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<b>APPLICATION NO.</b>	<u>P16/S2212/O</u>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	27.6.2016
<b>PARISH</b>	TOWERSEY
<b>WARD MEMBER(S)</b>	Ian White & Lynn Lloyd
<b>APPLICANT</b>	Mr & Mrs S & J Horne
<b>SITE</b>	Land to west of Chinnor Road, Chinnor Road, Towersey, OX9 3QY
<b>PROPOSAL</b>	Erection of 4 dwellings and the provision of a new access to the paddock land to the west.
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	473374/204922
<b>OFFICER</b>	Marc Pullen

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**1.0 INTRODUCTION**

1.1 The site (which is shown on the OS extract **attached** as Appendix A) lies to the west of Chinnor Road, in Towersey. The site is bounded to the north by residential development and is open agricultural land. The site does not belong to any designated land.

**2.0 PROPOSAL**

- 2.1 This application seeks outline planning permission for the erection of 4 new dwellings with access and layout to be considered with all remaining matters reserved.
- 2.2 A copy of all the current plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS****Towersey Parish Council – Object**

- Development fails to comply to para 55 of the NPPF and policy A6 of the SOLP
- Public Transport connectivity is not guaranteed for any length of time due to OCC withdrawing bus subsidy - this cannot be relied upon
- Towersey can easily fulfil quota of houses required by SODC Local Plan by 2032
- This would be ribbon development this is simply not acceptable
- To approve this application would set a precedent – undermining the Towersey Neighbourhood Plan

**Countryside Officer** (South Oxfordshire & Vale of White Horse) - No strong views

**Drainage Engineer** (South Oxfordshire - MONSON) - No strong views, subject to conditions

**Waste Management Officer** (District Council) - No strong views

**Highways Liaison Officer** (Oxfordshire County Council) - No strong views, subject to conditions

**CPRE Oxfordshire** - No strong views

- Contrary to CSR1, CSEN1 of SOCS and H4 of SOLP
- Adverse impact on the district's countryside
- Site larger than 0.2ha, as allowed in CSR1
- Harm of development outweighs benefits of contribution to housing supply

**Neighbours - Object (7)**

- Site does not appear to be deep enough to accommodate the development
- Site becomes waterlogged – concerns over water run off and drainage of site
- Development on site would result in the loss of grazing land and disrupt the health and safety and security of horses and change the character of the area
- Chinnor Road is narrow, with no pavements. Traffic would worsen. Construction traffic would present danger to users of the road (pedestrians, dog walkers, cyclists)
- Four dwellings would be too many for this frontage in question
- Loss of parking for those who use the Phoenix Trial
- Would lead to other developments happening further behind or along the road
- Four houses are too many for this site
- Affordable housing would not be in keeping with the nearby properties
- Access needs to take into consideration access of a tractor for trailer for field maintenance
- Side facing windows should be omitted to safeguard neighbours amenity to the north

**4.0 RELEVANT PLANNING HISTORY**

4.1 [P76/N0216/Q](#) - Refused (12/07/1976)

Erection of residential development. Access.

**5.0 POLICY & GUIDANCE**

**5.1 National Planning Policy Framework & National Planning Practice Guidance**

**5.2 South Oxfordshire Core Strategy 2012 policies;**

CS1 - Presumption in favour of sustainable development

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

**5.3 South Oxfordshire Local Plan 2011 policies;**

C4 - Landscape setting of settlements

C8 - Adverse affect on protected species

C9 - Loss of landscape features

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D10 - Waste Management

G2 - Protect district from adverse development

G4 - Protection of Countryside

EP4 - Impact on water resources

EP6 - Sustainable drainage

H4 - Housing sites in towns and larger villages outside Green Belt

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

**5.4 South Oxfordshire Design Guide 2008**

**6.0 PLANNING CONSIDERATIONS**

6.1 • Principle of residential development on this site

- Impact on character and appearance

- Impact on neighbouring amenity
- Highway impact
- Foul & Water drainage
- Housing mix
- Prematurity of the Neighbourhood Plan
- Other considerations

