

<b>APPLICATION NO.</b>	<a href="#">P22/S3033/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	18.8.2022
<b>PARISH</b>	HENLEY-ON-THAMES
<b>WARD MEMBER(S)</b>	Ken Arlett Kellie Hinton Jo Robb Stefan Gawrysiak James Norman
<b>APPLICANT</b>	Elysian Henley LP and Aerof Henley Limited
<b>SITE</b>	The Smith Centre Fairmile Henley-on-Thames, RG9 6AB
<b>PROPOSAL</b>	Demolition of the existing office floorspace and construction of an Extra Care residential development (C2 Class Use) together with ancillary amenity spaces, landscaping, car and cycle parking and associated plant. (As amplified by additional information received 30 January 2023 and amended by plans and information received 27 February 2023, 8 and 16 August 2023)
<b>OFFICER</b>	Nicola Smith

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is presented to Planning Committee as the Officer’s recommendation is contrary to the opinion of the Town Council, who object to the application. Furthermore, Councillor Ken Arlett has requested that the application is brought to Committee.
- 1.2 This site is located to the south west of Fairmile A4130 with the vehicular access directly from the road. The front boundary is well screened from the Fairmile by a number of mature trees, continuing the tree lined road extending from the built-up area of Henley. The Fairmile cemetery is located to the north west of the site and there are a number of scattered properties on the north east side of Fairmile. To the south and west, the site is bounded by agricultural land and woodland. A location plan can be found at **Appendix A**. The site is located in the Chilterns AONB and adjacent to the recently extended Henley Conservation Area.
- 1.3 The Smith Centre is a 1.7 hectare site which contains a number of vacant office buildings located to the north of Henley on Thames, accessed from the A4130 Fairmile, close to the junction with the B480. The site was originally developed in the 1890s as an isolation hospital, and three of the buildings (known as Duke of York, Smith, and Skipper buildings) remain on the site. In the 1990s permission was granted for conversion of the buildings to office use as well as the construction of three further buildings (known as Holdsworth, Bix and Gundersen buildings). The site became vacant in 2017 and has not been

used since then. A large part of the remainder of the site is under hardstanding used for parking and circulation as well as amenity space for the offices. The north- western portion of the site is not developed, but has been used to store the soil removed in the levelling of the areas developed in the 1990s. A plan showing the site as existing can be found at **Appendix B**.

1.4 The development proposes to remove all existing buildings on the site and replace them with a single building with elements of varying heights between two and five storeys in height, the proposal will contain 108 units of older persons accommodation (C2 use) as well as communal facilities available to the residents. Car parking is provided at the front of the site and garden areas are created to the rear and side (north west) of the building. A plan showing the proposed site layout can be found at **Appendix C**.

1.5 During the application process the proposal has been amended significantly in response to comments from technical consultees. The most significant of those revisions is the reduction in the massing of the building across all elements, removing a significant portion of the uppermost floor, and setting back projecting elements along the front elevation. The building has also been reduced in size to allow more space around two protected trees which are to be retained. The amount of glazing on the upper floors has also been reduced significantly. The number of units proposed has been reduced from 115 to 108 as a result of these amendments.

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

All consultation responses can be found on the application file on the website at the following address:

<https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P22/S3033/FUL>

2.1

<b>Consultee</b>	<b>Original comments</b>	<b>Comments on latest revision</b>
Henley-on-Thames Town Council	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• The site is not allocated in either the South Oxfordshire Local Plan or the Joint Henley and Harpsden Neighbourhood Plan.</li> <li>• The development would not accord with Policy H9 of the Local Plan due to the lack of affordable housing being proposed.</li> <li>• It would result in overdevelopment in the AONB, with the scale being out of keeping with the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Reiterated previous comments</li> </ul>

	<ul style="list-style-type: none"> <li>• This would be in conflict with policies ENV1, DES1 and DES2 of the Local Plan.</li> <li>• This type of development is not needed for the Town</li> </ul>	
Bix & Assendon Parish Council	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• The scale of the buildings on the edge of the AONB is too large</li> <li>• The style of the proposed buildings and the proposed materials are not in sympathy with the surrounding or the site's history</li> <li>• The parking allowance appears inadequate</li> </ul>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• Based on size and design not in keeping with the surrounding rural location.</li> <li>• The revisions have not alleviated our concerns</li> </ul>
Conservation Officer	<p><b>Further information required</b></p> <ul style="list-style-type: none"> <li>• It is unclear what impact the proposed scheme would have upon the significance of the extended Henley on Thames Conservation Area</li> </ul>	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>• Any impact on the setting of the Henley Conservation Area, would be localised and low level</li> </ul>
Countryside Officer	<p><b>Holding Objection</b></p> <ul style="list-style-type: none"> <li>• Additional surveys are required to assess the impacts of the application</li> <li>• A Biodiversity metric is required</li> </ul>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• The proposal will result in the loss of the onsite Lowland Calcareous Grassland, which is a Priority Habitat.</li> <li>• The uncompensated loss of a small area of chalk grassland within the Chilterns is a significant adverse ecological impact.</li> </ul>
Drainage Officer	<p><b>No objection</b> subject to conditions to</p> <ul style="list-style-type: none"> <li>• Provide a detailed surface water drainage scheme</li> <li>• Provide a detailed geo-environmental risk assessment</li> <li>• Provide a SUDS Compliance report</li> </ul>	<p><b>No further comments</b></p>

	<ul style="list-style-type: none"> <li>• Provide a detailed foul drainage scheme</li> </ul>	
Forestry Officer	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• The scale of the proposed development fails to take into consideration the tree constraints</li> </ul>	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>• The amended design and additional information has now addressed the majority of my previous concerns</li> <li>• Conditions requested to provide an Arboricultural Method Statement, a drainage scheme, detailed landscaping information and suitable tree pits.</li> </ul>
Air Quality	<p><b>Conditions requested</b></p> <ul style="list-style-type: none"> <li>• To require best practice including electric car charging points, sustainable travel packs cycle parking and boiler standards.</li> </ul>	<b>No further comments</b>
Contaminated Land	<p><b>No objection</b> subject to conditions</p> <ul style="list-style-type: none"> <li>• To ensure that any contaminated land risks are addressed</li> </ul>	<b>No further comments</b>
Housing Development	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• The application does not make provision for affordable housing and asserts that it is not financially viable to provide through the summary accompanying the application</li> </ul>	<p><b>Comments</b></p> <ul style="list-style-type: none"> <li>• The application does not make provision for affordable housing, however, the findings of the Financial Viability Assessment are accepted.</li> </ul>
Landscape Architect	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• The overall increase in footprint, bulk and height would be prominent and somewhat incongruous for its location.</li> <li>• The proposed redevelopment of the site needs to be reworked to a scale that more closely reflects the current built parameters of the site, especially height</li> </ul>	<p><b>No Objection</b></p> <ul style="list-style-type: none"> <li>• I have no in principle objection to the redevelopment of the site.</li> <li>• The amendments to the scheme reduce the amount of built form at the highest storey.</li> <li>• The 5th storey element has been reduced concerns about the impact of lighting on the</li> </ul>

