellings will be two storey with a typical eaves height of 5 - 6m from finished ground level and overall ridge heights around 10m. Properties have been designed using materials that are in keeping with the character of the area, with complementing design features such as 1.5 storey houses with dormers, projecting gables and porches. Given the topography and landscape sensitivity of the site it is advised that permitted development for roof conversions are to be removed.

## **Housing**

### **7.37 Affordable Housing**

In accordance with Policy H9 of the SOLP 2035, and the Ministerial Statement in 2021, the development proposes 40% affordable units. As there is a dwelling to be demolished the affordable housing will be based on the net increase. Therefore in relation to the net increase of 70 units this equates to 28 affordable homes. The following mix affordable mix is required:

- 25% First Homes
- 35% Social Rent
- 25% Affordable Rent
- 15% Other routes to home ownership



Policy H11 of the SOLP states that “a mix of dwelling types and sizes to meet the needs of current and future households will be sought on all new residential developments” and that the “mix of housing should have regard to the Council’s latest evidence and Neighbourhood Development Plan evidence for the relevant area”. The Council’s Housing team has advised on an appropriate mix to meet housing need.

7.38 The affordable tenure mix will be provided as follows:

*Table 2: Affordable tenure mix*

Tenure	Flats			Houses			Total
	1 bed flat	2 bed flat	3 bed flat	2 bed house	3 bed house	4+bed house	
<b>Affordable Rent</b>	2	4	0	0	0	0	6 (21%)
<b>Shared Ownership</b>	0	0	0	3	1	0	4 (14%)
<b>Social Rent</b>	0	0	0	6	5	0	11 (39%)
<b>First Homes</b>	2	4	0	1	0	0	7 (25%)
<b>Total</b>	4	8	0	10	6	0	28

7.39 The proposed affordable housing tenure meets the requirements set out in policy H9 of the SOLP and policies H2 and H3 of the JHHNDP. First Homes will be delivered in line with the Government’s First Homes guidance.

7.40 The application originally proposed a concentration of affordable units, however revised layout plans have now sought to distribute these more evenly across the site in clusters of no less than 15 units (8 units, 10 units and 12 units respectively). The design of the affordable units would be indistinguishable from market housing. I am therefore satisfied that affordable housing would meet the required standards and would be of a size and type which meets the requirements of those in housing need. The appropriate mix will be secured in a S106 legal agreement.

### Market Housing

7.41 With regard to policy H11 of the SOLP, and the most up to date District needs assessment illustrated in the Strategic Housing Market Assessment (SHMA) for Oxfordshire (April 2014), and shown in *Table 4* below, the market mix is slightly concentrated for 3 bed units. However, the Henley and Harpsden Housing Needs Assessment (HHNA), used for the NDP identifies a need for three bedroom homes compared to the rest of the District and as a result, the recommended size mix of new housing focuses on dwellings of three bedrooms.

*Table 4: SHMA and proposed market housing mix*

7.42	No. of beds.	SHMA (market)	SHMA required for this scheme #	Application Proposal
	1 bed	5.7%	2	2
	2 bed	26.7%	12	9
	3 bed	43.4%	19	21
	4+ bed	24.2%	10	11
	<b>Total</b>	100%	43	43

7.43 The proposed mix does not vary significantly from the recommended SHMA guidance and also addresses the NDP requirements and is therefore supported.

Accessibility and Space Standards.

7.44 Policy H11 also requires all affordable units and at least 15% market property to be designed to meet the standards of Part M (4) Category 2: accessible and adaptable dwellings. Three dwellings will be wheelchair adaptable, two (7%) affordable and one market. Nineteen of the affordable dwellings (66%) and 25% of the private dwellings (58%) will be compliant with Building Regulations. This would need to be secured by planning condition. Minimum space standards would also need to be secured for both market and affordable dwellings.

**Residential amenity**

7.45 Policy DES6 requires that development proposals should demonstrate that they will not result in significant adverse impacts upon the amenity of neighbouring uses, in terms of loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, or external lighting. The South and Vale Design Guide requires back to back distances of 21 metres between facing habitable rooms; back to boundary a minimum of 10.5 metres; back to side minimum of 12 metres and front to front a minimum of 10 metres. Where there are level changes it may be necessary to require in excess of this.