**Principle of residential development on this site**

- 6.2 Within Appendix 4 of the South Oxfordshire Core Strategy (SOCS) Towersey is listed as a ‘smaller village’. Within such settlements Policy CSR1 of the SOCS allows for infill housing development on sites of up to 0.2ha. Infill is defined as ‘the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings’. The site has an area of approximately 0.25ha and is located to the southern edge of the settlement, and in these circumstances the development of the site for housing would not accord with Policy CSR1 as it fails to adhere to the definition of infill development.
- 6.3 Planning permission has previously been refused for residential development on a larger site here, including a site across the road, under application P76/N0216/O, which was refused for the following reasons:
- Towersey is not an area where future development should be concentrated based on public and economic factors and to preserve rural amenities and conserve agricultural land
  - The site is not within the approved limits of development of specified villages and within the village confines of other villages where such confines are limited and well defined.
  - Development would represent an undesirable extension to the village, beyond those limits which are necessary to ensure proper planning of the locality.
  - Development would be detrimental to the visual amenities of the locality and result in the detraction of the rural character of the locality.
  - Development would be out of character and detrimental to the setting of the village.
- 6.4 Notwithstanding the above, the council currently cannot demonstrate a five year supply of deliverable housing. Paragraph 49 of the National Planning Policy Framework (NPPF), makes it clear that relevant policies within the Local Plan (SOLP) and Core Strategy (SOCS) for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing land and the ‘presumption in favour of sustainable development’ should be applied. In addition to the above, the proposal would need to conform to the policies in the NPPF and the other relevant policies in the development plan.
- 6.5 The mechanism for applying the ‘presumption in favour of sustainable development’ is set out in paragraph 14 of the NPPF and advises that where relevant policies are out-of-date then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted. As Policies CSS1 and CSR1 of the SOCS are relevant to the supply and locational delivery of housing they are now regarded as not up to date and are given less weight in the determination of applications.
- 6.6 Policy CSR1 indicates that Towersey is a village where development is likely to be

considered acceptable. Towersey is considered to be sufficiently sustainable as it has facilities within walking and cycling distance that can support new residential development, including a pub, public open space and a community/village hall. In addition Thame is situated only 2 miles away and is one of the four towns within the District with a wide range of facilities and services.

**Impact on the character and appearance of the site and surrounding area**

- 6.7 The site currently lies open and is agricultural in use with some equestrian activity. The site lies to the south of the settlement and marks where the settlement meets the surrounding open countryside.
- 6.8 The NPPF confirms the requirement for good design. The National Planning Practice Guidance (NPPG) elaborates on the NPPF, stating that: “new development should look to respond appropriately to the existing layout of buildings, streets and spaces...there may be an existing prevailing layout that development should respond to and potentially improve”. Policy CSQ3 of the SOCS seeks to promote good design within all development proposals. It states that all proposed development should respond positively and respect the character of the site and its surroundings, enhancing local distinctiveness and ensuring that the development proposed is of a scale, type and density appropriate to the site and its setting. Both policy D1 and G2 of the SOLP set out similar provisions and should be read in accordance with the above.
- 6.9 The site lies alongside existing residential use and would continue the linear form of development along Chinnor Road. The illustrative street scene drawing suggests that the dwellings could be designed to be in keeping with the existing street scene. These dwellings could be constructed using similar materials, housing types (semi and detached) and be built to the same ridge heights of the nearest neighbours as to avoid any adverse visual incongruity along the street scene. The layout of the proposed development keeps to the existing siting of properties along Chinnor Road, with sufficient distance from the highway, and would provide for adequate private amenity space and access to each property. The rear gardens would not extend any further than those of neighbouring properties.
- 6.10 Officers consider that the layout of the proposed development is appropriate having regard to the character of the surrounding area. The plot sizes and general siting of the properties accord with nearby properties and the garden sizes accord with the council's minimum standards. Officers consider that both the design of the dwellings and the necessary landscaping of the scheme can be appropriately addressed at a reserved matters stage.
- 6.11 Policy C4 of the SOLP stipulates that development which would damage the attractive landscape setting of the settlements of the district will not be permitted. The countryside around towns and villages is also highly valued, both visually and for informal recreation. The Council should seek to ensure that the landscape setting of settlements is protected from damaging development. In addition policy G4 of the SOLP seeks to protect the countryside for its own sake.
- 6.12 The site is relatively flat and when viewed from a distance would be well screened by existing and surrounding vegetation on site. There would only be limited views from the Phoenix Trial nearby and, due to the siting of the dwellings, views of the development would be no greater than views of the existing dwellings along Chinnor Road. The development would be more visible from Chinnor Road but, for reasons identified above, officers consider that the development could make a positive addition to the street scene and not be harmful to local built form and character.