	<ul style="list-style-type: none"> <li>• A lower build height would also reduce the impact of the proposed building has on Fair Mile and its associated footpaths</li> <li>• The proposed development would have an adverse effect upon the character and appearance of the area and the wider AONB. This would conflict with policies STRAT1, DES1 and DES2 of the Local Plan.</li> <li>• There would also be conflict with the relevant policies in the NPPF</li> </ul>	<p>wider landscape are reduced.</p> <ul style="list-style-type: none"> <li>• The proposed redevelopment of the existing brown field site would have a limited adverse effect upon the character and visual appearance of the area and the wider AONB</li> <li>• Conditions are required to cover the detailed planting design, implementation and management of the proposed landscape design, including ensuring sufficient rooting volumes are proposed for the tree planting near hard surfaces.</li> </ul>
Oxfordshire County Council Transport	<p><b>Holding objection</b></p> <ul style="list-style-type: none"> <li>• A detailed plan for the proposed site access with the demarcated footway including dimensions is required.</li> <li>• A Stage 1 Road Safety Audit (RSA) audit for the site access is required.</li> <li>• A long section of the site access is required.</li> <li>• The site layout is required to be revised, to provide a safe pedestrian route through the site between the site access and the reception area;</li> <li>• The proposed cycle parking is required to be located in a convenient and secure location close to building entrances.</li> </ul>	<p><b>Holding objection</b></p> <ul style="list-style-type: none"> <li>• The proposed cycle parking is required to be located in a convenient and secure location close to building entrances.</li> <li>• OCC will be unable to adopt the site as the internal site has not been designed to adoptable standards</li> <li>• Conditions required to provide Green Travel Plans to residents and for a Construction Management Plan.</li> <li>• Section 106 contributions required for Travel Plan monitoring, public transport services and bus stop improvements.</li> </ul>
Oxfordshire County Council Lead Local Flood Authority	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>• Subject to conditions for a surface water drainage strategy</li> </ul>	<p><b>No further comments</b></p>
Oxfordshire County	<p><b>No objection</b></p>	<p><b>No further comments</b></p>

South Oxfordshire District Council – Planning Committee - 22 November 2023

Council Archaeologist	<ul style="list-style-type: none"> <li>There are no archaeological constraints to this scheme.</li> </ul>	
Thames Water	<b>No objection</b>	<b>No further comments</b>
Waste Management Officer	<p><b>Further information required to</b></p> <ul style="list-style-type: none"> <li>Specify bin storage points as well as number of bins</li> <li>Specify waste collection entry to site,</li> <li>Show a full sized collection vehicle moving around site, making collections, turning and exiting.</li> </ul>	<p><b>No objections</b></p> <ul style="list-style-type: none"> <li>Main bin store shows correct capacity of bins</li> <li>The management team will aid the disposal of waste to the main bin store area</li> <li>The swept path analysis shows plans for our standard refuse vehicle 11.5M length to enter and exit, with a turning circle.</li> </ul>
Energy Assessor	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>Does not comply with DES10</li> <li>A SAP report must be provided with the Statement for all plot types</li> <li>An SBEM report must also be provided for the common areas</li> </ul>	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>Complies with DES10</li> </ul>
Oxfordshire Fire and Rescue	<p><b>No objection</b></p> <ul style="list-style-type: none"> <li>It is taken that these works will be subject to a Building Regulations application, to ensure compliance with the functional requirements of The Building Regulations 2010</li> </ul>	<b>No further comments</b>
Chilterns Conservation Board	<p><b>Holding Comments</b></p> <ul style="list-style-type: none"> <li>More information on visual impact, potential design revision and affordable housing policy is required</li> </ul>	<p><b>Objection</b> (dated 8 March 2023)</p> <ul style="list-style-type: none"> <li>The bulk of the proposal from the bridleway /PROW results in far too big a building, within this part of the AONB.</li> <li>Suggest to remove the upper level and utilise the light spillage condition to all remaining glazing.</li> <li>The lack of affordable housing must diminish the level of public</li> </ul>

		benefits to be factored in when discharging the exceptional development test.
The Henley Society	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• We are concerned about this huge development in the Chilterns AONB and we suggest rejection on the grounds of Henley being already served by sufficient Care Homes anyway.</li> <li>• Lack of affordable housing negates compliance with NPPF 177</li> <li>• Contrary to the SOLP and JHHNP</li> <li>• Landscape Impact not only because it is in the AONB but also the Conservation Area</li> </ul>	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• Whilst we note that the built form of the proposed building has been reduced, it does not address any of the issues raised in our previous objection:</li> <li>• Compliance with NPPF 177 unproven</li> <li>• Contrary to the SOLP and JHHNP</li> <li>• Landscape Impact not only because it is in the AONB but also the Conservation Area</li> <li>• Lack of Affordable housing</li> <li>• Insufficient Information</li> </ul>
CPRE South Oxfordshire	<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• The development would be harmful to the landscape of the Chilterns AONB; the proposal would neither enhance nor conserve the landscape in this very prominent location.</li> </ul>	<b>No further comments</b>
Members of the public	<p><b>Objection</b></p> <p><b>Fourteen</b> responses to consultation have been received in objection to the proposal, making the following points:</p> <ul style="list-style-type: none"> <li>• There are too many retirement homes in Henley already</li> <li>• Increase in traffic</li> <li>• The application does not utilise any of the present structure but demolishes all the existing building</li> <li>• What is really needed in the town is affordable</li> </ul>	Two responses to re-consultation are received from objectors stating that the revisions do not alter the objections.