7.46 Concern has been expressed from existing adjacent residents regarding the proximity of the development and potential for overlooking/loss of privacy. The nearest residential property is 27 Fairmile which is over 26 metres from the nearest new dwelling which is positioned side on (its flank having no first-floor windows) and will be separated by a landscape buffer. Further north, Mile Edge is situated within a larger plot backing onto proposed plots 53 and 54. Plot 55 would sit side on. The back to back distances here are 33 metres. There is also a substantial 3m hedge which will be reinforced with new planting.

7.47 To the south, properties 120-128 Luker Avenue will back onto the southern boundary of the development but would mostly be separated from new dwellings by a landscaped strip measuring 19 metres deep and an access road resulting in an overall separation of 42 metres between properties. Numbers

106 to 120 Luker Avenue will back onto the new open space, the perimeter of which is proposed to incorporate structural planting for the dormouse habitat.

- 7.48 Towards the north, No's. 127-135 Crisp Road would be approximately 25 metres (back to side distance) at the closest point from the new detached dwelling at plot 33, meeting the Design Guide standards to ensure that privacy is maintained.
- 7.49 Badgemore Farmhouse sits in a large plot to the west of the application site and is over 50 metres from the boundary and between 55-60 metres from the apartments at plots 41-44 and plot 45 respectively. The roof terrace to the first floor garden apartment of plot 44 (Flat 4) could have sideways views over the garden and therefore it is recommended that a condition is imposed requiring this terrace to be screened with a 1.8m high screen on the flank to protect the neighbouring property.
- 7.50 Within the site, given the sloping nature of the site, properties have been designed without windows to habitable rooms positioned where they could overlook. Overall the proposed housing layout would not cause an adverse impact by reason of loss of privacy or overlooking to existing properties and accords with the objectives of policy DES6 of the SOLP and the standards in the Design Guide.
- 7.51 Representations have been made from the occupiers of the western end of Luker Avenue regarding the proposed pedestrian/cycle path connection and potential impact on their properties. The new path will be constructed to the south-west of the existing footpath serving 114-120 Luker Avenue on an area of grass adjacent to a mature tree (see *figure 2* below and [Appendix 5](#) for more detail).



Figure 2: Proposed pedestrian/cycle link to Luker Avenue.

7.52 Whilst the creation of the link will increase activity in this location, it is a key part of the NDP policy DS2 allocation, and also meets the objectives of policies ENV1, T1, T2 and T3 of the JHHNDP and policy TRANS5 of the SOLP. The link will provide enhanced connectivity to services and facilities in Henley, including access to the nearest primary school and facilitate less on the car for transport. Full details of the construction of the path will be required under planning condition and its implementation secured under s106 agreement.

### Amenity Space

7.53 With regard to policy DES5 of the SOLP, each affordable flat will have its own private amenity space in the form of private terraces or balconies. All properties will have adequate size gardens proportional to the size of the dwelling, although some of these are constrained by topography so are wider rather than longer. Revisions to the layout at the top of the site have also significantly improved the garden sizes of the three houses in the south western corner of the site.

7.54 Policy CF5 also requires new development to provide or contribute towards new accessible open space and play facilities, having regard to the Council's

most up to date standards. The development provides an area of open space to the south east of the site which will incorporate a children's play area, woodland path and kickabout area/wider area of amenity grass with seating which has been created due to repositioning of the play area between the two tree groups. It is considered that the development accords with the provisions of policy CF5 of the SOLP and approximately 0.6ha of open space will be secured in the s106 agreement. A planning condition will require full details to be submitted along with provisions for long term management and maintenance.

