
APPLICATION NO.	P16/S1468/O
APPLICATION TYPE	OUTLINE
REGISTERED	29.4.2016
PARISH	CHINNOR
WARD MEMBERS	Ian White Lynn Lloyd
APPLICANT	A2 Dominion Developments Ltd
SITE	Land north of Mill Lane, Chinnor, OX39 4RF
PROPOSAL	Application for outline planning permission for the construction of up to 78 dwellings (including affordable housing) with associated access, amenity space and landscaping.
AMENDMENTS	None – additional information submitted 24 June 2016.
GRID REFERENCE	474720/201051
OFFICER	Emma Bowerman

1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Committee as the officer's recommendation conflicts with the views of the Parish Council. The application was deferred from the previous meeting to allow committee members an opportunity to visit the site.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) is positioned to the northwest of Chinnor. It is 3.6 hectares in area and is currently in use as an agricultural field.
- 1.3 Mill Lane Community Primary School lies immediately to the east of the site. Middle Farm is to the west, with predominantly open farmland to both the immediate west and the rear of the site to the north. To the south, on the opposite side of Mill Lane, is established residential development.
- 1.4 The site is enclosed by established hedgerows along the north, east and southern boundaries. There is a post and wire fence along the western boundary, demarking a public right of way (Chinnor Footpath 8), which runs immediately adjacent to the western boundary of the site.
- 1.5 The site fronts Mill Lane and is positioned at the junction with Estover Way. To the west of the Estover Way junction, Mill Lane narrows and becomes more rural in character. The western end of Mill Lane eventually runs into the Icknield Way, a public rights of way.
- 1.6 A very small part of the site close to the western boundary is within Flood Zone 3. The majority of the site is within Flood Zone 1 (i.e. has least probability of flooding). The site does not lie within any areas of special designation.

2.0 PROPOSAL

- 2.1 This is an outline application for planning permission for up to 78 homes with associated access, amenity space and landscaping. The application seeks detailed consent for the access. Appearance, landscaping, layout and scale are all matters reserved for consideration later.

- 2.2 The proposal would involve the creation of a roundabout at the junction with Mill Lane and Estover Way, which would form the primary access into the development. The application was submitted with two illustrative layouts with slight variations in the layout of the development. These illustrative layouts show houses fronting Mill Lane. A further illustrative layout was submitted during the application process showing the retention of the hedge along Mill Lane and the rear gardens of some of the homes backing onto Mill Lane.
- 2.3 The illustrative plans show allotments in the southeast corner of the site (two of the illustrative plans show four allotments whereas the other shows eight). A car park is also shown to the front of the allotments. The documents accompanying the application explain that this informal car parking would be shared between the allotment and school users, to alleviate on-street congestion at peak flow times.
- 2.4 The development would be formed of predominantly 2-storey buildings. Some 2.5-storey homes would be used to create visual interest and highlight key buildings and focal points. The Design and Access Statement accompanying the application shows a variety of materials including brickwork, render, and grey and red roof tiles. The selection of materials and detailing would be the subject of a reserved matters application.
- 2.5 The mix of house types is as follows:

	Market Housing	Affordable	TOTAL
1 bed	0	6	6
2 bed	9	16	25
3 bed	23	8	31
4 bed	11	2	13
5 bed	3	0	3
TOTAL	46	32	78

- 2.6 The three alternative illustrative layouts and a plan showing roundabout details are **attached** as Appendix B. The application is accompanied by a number of supporting documents, including a Design and Access Statement and Planning Statement. These are available to view on the council's website at www.southoxon.gov.uk.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Chinnor Parish Council – Object for the following reasons:

- Development of this site is premature as it undermines the on-going efforts of the community of Chinnor to formulate an evolving Neighbourhood Plan, in line with the Governments Localism agenda. It is not in the Local Plan.
- Over development in the total number of dwellings in Chinnor given the current planning approvals.
- Development is adjacent to a primary school so construction noise would affect students during term time.
- Neighbouring residents already have noise from school and playing fields this would increase a lot and cause issues for residents.
- Site is on school route for students and therefore would heighten traffic accident fears.
- Property driveways cross the cycle path.
- Property frontages onto Mill Lane not a good design. If this development were to go ahead council would like to see no dwellings having direct access onto Mill Lane
- Heavy traffic in this area additional dwellings would cause more issues. The

scheme does not address the impact of the resulting car journeys on an already serious local congestion point.

- The site is not in a sustainable location -local facilities are at a distance that the new residents could not realistically walk or cycle safely.
- Lack of infrastructure to sustain further development sewage, schools, doctors.
- Loss of hedgerows a major concern.