	<p>good quality social housing for local people.</p> <ul style="list-style-type: none"> <li>• Increase pressure on local services e.g. GP practices</li> <li>• Increased size and scale relative to the existing structures</li> <li>• Lack of parking</li> <li>• Lack of affordable housing</li> <li>• Overdevelopment of this Area of Outstanding Natural Beauty</li> <li>• This is development is not part the of Joint Henley and Harpsden Neighbourhood Plan.</li> <li>• it is over a mile from the centre of Henley with poor public transportation</li> <li>• The original hospital buildings do have merit and they at least should be retained</li> <li>• The proposed design is in keeping with a town centre and not an Area of Outstanding Natural Beauty</li> </ul> <p><b>Support</b>  <b>Twenty eight</b> responses to consultation have been received in support of the application making the following points:</p> <ul style="list-style-type: none"> <li>• It is of a high standard and will provide much- needed, albeit upmarket, residential properties</li> <li>• The company has offered their own direct transport link for residents</li> <li>• A willing developer wishes to breathe life into this truly wonderful site, rather than let it remain a redundant eyesore</li> <li>• The site is ideal for a retirement residence</li> </ul>	
--	--	--

	<ul style="list-style-type: none"> <li>• The proposal would make use of a site which was previously developed land</li> <li>• The development will be more in keeping with the existing surrounding area than the current buildings.</li> <li>• If the application is granted this will release family homes in South Oxfordshire</li> <li>• The Extra Care model sounds like a good solution to a growing problem for many older people who want to stay independent</li> <li>• The company have a history of good developments .</li> <li>• The proposed facility will be useful for our community</li> <li>• Increase the number of care jobs in Henley</li> <li>• If a derelict space is being put to good use instead of being left to ruin or be demolished, it can only be a good thing</li> <li>• There is a desperate need for more elderly housing in the area.</li> <li>• Good for businesses and local jobs.</li> </ul>	
--	---	--

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P19/S2662/FUL](#) - Approved (30/10/2019)

Proposed creation of new openings and external alterations to Duke of York building, Smith building, Gundersen building, Bix building, Holdsworth building and Skipper building. Demolition of existing link building between Holdsworth and Skipper buildings and demolition of external staircase and rear platform at ground floor level at Gundersen building.

[P19/S2661/N1A](#) - Approved (18/10/2019)

Proposed change of use of office buildings to 78 residential dwellings.

[P18/S2228/N1A](#) – Prior Approval not required (22/08/2018)

Proposed conversion of Office building to 36 flats with car and cycle parking.

[P17/S1499/FUL](#) - Approved (15/06/2017)

Erection of safety handrails to the existing first floor bridge, new handrail by steps and new stairway exit.

[P16/S1197/PDO](#) - Prior Approval not required (27/05/2016)

Change of use from office to residential.

[P08/E1321](#) - Approved (28/01/2009)

Creation of a new contemporary cafe pavilion in the existing car park area of The Smith Centre.

[P08/E0727](#) - Approved (25/09/2008)

An existing compound to be roofed for storage.

[P08/E0221](#) - Approved (08/08/2008)

Conversion of basement car parking area to office and storage accommodation and the provision of a new external deck car park structure to provide replacement and new car parking spaces.(As amended by drawing numbers PL001C, 100D and 160D accompanying Agent's letter dated 13th June 2008 and drawing number PL200C received 7th August 2008).

[P98/S0411](#) - Approved (09/10/1998)

Redevelopment for B1 office use incorporating the retention, refurbishment and alteration of three existing Victorian buildings, plus associated car parking, landscaping and alteration to site access (as amended by agent's letter dated 21 August 1998 and accompanying drawings nos. 98030/P03A and P1000F, by letter dated 28 August 1998 and accompanying letter dated 28 August 1998 and drawing no. 485/SK09C, by agent's letter dated 2 September 1998 and accompanying drawing no. 98030/P02B, and by fax dated 10 September 1998).

[P97/S0513](#) - Approved (02/03/1998)

Redevelopment of Smiths Hospital site for B1 office use, incorporating the retention and conversion of three existing Victorian buildings, plus associated parking, landscaping and access alterations (as amended by drawing no. 97526/103A accompanying agents' letter dated 9 September 1997 and corrected by letter dated 2 March 1998).

[P91/S0700/O](#) - Approved (09/10/1992)

Erection of a new office building and associated parking. Demolition of dilapidated buildings. Retention and conversion of existing two storey house to provide staff restaurant and caretaker living accommodation and one car parking space.

[P72/H1062](#) - Approved (24/11/1972)

EXTENSION OF EXISTING SCHOOL BUILDINGS TO FORM NEW LAVATORY ACCOMMODATION. MATERIALS TO MATCH THOSE ON EXISTING GYMNASIUM.

[P72/H0802](#) - Approved (02/08/1972)

Revised position of holder single classroom transportable unit.

[P72/H0005](#) - Approved (24/01/1972)  
Erection of 1 single classroom transportable unit.

[P60/H0944](#) - Approved (22/12/1960)  
Erection of prefabricated wooden building as offices for medical research as part of activities of hospital.

3.2 A number of the above planning applications are in relation to applications that are known as “prior approvals.” Under the provisions of Class O of the Town and Country Planning (General Permitted Development) Order (GPDO) some offices can be converted to houses or flats under 'permitted development' rights, without the need to apply for planning permission. Changing an office to residential use is subject to a 'prior approval' process which looks at the impact of development on transport and highways, contamination risks and flooding risks on the site. These are not applications for planning permission in the usual way, but an opportunity for the Local Planning Authority to consider/approve a limited number of details.

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 This proposal does not constitute Schedule 1 or 2 development and therefore an Environmental Impact Assessment is not required.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory Development Plan comprises:

- The South Oxfordshire Local Plan 2035 adopted December 2020, and
- Joint Henley and Harpsden Neighbourhood Plan made (adopted) 8 December 2022.

##### **South Oxfordshire Local Plan 2035 (SOLP) Policies:**

STRAT1 - The Overall Strategy

STRAT5 - Residential Densities

H1 - Delivering New Homes

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

H9 - Affordable Housing

H11 - Housing Mix

H13 - Specialist Housing for Older People

EMP3 - Retention of employment land

INF1 - Infrastructure Provision

INF4 - Water Resources

TRANS2 - Promoting Sustainable Transport and Accessibility

TRANS4 - Transport Assessments, Transport Statements and Travel Plans

TRANS5 - Consideration of Development Proposals

ENV1 - Landscape and Countryside

ENV2 – Priority Habitats and Species

ENV3 - Biodiversity

- ENV5 - Green Infrastructure in New Developments
- ENV6 - Historic Environment
- ENV8 - Conservation Areas
- EP1 - Air Quality
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- DES1 - Delivering High Quality Development
- 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
- DES9 - Renewable Energy
- DES10 - Carbon Reduction
- CF5 - Open Space, Sport and Recreation in New Residential Development

**5.2 Neighbourhood Plan**

The Joint Henley and Harpsden Neighbourhood Plan Review was made (adopted) on 8 December 2022. The site lies within the Neighbourhood Plan area and following policies are relevant to this application:

- ENV1: Air Quality
- ENV2: Biodiversity
- ENV3: Trees
- SD1: Minimising Carbon Emissions
- SD1a: Fabric First Approach
- SD3: Local Character
- H2: Affordable Housing
- T1: Impact of Development on the Transport Network
- T2: Active Travel
- T4: EV Charging Point
- T6: Parking and Standards

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

**5.4 National Planning Policy Framework and Planning Practice Guidance**

**5.5 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.

6.0 **PLANNING CONSIDERATIONS**

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

- **Principle of development**
- **Retention of employment land**
- **The need for older person’s housing**
- **Major development in the AONB**
- **Landscape impact**
- **Biodiversity**
- **Impact on protected trees**
- **Impact on heritage assets**
- **Design and appearance**
- **Affordable housing**
- **Access and parking**
- **Carbon reduction**
- **Other material considerations**

**Principle of development**

The Spatial Strategy

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Policy STRAT1 of the South Oxfordshire Local Plan 2035 sets out the overall strategy for the District. It seeks to focus most major new development at the growth point of Didcot as well as the Strategic Allocations. The towns of Henley, Thame and Wallingford are also focus points for development and regeneration. In considering whether the proposed development meets the spatial strategy there are several key matters comprising:

- The benefit of retaining the land for employment use
- The need for older persons housing
- That the proposal is major development in the AONB

6.3 The application site comprises previously developed land, the development of which is supported by policy H1 Part 4 of the South Oxfordshire Local Plan which states, “The residential development of previously developed land will be permitted within and adjacent to the existing built up areas of towns, larger villages and smaller villages. The Council will also support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”. Furthermore, the NPPF, at paragraph 120 requires policies and decisions to “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;.”