### **Air Quality**

- 7.55 Policy ENV1 of the JHHNDP requires development proposals to include measures to minimise air pollution and incorporate best practice in the design, construction and operation of the development. Policy T4 supports the provision of electric vehicle charging points,.
- 7.56 No objections are raised regarding the impact of the development on air quality in the area. The air quality modelling report submitted with the development concludes that such impacts will be 'negligible'. Based on the size and location of the proposed development nearby to the Henley air quality management area, the increased traffic associated with the development will contribute to the pollution within the air quality management area even if it is classed as 'negligible'. In order to protect public health from the cumulative impact of developments and the impact on the air quality management area, mitigation is required and conditions will be imposed regarding:
- 1) Electric charging points for residential dwellings (1 per house and 1 per every 10 flats.
  - 2) Gas fired boilers to meet a minimum standard
  - 3) All residents to be provided with sustainable travel packs
  - 4) All dwellings to have cycle storage

### **Environmental Matters (Contamination, waste and drainage)**

- 7.57 The application is accompanied by various ground investigation reports which did not indicate the presence of land or gas contamination of concern to the development. However, further information is required on recent investigations and this will be required under planning condition.
- 7.58 The proposed layout takes into account the requirements of policy DES1 of the SOLP in respect of waste management. Details on the construction of access road in respect of waste collection vehicles and tracking details can be secured via planning condition.
- 7.59 Whilst some concerns have been expressed from local residents regarding drainage, no objections have been raised by Drainage Officers or the Lead Local Flood Authority (LLFA). The development complies with the requirements of policy EP4 of the SOLP. Standard conditions are recommended regarding

the need for a sustainable drainage scheme; SUD's compliance report and a foul drainage scheme.

**7.60 Archaeology**

With regard to policies ENV9 of the SOLP and policy DS2 of the JHHNDP, the site is located in an area of archaeological potential along the line of the Roman road running from Dorchester to Wargrave to Henley. Whilst some archaeological deposits (roman coins) have been found to the south-west of the application site, it is possible that further deposits could survive on un-investigated areas of the site. A staged programme of archaeological investigation to be maintained during the period of construction and this will be required by planning condition.

**7.61 Energy Efficiency/Sustainability**

With regard to the requirements of policies DES7, DES8 and in particular DES10 of the SOLP, the application is accompanied by an Energy and Sustainability Statement which confirms that the development will incorporate:

- Energy Efficiency measures which exceed Part L of the Building Regulations through enhanced insulation, improved air tightness and ventilation, heating and hot water demand supplied by heat pumps
- Water Efficiency measures in the form of flow control devices and water efficient fixtures and fittings with a maximum target daily water consumption of 110 litres/person/day including 5 litres for external water use;
- Waste and recycling provision
- Sustainable construction materials
- Sound insulation
- Sustainable transport options
- Biodiversity and ecology enhancements

On this basis, the development complies with the requirements of policy DES10 of the SOLP which requires that new build residential dwelling houses achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base. A condition will need to be imposed to ensure implementation and verification of the measures proposed.

**7.62 Infrastructure**

On-site infrastructure is to be secured through a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended). In this case, affordable housing (including First Homes, as specified in the report) would need to be secured through provisions of a S106 in line with policy H9.

The following infrastructure and wildlife mitigation will also be secured by legal agreement:

- Pedestrian/Cycle path to Luker Ave
- Provision of open space and play areas for use by the public

- Translocation of slow worms-Offsite translocation for reptile receptor site.

7.63 In accordance with the council's S106 Planning Obligations Supplementary Planning Document the following financial contributions would be required towards on-site infrastructure:

- Provision of recycling / refuse bins - £186 per dwelling x 71 dwellings=£13,206
- Street naming and numbering - £268 per 10 houses =£1,340
- Monitoring fees

These contributions would need to be index linked in accordance with the fee schedule which is available to view on the Councils website.

7.64 In relation to transport Oxfordshire County Council have sought the following contributions (index linked) and provisions to directly mitigate the impact of the development:

- Public transport services contributions towards enhancing the 153 and/or x38 service for leisure and utility respectively - £75,000
- Public Transport infrastructure (if not dealt with under S278/S38 agreement) towards bus stop pole and flag including contingencies-£5,000
- Traffic Regulation Order (change of location of speed limit order TRO- £10,000
- Travel Plan monitoring fee - £1,240
- 

7.65 With respect to education, the demands have been assessed by the County Council in accordance with the increase in population and its age profile, based upon the net number of dwellings and the notified mix. The proposed development will increase the demands placed on local infrastructure and services. However, there is sufficient capacity in all schools in the area at this time to meet the demands arising from the development. The County Council are not seeking any contributions towards education.