- 6.13 The surrounding rural land would remain open and would continue to provide a rural buffer to the built up settlement. In addition sufficient landscaping could be secured on site at reserved matters stage to help assimilate the development into its rural surroundings. Officers do not consider that this development, despite the loss of some rural land, would materially compromise the rural character of the village. The loss of the equestrian use or access to the equestrian use is not considered to materially harm the rural character of the settlement.

### **Neighbour impact**

- 6.14 There have been a number of neighbour responses received, objecting to the development. One immediate neighbour has raised concern regarding any side facing windows overlooking their property. Matters of design are not covered by this application and will instead be addressed at reserved matters stage. It is possible however that neighbour amenity can be appropriately safeguarded through good design and planning conditions. Therefore officers accept that this development can be designed as to avoid any adverse or significant impact on neighbour amenity.

### **Highway impacts**

- 6.15 The Council's policies and guidance seek to ensure that in determining planning applications, the Council should, in consultation with the local highway authority, ensure that new developments are designed to a standard that ensures a safe and attractive environment and does not result in an unacceptable level of traffic on the local highway network or have a detrimental impact on the amenities and environment of the area.
- 6.16 The Highway Authority raises no objection to the proposed development. They comment that given the characteristics of the existing carriageway, vehicular traffic and speeds are likely to be low. The development is unlikely to have a significant adverse impact on the highway network. The vehicle movements associated with the proposal do not present "severe harm" as required in the recent Government guidelines in the NPPF to warrant a recommendation for refusal. Approval is recommended by the Highway Authority therefore, subject to conditions. In addition it is noted that pedestrian safety is a concern of some neighbours as no footpath exists to link the development to the rest of the village. However it is noted that all properties along Chinnor Road do not have a pedestrian footpath. As the highways officer does not raise an objection to pedestrian safety officers are satisfied that the development would not pose any adverse harm on the new residents.

### **Foul & Water drainage**

- 6.17 There have been a number of concerns raised by residents of the village with regards to the flood risk of the site and impact that water run-off has on the road. The council's drainage engineer has raised no objection to the development but notes the local concern and therefore suggests that conditions are attached to any permission requiring details of surface water drainage and foul drainage to be submitted.

### **Housing mix**

- 6.18 The housing mix as proposed on plan is considered to be an appropriate mix having regard to the findings of the Strategic Housing Market Assessment. The details of the house sizes can be further assessed during a reserved matters stage.