6.4 The development is not within a settlement, although it is close to Henley and has access to facilities and services, a matter which is discussed below in paragraph 6.13. The principle of redeveloping this brownfield site is supported

by policy as it would upgrade disused land and provide the opportunity to enhance the site.

- 6.5 Policy H3 requires neighbourhood plans to make provision for a minimum housing requirement, for Henley at least 1,285 homes should be delivered in the plan period. The recently reviewed Neighbourhood Plan makes allocations for a total of 377 new homes. The application site is not allocated for development in the Neighbourhood Plan but that doesn't in itself preclude the consideration of the site for housing.
- 6.6 Policy H1 part 3 identifies the situations where new residential development on non-allocated sites can be acceptable. Criterion ii) states "it is for specialist housing for older people in locations with good access to public transport and local facilities." Further discussion of the need for older person's housing can be found below, however this criterion is met by the proposal this case and the site is therefore considered appropriate for residential development when assessed against policies H1 and H13. Moreover, the site is currently in employment use, and is also located in the Chilterns AONB, and those aspects need to be considered.
- 6.7 As detailed in the Planning History section above, the site has been subject to a number of 'prior approval' applications for the conversion of the offices to residential units under the provisions of Class O of the Town and Country Planning (General Permitted Development) Order (GPDO). This planning history is a material consideration in this case, however, it should be noted that the most recent application, granted in 2019, has now expired so this cannot be considered a true "fallback" position as there is not currently an alternative scheme that can be implemented.

**Retention of employment land**

- 6.8 The site is currently vacant, and has been for a number of years, but its last use was for offices and the site is considered to be in an employment use for planning purposes.
- 6.9 Policy EMP3 of the South Oxfordshire Local Plan seeks to protect and retain existing employment sites in order to promote and grow a balanced, sustainable economy and local services. As such the applicant must demonstrate that the requirements of policy EMP3 are met as proposals for the redevelopment or change of use of employment land to non-employment uses will only be permitted if:
- i) the applicants can demonstrate that any employment use is no longer viable; or
  - ii) it is evidenced that there is no market interest in the site following one year of active and effective marketing; or
  - iii) the development would bring about significant improvements to the living conditions of nearby residents, or to the environment.

Policy EMP3 requires only one of the criteria to be satisfied listed in the policy set out above. In addition to these requirements, the policy goes on to state "where there is no reasonable prospect of land or premises being used for

continued employment use, a mixed-use enabling development which incorporates employment space should first be considered.”

- 6.10 In order to show compliance with the requirements of policy EMP3 the applicants have submitted a Socio-Economic Statement, which details the demand for office space in the Henley market, together with a Marketing Report, which is appended to the Socio-Economic Statement. The statement identifies that the site was marketed for office space between October 2015 and August 2017. However, this was unsuccessful and none of the space was re-let. The properties were subsequently withdrawn from the market. Feedback included the poor quality of the buildings, isolation from the local business community and the distance from the town centre amenities and the train station. Further marketing of the site from 2017 was executed for a number of years without success whilst the site remained vacant.
- 6.11 Between 2016-2019 a series of prior approval applications, under Class O of the Town and Country Planning (General Permitted Development) Order (GPDO), were granted for conversion of the buildings from office to residential uses. Whilst the most recent prior approval has now expired, it is noted that the residential use of the site has been considered acceptable in terms of the conversion of the existing buildings. In assessing the proposal against EMP3, the redevelopment of this site for employment uses would be possible but is unlikely to be viable as this brownfield site is no longer particularly suited to employment use for the reasons cited above. The principle of a residential use on this previously developed site, is therefore considered acceptable, subject to compliance with other policies in the South Oxfordshire Local Plan and the Neighbourhood Plan.

**The need for older person’s housing**

- 6.12 The council acknowledges that there is a need for older persons accommodation in the district and policies in the Local Plan such as H13 are framed to generally support older persons housing. The most recent evidence the council has in respect of the need for this type of housing is contained within the Oxfordshire Strategic Housing Market Assessment (2014) (SHMA). The SHMA assesses projected growth of elderly people and takes into account existing stock (supply) to arrive a net need. The SHMA analysis shows a total of 133 units per 1000 population are required across the county dividing this over the twenty year period covered it results in a range of 65 – 105 units required per year to be delivered within South Oxfordshire. These figures, however, have been challenged at appeal a number of times and found to be conservative estimates.
- 6.13 Policy H13 of the South Oxfordshire Local Plan relates to specialist housing for older people. Part 1 of this policy states that “Encouragement will be given to developments which include the delivery of specialist housing for older people in locations with good access to public transport and local facilities.” The proposal in this case is for 108 units of Extra Care accommodation in Use Class C2 (provision of residential accommodation and care to people in need of care). The Extra Care model provides private living units for older people together with communal facilities, including restaurant, library, communal meeting and event

space and is often referred to as a “retirement village” or “retirement community.” Where care is offered as part of ownership this model is accepted as being in C2 use and a suitable type of older person’s housing encouraged by policy H13.

- 6.14 This site is considered to meet the criterion of policy H13 requiring “locations with good access to public transport and local facilities”. Whilst the site is located outside of the built-up area of Henley public transport is easily accessible through the bus stop located immediately outside of the site, and also through the minibus services provided by the developer. This is a common feature of extra care developments and provides a bespoke service for the residents to access the local facilities of Henley and also other locations for shopping, leisure etc. A small range of facilities will be provided within the site including on site restaurant, communal areas for socialising, wellbeing facilities such as gym/ fitness classes and physical therapy. The bespoke transport service will also provide access to the facilities of the town centre that lies approximately two kilometres (1.2 miles) to the south east of the site.
- 6.15 South Oxfordshire district has received applications for a number of Extra Care developments in recent years, examples include the Little Sparrows site in Sonning Common, which is yet to commence construction, and the Shiplake Meadows site in Lower Shiplake, currently under construction. Both are similar to the application proposal in terms of the model offered. Both of these sites mentioned were refused by the council but were allowed on appeal due to the pressing need for older persons housing in the district. The Socio-Economic Statement submitted in support of this application sets out at section 4 the demand for extra care housing as assessed on behalf of the applicant. The need for older person’s housing is not disputed by Officers, and this type of development is considered to contribute towards meeting that need and is therefore acceptable in principle, subject to compliance with other policies of the Development Plan.