7.66 The developer has agreed to the heads of terms for the S106 agreement. I consider that these contributions / obligations accord with policy INF1 of the SOLP, 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.

### **Community Infrastructure Levy (CIL)**

7.67 This development will be liable to CIL. The Council formally adopted its revised CIL Charging Schedule on 8 December 2022. This schedule came into effect on 3 January 2023 and replaces the CIL Charging Schedule (April 2016).

7.68 Henley Town Council would receive 25 per cent of the CIL because they have a made neighbourhood plan. CIL money is to be spent on infrastructure projects that can benefit the community.

## **8.0 CONCLUSION**

8.1 It is recommended that planning permission is granted for the development. The site is allocated for housing in the Joint Henley and Harpsden Neighbourhood Plan and would provide significant benefits in terms of providing additional housing, including affordable housing. The proposal complies with the Development Plan policies and subject to the attached conditions and accompanying legal agreement would provide an appropriate form of development in a sustainable location, given the constraints within the site.

8.2 The amended scheme is now acceptable in relation to earlier landscape, biodiversity, heritage and highway concerns. The development provides good access and connections to wider development. The site layout has responded well to the heritage constraints with lower density development and open space adjacent to the Henley Conservation Area. In respect of ecology, appropriate mitigation is proposed for dormice and slow worms. The impact of the development on the AONB has been fully assessed and long-distance views would be mitigated with additional landscaping and reductions to the bulk and massing of the apartment blocks. The layout and design details of the housing are good quality and do not raise concerns in respect of residential amenity. Through negotiation with the applicant, revised plans have secured a high-quality scheme and the scheme is recommended for approval.

## **9.0 RECOMMENDATION**

**To authorise the head of planning in consultation with the chairman of Planning Committee to grant planning permission subject to:**

**i) the prior completion of a Section 106 agreement with Oxfordshire County Council and the District Council to secure**

- affordable housing**
- on site open space**
- pedestrian and cycle access to Luker Avenue**
- off-site translocation of reptiles**
- financial contributions and other obligations stated above, and**

**ii) the following conditions**

- 1. Commencement of Development - Full planning permission**
- 2. Approved Plans**
- 3. New vehicular access into site –including ghost island on Fairmile**
- 4. Vision Splay Details**
- 5. Samples of materials and sample panel**
- 6. Details of balcony/terrace screening**
- 7. Levels**
- 8. Landscaping details (including planting, retaining features and details of open space equipment)**
- 9. Landscape Management**
- 10. Details of tree pits**
- 11. Archaeology Written Scheme of Investigation**



12. Archaeology Staged Programme of archaeological evaluation and mitigation
13. Details of construction of pedestrian and cycle link to Luker Avenue
14. Turning areas and parking spaces
15. EV Charging details
16. Cycle parking facilities
17. Estate access, driveways and turning areas
18. Construction Traffic Management Plan
19. Construction Method Statement including hours of construction
20. Travel Plan Statement and Travel Information Pack
21. Contaminated Land-further investigations following vegetation clearance
22. Sustainable drainage scheme based on surface water drainage strategy
23. SUD's compliance report
24. Foul drainage scheme
25. Water network upgrades confirmation prior to occupation
26. Construction Environmental Management Plan for Biodiversity (CEMP)
27. Biodiversity Offsetting scheme
28. Biodiversity Enhancement Plan
29. Lighting details
30. Refuse and Recycling storage
31. Tree Protection in accordance with submitted Arboricultural Method statement Rev B and Tree Protection Plans Rev J.
32. Withdrawal of Permitted Development – Roof extensions and conversions
33. No garage conversion for plots 9,10,23,24 and 26-31
34. Internal dimensions to meet National Space Standards
35. Low nitrogen oxide boilers
36. Sustainability measures as approved
37. Energy Statement Compliance and Verification
38. Broadband infrastructure

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