### **Prematurity of the Neighbourhood Plan**

- 6.19 A number of objections have been raised by residents of the village regarding prematurity of the determination of this application in the absence of an adopted Neighbourhood Plan. It is considered by residents that the development should be withdrawn and determined in accordance with the Towersey Neighbourhood Plan once it has been formally adopted.
- 6.20 The existing status of the Towersey Neighbourhood Plan – the area designation has recently been put out to consultation. After the consultation it is for the council to then consider all the responses that have been received and then decide whether or not to formally designate the area the neighbourhood plan will cover. This has yet to happen.
- 6.21 The council's preferred options document, June 2016, specifies that between 2011 and 2032 planning permission will be granted for at least 12,200 homes and these houses will be delivered, where possible, through Neighbourhood Plans. Paragraph 5.40 of this document states:

Our preferred approach is to maintain the principle of a “Settlement Hierarchy” but the details could be amended. We consider that a growth strategy based on the 2011 housing stock plus a percentage increase will help places to grow and evolve in an appropriate and measured way.

This is based on the following model:

- Towns and Larger Villages: 10% growth
- Smaller Villages: 5% growth

This will be met through small sites of 10 homes or less, and infill development, and will not be allocated by the local planning authority. Where smaller villages are preparing a neighbourhood plan, they may choose to allocate sites for housing in their plan.

- 6.22 It has been identified by one resident that Towersey currently has 138 houses. A 5% growth therefore would amount to 6.9 additional dwellings within the village. One resident's concern is that by agreeing to allow 4 houses of that allocation to be built on this proposed site would be jumping ahead of the Neighbourhood Plan and would undermine 'the aim of the plan to balance local needs'.
- 6.23 Paragraph 198 of the NPPF states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.
- 6.24 Paragraph 216 of the NPPF sets out the weight that may be given to relevant policies in emerging plans, including Neighbourhood Plans, in decision taking. It states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and;
  - the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

- 6.25 Owing to the current and premature status of the Towersey Neighbourhood Plan, no sites have been identified or allocated for residential development within the settlement, to meet the forecasted 5% growth. In addition no policies have been adopted to help steer development.
- 6.26 Owing to the prematurity of the Towersey Neighbourhood Plan officers do not consider that weight can be given to it in the assessment of this development, in accordance with paragraph 216 of the NPPF. No policies have been developed which could be tested against this development and any potential policies or preferred site allocations which may have been established do not carry any significant weight yet as these have not been tested through public consultation and examination. It is therefore considered that the Towersey Neighbourhood Plan cannot carry any weight in the determination of this development.
- 6.27 It is not for the council to require or to agree to when an application should be submitted for residential development in the village. In the absence of the deliverable five year housing supply, Officers do not consider that the adverse impacts of the development demonstrably outweigh its benefits.

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

- 6.28 The council's CIL charging schedule has recently been adopted and has applied to relevant proposals since 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL would be liable for the development as there would be a net gain of new residential use. The CIL charge applied to new residential development in this case is £150 per square metre of floorspace (Zone 1). Of that, 15% of the payment will go directly to Towersey Parish Council (as they do not have a made Neighbourhood Plan) for spending towards local projects. CIL cannot be charged on outline applications – the charge will be applied to any subsequent reserved matters or full planning permission for the development.

## **7.0 CONCLUSION**

- 7.1 Outline planning permission should be granted. The principle of residential development is considered acceptable on this site in the absence of a five-year housing supply. Subject to the attached conditions the proposal would not be harmful to the character and appearance of the site and surrounding area, or the amenity of neighbouring occupiers, and would not result in any adverse or severe harm to the users of the highway.

## **8.0 RECOMMENDATION**

**To grant outline planning permission subject to the following conditions;**

- 1 : Commencement of development within three years or two years from approval of last reserved matters.**
- 2 : Submission of reserved matters – scale, appearance, landscaping.**
- 3 : Development to be carried out in accordance with the approved plans.**
- 4 : New vehicular access to be constructed in accordance with highway standards.**
- 5 : Vision splay details to be submitted to the Local Planning Authority (LPA) for approval**
- 6 : Turning area and car parking areas to be provided and submitted to the LPA for approval**
- 7 : Construction traffic management to be submitted to the LPA for approval.**

- 8 : Foul drainage works (details required) to be submitted to the LPA for approval.**
- 9 : Surface water drainage works (details required) to be submitted to the LPA for Approval.**

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