**Major development in the AONB**

- 6.16 Paragraph 176 of the NPPF states that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty [AONB] which have the highest status of protection in relation to these issues.”

Paragraph 177 goes on to state that “permission should be refused for major development [in AONBs] other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

Consideration of such applications should include an assessment of:

(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 6.17 Whilst the site is developed, the additional development in terms of built footprint and height is considered to be major development in the context of this paragraph and therefore exceptional circumstances, as set out in paragraph 177 of the NPPF, must be demonstrated if this proposal is to be considered acceptable.
- 6.18 The local, district level need for the development is considered in paragraphs 6.10 to 6.12 above. It is not disputed that there is a need for older persons housing in the district, however, this is also a national consideration as recognised by the draft NPPF (consulted upon December 2022) which proposed further support for specialist elderly person's housing.
- 6.19 In terms of the impact on the local economy, to permit this proposal would bring back into use a redundant employment site for an alternative use. No jobs are lost as a result, as the site is vacant, and the applicant's Socio-Economic Statement estimates that 17 full time equivalent jobs would be created here, as well as indirect employment. To refuse the application would have a neutral impact on the local economy, as the site will remain vacant, whereas to approve the application would have a moderate positive impact on the local economy.
- 6.20 In relation to criterion (b) and considering whether the need could be met outside the designated area, the need for older persons housing in pressing in South Oxfordshire. It is acknowledged that this is a constrained district with a large proportion of the land covered by designations as Green Belt and AONB, however, the Local Plan sets the framework for providing older persons housing through policy H13. Each of the strategic allocated sites is required to provide an element of older person's housing, although the details are not specified, such as type, tenure or quantity. Neighbourhood plans are also encouraged to allocate sites for older person's housing, however, only Sonning Common has done so (allocating the Little Sparrows site post the grant of permission at appeal). Policy H13 also encourages developments in locations with good access to public transport and local facilities. Other developments for older person's housing have been permitted using this element of the policy, some through appeal, at locations like Chinnor and Didcot. However, the Planning Needs Report appended to the submitted Socio-Economic Statement seeks to assess the expected changes in population demographics until 2034 and whether there is a sufficient provision of older persons housing in the pipeline to meet the need. The conclusion of this report is that, even if all proposals in the pipeline are built out and occupied, there will still be a shortfall of extra care housing units for sale. The policy framework is permissive to older persons housing proposals, but it is also necessary to look at more constrained areas of the district where the harm is either minimal or can be suitable mitigated.
- 6.21 The impact on the landscape and environment is considered in the paragraphs below and a conclusion on whether the proposals represent exceptional

circumstances which would enable permission to be granted in accordance with the NPPF tests is considered in the Planning balance section overleaf.

**Landscape Impact**

- 6.22 The site is located within the Chilterns AONB, policy ENV1 of the Local Plan states that the highest level of protection will be given to the landscape and scenic beauty of the AONB, and that development in an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB. Major development will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest.
- 6.23 The site is within SODC Landscape Character Assessment Chilterns Ridges and Valley Area (9) and Wooden Dipslope Type (23). This area has woodland cover, which, together with the level changes helps absorb prominent features and restricts intervisibility in the area. The site contains a number of individual mature trees within the main developed section of the site. The site is well screened with trees close to the site's southern and south western boundaries and also within the northern section of the site. Outside of the site, trees are located to the west, north and north east of the site and a double avenue of trees lies to the east between the site and the Fair Mile, the majority of the trees on site are deciduous.
- 6.24 The local landscape character is generally rural and unspoilt, but there are some urbanising influences along the Fairmile, of which this site is one. The scale of the more modern office buildings, particularly the Holdsworth to the south and Gundersen to the north and the fencing and security gates relating to the site entrance detract from the quality of the area. The site currently contributes little towards the special qualities of the AONB, with the exception of the large scale tree canopy.
- 6.25 The amendments to the scheme from the original submission, reduce the amount of glazing on the 4th storey (Level 2) and significantly reduce the glazing and mass of built form on the 5th storey (Level 3), with greening elements added to help reduce the visual impact of the proposed change in built form on site. The proposed building will be more prominent than the existing built form due to its height and associated glazing at upper levels. The 4th storey (Level 2) is approximately at the roof height of the existing Gundersen and Duke of York buildings and the 5th storey (Level 3) sits above the current built height on site. However, this impact will be predominately restricted to the winter months, and two main locations, which are opposite the site along the Fairmile and from the Bridleway to the north west of the site. Existing landform and vegetation restrict wider views in the landscape.
- 6.26 The application is supported by a Landscape and Visual Assessment, which include illustrations of how the building will be visible in the landscape. These show that the amended development will still be more prominent in views than the current built form especially in the winter, however the amended built form is now more varied in height, creating less of a mass of built form in views. The

5th storey element has been reduced, with only service areas such as corridors facing the more sensitive viewpoints of Fairmile and to the north east.

- 6.27 The proposed redevelopment of the site changes the scale of the existing built form on a brownfield site rather than introducing development into an area not previously developed. The site was previously a business park, and Fairmile is a main road, therefore the redevelopment of the site would have little impact on the tranquillity of the area. The proposed redevelopment of the existing brown field site would have limited adverse effect upon the character and visual appearance of the area and the wider AONB. In that respect the proposal is considered to comply with policies ENV1, DES1 and DES2 of the Local Plan and paragraph 176 of the NPPF and is considered acceptable in terms of landscape impact, particularly on the special qualities of the AONB. As the levels of the site are key here, a condition is recommended to ensure no alterations to levels other than specified in the approved plans. Conditions covering glazing to the upper floors and external lighting will ensure minimal light spill in this location.

**Biodiversity and Ecology**

- 6.28 The application is supported by a Preliminary Ecological Assessment, which identified that additional ecological surveys for bats, Hazel dormice and botanical surveys were required. The bat and dormice surveys have concluded that these mammals are likely absent from the site, and protected species are not considered a constraint to development. The botanical surveys have concluded that the grassland in the northwest of the site is priority habitat calcareous grassland.
- 6.29 This calcareous grassland consists of an area approximately 4800 square metres in size located to the north west and south of the existing buildings, and has been created as a result of the spoil from the development of the site in the 1990s, being retained and deposited on the site instead of being removed. An unintended consequence of this has been the establishment of the grassland over time, which has especially flourished since the site has been vacant. This is an unusual situation in that a priority habitat has been created accidentally by the actions of the previous developers of the site.
- 6.30 The application proposals will result in the direct loss of some 1900 square metres of the onsite Lowland Calcareous Grassland (40% of the habitat on the site). Chalk Grassland is a defined ecological and landscape characteristic of county-level significance specific to South Oxfordshire and the Chilterns AONB. Additionally, Oxfordshire’s Biodiversity Action Plan identifies the chalk grassland of the Chilterns as being a key habitat of the County. Policy ENV2 of the South Oxfordshire Local Plan specifically outlines the strong level of protection afforded to Priority Habitats.
- 6.31 Policy ENV2 of the Local Plan states that the loss of Priority Habitats is only permissible in the event that:
- i) the need for, and benefits of the development in the proposed location outweigh the adverse effect on the interests;

- ii) it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the interests; and
- iii) measures will be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate or as a last resort, compensate for the adverse effects resulting from development

6.32 The applicants have provided a strategy for offsetting this loss, however, compensation for the loss of the lowland calcareous grassland is not achievable because there are no solutions available to provide like-for-like compensation in the form of off-setting within the county. This is because of the particular nature of the chalk, which in this case was previously sub-soil. The applicants are working with the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust to find an alternative grassland habitat to providing offsetting for this loss, but it is not directly comparable to the habitat that is lost. A condition is recommended to ensure that offsetting is achieved.

6.33 The permanent, uncompensated loss of chalk grassland within the Chilterns is a significant adverse ecological impact on the geographical scale of Oxfordshire county and the Chilterns AONB. In line with policy ENV2 of the Local Plan, the development would therefore need to demonstrate that the benefits of the development outweigh the ecological harm, and that no other reasonable alternatives exist, and this is weighed into the planning balance below.

**Impact on protected trees**

6.34 The trees along the highway frontage of this site are protected by the conservation area designation, and multiple trees within the site are protected by a tree preservation order. The trees in and around the site make a very valuable contribution to the landscape and provide a varying degree of seasonal screening of the existing buildings which range in height. The following plan shows the location of the protected trees in relation to the proposed building:



- 6.35 The existing building line adjacent to the south-eastern boundary is very close to the row of protected Yew trees and Pine along the south-eastern boundary, (T2 to T11). These trees form a significant boundary landscape feature, essential for screening the building in this sensitive landscape setting. Concerns are raised by the Forestry Officer that the proposed building, with a residential use, will place pressure on the trees. Through the course of the application changes have been made to the application, including the removal of balconies from the south west elevation, to minimise the impact of the protected trees on the proposed residential units. On balance this is considered acceptable.
- 6.36 Two large Cedar trees (T26 and T32) are located in courtyard areas of the existing development and are proposed to be surrounded on three sides by the proposed building. In response to concerns raised by the Forestry Officer the proposed building has been pulled away from these protected trees to allow sufficient space for them to thrive. The Forestry Officer is satisfied that the revisions to the proposals are acceptable and will protect these two significant trees.
- 6.37 A group of five Western Red Cedar trees (T18,T19,T20, T23 & T24) are proposed to be removed. These trees are visible above the existing buildings from some vantage points, but it is acknowledged they do not have the same arboricultural values as many of the other fine specimens growing across the site. The loss of these trees is considered acceptable subject to suitable mitigation in the form of new tree planting being provided.

- 6.38 The majority of the protected trees on the site are retained and preserved, suitable replacement tree planting is proposed to mitigate the loss of the group of Western Red Cedars and the proposal is considered to accord with policies ENV1, ENV5, DES1 & DES2 of the Local Plan, in respect of tree protection, and ENV3 of the Neighbourhood Plan

**Impact on Heritage assets**

- 6.39 The original buildings on the site were constructed in the 1890s, A thorough account of the site's history has been provided with the application, along with a statement of significance of the original buildings. The Conservation Officer agrees with the statement in that the hospital site is a minor and ordinary example of the work of the architect Downes Young. Some of his buildings elsewhere have been listed, however, having examined these listed examples, they are clearly of far greater architectural interest than the buildings on the application site. Furthermore, the significance of the buildings has been reduced quite considerably by later alteration and changes to their setting. As such, the conclusion that the three older buildings are of low significance is confirmed by the Council's Conservation Officer.
- 6.40 The Henley Conservation Area Appraisal 2022 was adopted by the Council on 29 September 2022. This included a boundary review and relevant to this application, an extension to the conservation area boundary to include the majority of the Fairmile and its flanking grass verges. The application site now shares a boundary with the designated conservation area and forms part of its setting. The setting of heritage assets is a material planning consideration under the NPPF and South Oxfordshire Local Plan policies.
- 6.41 The Fairmile is lined on the southern side with two avenues of mature trees and when viewing the site from the pavement on the opposite side of the carriageway (within the Conservation Area) the trees appear large in the foreground of these views. It is considered that even with the increase in height proposed, these trees are likely to remain the dominant feature within this scene. On the approach towards the site from the Henley direction, existing built form on the site becomes more visible at the site entrance which marks a break in the tree line. Any impacts on the conservation area are likely to be very localised and limited.
- 6.42 It is considered that whilst there will be an impact on the contribution of setting to the significance of the designated Henley Conservation Area, this impact would be localised and low level, largely being mitigated by the presence of mature trees within and around the site amounting to less than substantial harm in the terms of paragraph 202 of the NPPF. The harm needs to be weighed against the public benefits of the proposal. The redevelopment of a redundant site is considered a substantial benefit and additionally represents an improvement to the design, as discussed below, and does not raise harm in respect of the landscape. The scheme is considered to be acceptable in terms of the NPPF and Policies ENV6 and ENV8 of the Local Plan.

**Design and character**

- 6.43 The proposal is for a single building across the centre of the site, which is broken down into four main blocks up to five storeys in height, connected by smaller elements of two or four storeys in height. The proposed building is confined to the footprint of the existing building and hardstanding and responds to the topography of the site, which incorporates significant changes in level from the front of the site to the back.
- 6.44 The proposal is designed in a contemporary way, with flat roofs to the blocks and a restrained palate of materials. The elevations are constructed in brick with a large amount of glazing for each flat contained in the building. The brick elevations are proposed to utilise different textures and styles of brickwork to add interest to the elevations, which can be secured by condition. Balconies are provided to the majority of flats and a covered colonnade is provided at the lower ground floor level. The building is well designed, responding positively to the context of the site.
- 6.45 The existing development of the site is an eclectic mix of Victorian functional buildings and 1990s purpose designed office buildings, none of which fit well into the topography of the land with steps, platforms and awkward level changes dominating the site. In contrast, the proposed building responds positively to the constraints of the site and, whilst becoming more visible from public vantage points, this is not detrimental to the appearance of the area.
- 6.46 As well as the retained trees on the site, the proposals include a landscaping strategy for the site to provide a variety of open spaces available to the residents of the site which are summarised as follows:
- four separate ‘gardens’ for growing, relaxing, socialising and eating
  - woodland and meadow areas accessible via paths
  - roof terraces, with limited access on the third floor

The strategy is designed to provide a balance between providing formal and informal areas to meet the needs of residents as well as taking every opportunity to green the site and maintain the biodiversity that is found there at present. The proposals are well thought through and appropriate to the location and the proposed use. Conditions are required for the details of planting and management and to ensure trees are adequately protected.

- 6.47 The proposed building is well designed, and the landscaping and materials are appropriate to the location, the scheme is of a high quality in terms of design and materials and accords with policies DES1 and DES2 of the Local Plan and policy SD3 of the Neighbourhood Plan.

**Affordable Housing**

- 6.48 Policy H9 of the South Oxfordshire Local Plan requires major developments of 10 or more homes, including in C2 use, to provide 40% of the total number of dwellings on the site as affordable housing. For a site of 108 self-contained units this would equate to 43 affordable homes. Due to Henley being an area of high demand for affordable housing and as per Policy H9 requirements, the preference is for on-site affordable housing provision. However, the application

does not make provision for affordable housing and asserts that it is not financially viable to provide affordable housing.

- 6.49 The application is supported by a Financial Viability Assessment (FVA) dated August 2022, updated in August 2023 and the council has commissioned an independent review of this report, in line with our usual practice. The independent assessment has concluded that the scheme cannot currently viably support any on-site affordable housing contributions, noting that the value assumptions made by the applicant's FVA are supported by robust market analysis, which takes into account the location of the scheme and reflecting the type of units being proposed.
- 6.50 Officers therefore accept the findings of the applicant's FVA, as interrogated by an independent assessment, and concede that the provision of affordable housing on this site would be unviable. However, officers recommend a clause is inserted into the legal agreement to capture any potential uplift in the land value/developer's profit generated through the grant of planning permission or improvement in market conditions. The clause would enable a proportionate contribution towards affordable housing to be made.

**Access and parking**

- 6.51 Access to the site is from Fairmile by way of a priority junction and no changes are proposed to the site access. At the point of access to the site the speed limit is 60mph. An existing footway extends all the way along the Fairmile from Henley to the south east, and extends for a short way to the north of the site. A bus stop for service number 23 from Henley to Didcot is located just to the south of the access, with a corresponding southbound bus stop on the opposite side of the road.
- 6.52 The access to the site has been the subject of a Road Safety Audit which shows, to the satisfaction of the County Council, that the access is safe for the proposed use. Any gates should be a suitable distance from the highway and this is secured by condition.
- 6.53 The proposals for older person's residential accommodation would result in a slight reduction in vehicle movements as compared to the previous employment uses, there are therefore no concerns about the impact of the proposals on the local highway network.
- 6.54 The proposal includes a total of 68 car parking spaces to be provided as follows:
- 54 resident's parking spaces (including 4 disabled spaces)
  - 6 visitor spaces
  - 6 staff parking spaces
  - 1 car club parking space
  - 1 minibus space

The 68 spaces proposed equates to 0.7 spaces per unit, which is considered in accordance with standards and is considered acceptable to the County Council.

- 6.55 Cycle parking is provided in an undercroft parking area (accessed at the lower ground floor) and in an area close to the entrance. A total of 56 cycle parking spaces are provided with 32 in the undercroft and 24 close to the building entrance. The number of spaces is acceptable to the County Council, however, concerns remain regarding the location of the undercroft cycle storage area. The Vehicular and Cycle Parking Standards (2022) states that “*Cycling parking is to be provided in a convenient location close to building entrances and bus stop locations. Such provisions are to be covered, lit (where appropriate) and in the style of a Sheffield stand*”.
- 6.56 The applicants argue that the “*mixed offering of cycle stores, complemented by valet parking system will provide sufficient facilities for all users, The valet system for cycle parking to both stores is to be guaranteed in perpetuity, continuing regardless of site ownership. All of the 56 cycle parking spaces within the cycle stores are provided in the form of Sheffield stands and spacing is in line with LTN 1/20. One of these spaces is a larger space to cater for non-standard bikes such as cargo or disabled bikes.*”
- 6.57 The undercroft cycle storage is secure, covered and lit and the cycle storage is provided in line with the County Council’s standards. It is my opinion that the proposed ‘valet’ system, where a staff member would assist a resident in retrieving/ parking their bicycle is acceptable given the type (C2) of use of the site. Notwithstanding this, the County Council maintain their objection on this point, it is Officers view that the cycle provision is acceptable for this development and the scheme is in accordance with policy TRANS5 of the Local Plan.
- 6.58 The County Council have requested conditions including a Construction Management Plan and a requirement for a Green Travel Plan to encourage all travel by modes other than the private car for journeys to and from site. S106 contributions are also required to monitor the travel plan and to improve bus services between Wallingford and Henley-on-Thames, which would pass the site. Furthermore, the County Council requires the applicant to provide contributions towards bus services and to improve the bus stops in the immediate vicinity of their sites through a Section 278 agreement. Both bus stops will require a three-bay shelter with seating and a new bus stop with real time information.

**Carbon Reduction**

- 6.59 The South Oxfordshire Local Plan 2035 policies DES8 and 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 supporting documents accompanying this planning application includes an energy statement setting out how the 40% reduction of carbon emissions as required by policy DES10 would be met. For dwellings constructed after 31 March 2026 this requirement rises to at least a 50% reduction in carbon emissions. A condition is necessary to ensure compliance with the Energy Statement.
- 6.60 **Other Material Considerations**

*Drainage*

The application is proposing a system utilising infiltration to dispose of surface water. The Drainage Officer has some concerns for the potential of dissolution within the chalk, so recommends that a condition is required for a detailed geo-environmental risk assessment for infiltration testing, risk to groundwater from contaminants, infiltration features and construction of internal road and footway construction. Further conditions are needed requiring full details of foul and surface water drainage scheme and a compliance report for Sustainable Urban Drainage Systems.

6.61 The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection to the proposals. Furthermore, on the basis of information provided, Thames Water advise that with regard to water network and water treatment infrastructure capacity and foul water sewerage network infrastructure capacity, they have no objection to the application.

6.62 *Environmental Health*

An Air Quality Assessment has been submitted in support of the application. Whilst this does not take into account best practice design features expected in new developments no significant concerns are raised and mitigation measures such as electric vehicle charging points, cycle parking and low emission boilers are required to protect public health from emissions, to be secured by conditions.

6.63 In terms of land contamination a Geo-Environmental Preliminary Risk Assessment has been submitted in support of the application. Potential sources for land contamination have been identified, including the former hospital. Intrusive investigations have been recommended in the report to characterise any contamination and substantiate any risk to the proposed use. Conditions are therefore required to ensure that any contaminated land risks are fully investigated and addressed.

**Community Infrastructure Levy and 106 agreement**

6.64

The development is CIL liable, and a number of contributions towards infrastructure are required to be secured via a S106 agreement. The applicant has agreed to the following contributions and obligations by way of a S106 agreement. All contributions are to be index linked:

**District Council's financial contributions:**

- Provision of recycling / refuse bins £21,168
- Monitoring and recording fees £1,845

**County Council's financial contributions (as set out in OCC consultation response):**

- Public transport £122,364
- Travel Plan monitoring fee £2,563
- Bus stop contribution £18,712

**Non- financial obligations:**

- Affordable housing uplift clause or financial payment in lieu.
- Minimum occupant age and minimum care package to ensure the units are for older people and provide care.
- Improvements to the bus stops in the immediate vicinity of the site through a Section 278 agreement.

**6.65 Pre-commencement conditions**

The applicant has confirmed that they agree to the suggested pre-commencement conditions as detailed below.

**7.0 PLANNING BALANCE**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the NPPF is a material consideration, particularly in respect of paragraph 11 (sustainable development) and also paragraphs 176 and 177 (AONB).

7.2 Paragraph 11 of the NPPF states that “*Plans and decisions should apply a presumption in favour of sustainable development.*” Paragraph 11(d) goes on to state: *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

This is relevant to the application since the council cannot currently demonstrate a five-year supply of deliverable housing sites, as set out in the South Oxfordshire 5 year land supply (5YHLS) statement dated September 2023.

In terms of para 11(i) the application site is located in the AONB and is as an “area of particular importance”. For the presumption in favour of sustainable development not to apply in this case, there needs to be a clear reason for refusing the development. In respect of the site’s location in the AONB officers advise that the development is acceptable for the reasons explained above, in particular noting that the site is already developed, and there is no additional harm to the landscape. There is therefore no clear reason for refusing the application under the grounds of para 11(i) and the presumption in favour of sustainable development applies.

7.3 Under para 11(ii) the development needs to be considered against the Development Plan and the NPPF as a whole (referred to as the “tilted

balance”). It is therefore necessary to carefully consider the weight to attribute to each of the benefits and disbenefits of the application.

- 7.4 As an application for residential development this proposal makes a contribution towards the council’s five-year supply of deliverable housing and the weight attributed to this is **significant**. However, it should be noted that for the purposes of housing supply a C2 use represents less than other residential development due to the levels of occupancy. It is also relevant that this significant weight is tempered by the lack of affordable housing provision here.
- 7.5 **Significant** weight is also given to the fact that this development meets an identified need for older persons housing in the district.
- 7.6 When considered against the loss of the priority habitat (considered below), the planning benefit of redeveloping a redundant brownfield site should be afforded **moderate** weight, in line with the NPPF paragraph 120 which encourages Local Planning Authorities to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
- 7.7 Paragraph 176 of the NPPF requires that great weight should be given to conserving and enhancing the AONB, and policy ENV1 of the Local Plan states that development in an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB. In paragraphs 6.22 – 6.27 above I have examined the impact of the proposal on this part of the AONB, and in doing so I have considered the proposal in the light of the requirements of paragraph 177 of the NPPF. I conclude that the proposal is acceptable in terms of its landscape impact, particularly on the special qualities of the AONB, and there is no clear reason for refusing the application on this basis.
- 7.8 The permanent, uncompensated loss of chalk grassland (a Priority Habitat) within the Chilterns is a significant adverse ecological impact. This harm, whilst representing only a small part of the site, results in **significant** weight against the proposal.
- 7.9 The loss of a group of protected trees is suitably mitigated by the landscaping proposals, however, some concerns remain regarding the trees on the south-eastern boundary. Whilst this can be mitigated through a suitable management regime, secured by condition, this aspect has **limited** weight against the scheme.
- 7.10 As considered in paragraphs 6.39-6.42 above, the proposal results in less than substantial harm to the Henley on Thames Conservation Area. This harm is considered against the public benefits outlined above of providing housing for older people and redeveloping a brownfield site and is therefore given **limited** weight against the proposal.

**8.0 CONCLUSION**

- 8.1 The loss of the employment land is considered acceptable when assessed against policy EMP3. The site has been vacant for 6 years and is brownfield land. Policies support the redevelopment of redundant brownfield land for residential development, and therefore the principle of residential development on this brownfield site is acceptable, when considered against the NPPF policies H1 and H13.
- 8.2 The extra care development meets an identified need for older persons housing in the district, this is a clear public benefit. The harm arising from this proposal amounts to the loss of a small area of priority habitat and increased pressure on some protected trees. The proposal therefore meets the requirements of policy ENV1 of the Local Plan and the NPPF paragraph 147.
- 8.3 The approval of this site would make an important contribution to the Council's five-year supply of housing land as the applicant has indicated that all 108 homes will be delivered within the next five years. The NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
- 8.4 The scheme is well designed and brings a redundant site back into use, there are no outstanding technical concerns with the proposal.
- 8.5 When considering the benefits against the harm in the planning balance, the benefits of providing housing for older people outweigh the harm. The proposal therefore is considered to be in the public interest and demonstrates exceptional circumstances as required by the NPPF. I therefore recommend that planning permission is granted.

**9.0 RECOMMENDATION**

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

**A) The prior completion of a S106 legal agreement to secure the financial contributions and other obligations as outlined in the report, and**

**B) The following conditions:**

- 1 : Commencement 3 years - Full Planning Permission**
- 2 : Approved plans**
- 3 : Demolish existing buildings (all)**
- 4 : Tree Protection (Detailed)**
- 5 : Construction Traffic Management (details required)**
- 6 : Construction Environmental Management Plan**
- 7 : Detailed Surface Water Drainage scheme**
- 8 : Geo-environmental risk assessment**
- 9 : Foul water details**
- 10 : Contaminated Land - Linked Conditions (1)**
- 11 : Biodiversity Offsetting**

- 12 : Schedule of Materials**
- 13 : Sample panels of facing brickwork**
- 14 : Glass coating for external glazing**
- 15 : Landscape Management Plan**
- 16 : Landscaping (incl hardsurfacing and boundary treatment)**
- 17 : Integrated Biodiversity Enhancements**
- 18 : Contaminated Land - Linked Conditions (2)**
- 19 : Green Travel Plan**
- 20 : Cycle Parking as approved plans**
- 21 : Electric Vehicle Charging Points (details required)**
- 22 : Unsuspected Contaminated Land Condition**
- 23 : Energy Statement Compliance and Verification Report**
- 24 : Tree pits design**
- 25 : SUDs compliance report**
- 26 : External Lighting – Basic**
- 27 : No change in levels**
- 28 : Gates/carriageway**