- 3.2 Oxfordshire County Council Highways - No objection subject to conditions and a 278 Agreement for works with the highway.
- 3.3 Oxfordshire County Council Education - Funding from CIL would be required for any necessary mitigation to address the impacts from this development.
- 3.4 Natural England – No objection
- 3.5 Environment Agency - No objection subject to all the final layout to be located purely in Flood Zone 1.
- 3.6 Thames Water Development Control - Condition required to secure a drainage strategy detailing any on and off site drainage works.
- 3.7 Campaign for Preservation of Rural England (Rights of Way) - The footpath has been fenced in and prone to blockage by brambles and nettles. These problems would persist with development. Walkers would be deprived of open views from countryside.
- 3.8 Urban Design – Raised concern regarding details of layout shown on indicative plan.
- 3.9 Countryside - No objection subject to conditions requiring a reptile mitigation strategy and biodiversity offsetting scheme.
- 3.10 Forestry – No objection subject to a condition requiring a landscaping scheme.
- 3.11 Housing Development - Affordable housing mix is acceptable and would meet current demand.
- 3.12 Environmental Protection – No objection subject to conditions regarding hours of construction and the control of noise / dust.
- 3.13 Contaminated Land - No objection.
- 3.14 Air Quality - No objection subject to a condition securing air quality mitigation measures.
- 3.15 Waste Management - Provided general comment and observation.
- 3.16 Neighbour Representations - 140 responses received in objection to the application raising the following concerns:

Principle:

- Previous reasons for refusal still apply
- Chinnor has already met its housing allocation
- Keep Chinnor a rural village
- Not an isolated development – needs to be viewed in the context of other sites
- Unacceptable loss of green field – should be safeguarded for future generations

- Loss of Grade 2 agricultural land unacceptable
- Not in the local plan
- Contrary to Chinnor Neighbourhood Plan
- Land should be used to extend school
- Outside the settlement boundary
- Brown field sites should be used for housing
- Benefits would not outweigh the harm

Highways:

- Road network cannot accommodate additional traffic
- Mill Lane used as a shortcut and junction with Thame Road is dangerous
- Highway safety concerns for pupils at school adjoining the site
- Increase in congestion around school
- Existing parking problems in village exacerbated by additional cars
- Potential conflict between additional parked cars and agricultural vehicles
- Accesses onto Mill Lane would not work if cars are parked in road
- New roundabout will not work as road is not wide enough
- Loss of cycle path
- Transport Assessment out of date, incorrect and does not take account of other developments in Chinnor
- Little or no public transport links to site

Character:

- Existing character of Mill Lane should be preserved
- Unsympathetic to shape and layout of village
- Devastating impact on landscape
- Urbanising effect on public right of way

Environment / wildlife:

- Destruction of hedgerow and loss of habitat – hedgerow should be retained
- Loss of slow worm habitat
- Impact on bats, birds and butterflies
- Part of site in flood plain – land needed for flood water storage
- Potential for water runoff to contaminate Chinnor Brook

Infrastructure / amenities:

- Village cannot sustain continued growth
- There are existing drainage and sewage problems in the local area
- Insufficient water supply to support more housing
- Doctors already at capacity
- Schools already at capacity
- Increase in highway movements to take children to alternative schools
- Unsustainable location – reliance on private car
- Village facilities not easily accessible
- Shops already near breaking point – local chemist cannot cope
- Existing issues should be resolved before adding further to them
- Additional facilities are required to meet the needs of new residents
- Limited local employment opportunities
- Issues with pumping station – sewage floods existing properties
- Already sufficient allotments in village

Other:

- Impact on community spirit – loss of faith in planning system
- Increase in noise
- Increase in pollution
- Impact on health due to additional traffic
- Increase in crime and anti-social behaviour
- Highway safety implications from construction vehicles
- Noise and disturbance during construction
- Affordable housing is not affordable for local people
- There is no demand for further housing in Chinnor
- Overdevelopment
- Destruction of archaeology

Concerns raised that are not planning matters:

- Impact on property prices
- Impact on a view

1 received with no objections with the following comment:

- New houses are needed

4.0 RELEVANT PLANNING HISTORY

4.1 Outline planning application [P14/S4024/O](#) was refused on 23 December 2015. This was an application for outline planning permission for the construction of 78 dwellings (including affordable housing) with associated access, amenity space and landscaping. The application was refused for the following five reasons:

1. The application site is not a site allocated for development in a Development Plan, including any adopted Neighbourhood Plan, is not considered an infill site within the built up limits of the settlement and does not accord with the District's clear strategy for growth and necessary infrastructure. The proposal would amount to an unwarranted extension and encroachment into the adjacent countryside. The development is therefore contrary to policies CSS1, CSR1, CSH1 and CSI1 of the adopted Core Strategy, policies G2 and G4 of the adopted South Oxfordshire Local Plan 2011 and does not represent sustainable development as outlined in the NPPF.
2. That the proposal fails to secure affordable housing to meet the needs of the District contrary to policies CSH3 of the adopted Core Strategy and wider guidance contained within the National Planning Policy Framework. It is acknowledged this reason for refusal could be overcome through the provision of a suitable Section 106 legal agreement.
3. The proposal fails to provide adequate services and facilities to meet the needs of the development contrary to policies C6, R2, R3, R6 and D12 of the saved policies of the adopted South Oxfordshire Plan 2011 and policies CSG1, CSI1 of the adopted Core Strategy. It is acknowledged this reason for refusal could be overcome through the provision of a suitable Section 106 legal agreement.
4. That the proposed access arrangements are not conducive to a satisfactory layout that would represent a high quality or secure design, and would not allow sufficient flexibility at detailed stage to overcome this issue and therefore the proposal is contrary to Policies CSQ3 of the adopted Core Strategy and Policy D1, D2, D3, D4 and D6 of the South Oxfordshire Local Plan 2011.

5. That, having regard to the lack of information on the cumulative impacts of this development when considered alongside other proposals for development in the area, this application fails to demonstrate the impact of this proposal on the local environment, particularly in terms of traffic movements on local roads. Matters of air quality, noise and vibration have also failed to be fully considered, taking account of the other proposed developments. In the absence of an Environmental Statement or similar assessment, the proposal must be considered to have a materially harmful impact on highway safety and will also negatively impact existing residents, particularly in terms of noise, pollution and vibration associated with additional traffic movements. In this regard, the proposal is contrary to Policies EP1, EP2 and T1 of the South Oxfordshire Local Plan 2011 and advice within the NPPF.
- 4.2 This previous application was effectively the same as the current application. The key differences are that the Applicant has provided three indicative layouts to demonstrate that the level of development proposed could be accommodated on the site in various ways. All of these plans are indicative as layout is a matter reserved for consideration later.
- 4.3 The application description has also changed from ‘78 dwellings ...’ under the previous application to ‘up to 78 dwellings’ under this application. The slight change to the description would allow some flexibility if an appropriately designed layout required fewer homes.
- 4.4 The Applicant has recently submitted an appeal to the Planning Inspectorate against the refusal of application P14/S4024/O. The appeal would take the form of a three day public inquiry, for which a date has not yet been set.
- 4.5 Planning application [P15/S0779/FUL](#) for 61 dwellings at the end of Mill Lane, at the junction with Thame Road, was considered by the Planning Committee on 18 May 2016. Councillors resolved to delegate authority to grant planning permission to the Head of Planning subject to the completion of a Section 106 Agreement. The S106 has been drafted and it is likely that planning permission will be issued for this development shortly.
- 5.0 **POLICY & GUIDANCE**
- 5.1 **National Planning Policy Framework (NPPF)**
- 5.2 **National Planning Practice Guidance (NPPG)**
- 5.3 **South Oxfordshire Core Strategy (SOCS) 2027**
CS1 - Presumption in favour of sustainable development
CSB1 - Conservation and improvement of biodiversity
CSC1 - Delivery and contingency
CSEN1 - Landscape protection
CSEN3 – Heritage assets
CSG1 - Green infrastructure
CSH1 - Amount and distribution of housing
CSH2 - Housing density
CSH3 - Affordable housing
CSH4 - Meeting housing needs
CSI1 - Infrastructure provision
CSM1 - Transport
CSM2 - Transport Assessments and Travel Plans
CSQ3 - Design

CSQ4 - Design briefs for greenfield neighbourhoods and major development sites
CSS1 - The Overall Strategy

5.4 South Oxfordshire Local Plan (SOLP) 2011 saved policies

C4 - Landscape setting of settlements
C6 - Maintain & enhance biodiversity
C8 - Adverse affect on protected species
C9 - Loss of landscape features
D1 - Principles of good design
D10 - Waste Management
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
D6 - Community safety
EP1 - Adverse affect on people and environment
EP4 - Impact on water resources
EP6 - Sustainable drainage
EP7 - Impact on ground water resources
EP8 - Contaminated land
G2 - Protect district from adverse development
G4 - Protection of Countryside
R2 - Provision of play areas on new housing development
R6 - Public open space in new residential development
T1 - Safe, convenient and adequate highway network for all users
T2 - Unloading, turning and parking for all highway users

5.5 South Oxfordshire Design Guide (SODG) 2008

Sections 3, 4 and 5

5.6 Emerging South Oxfordshire Local Plan 2032

The council consulted on 'Issues and Scope' in June 2014 and 'Refined Options' in February 2015. The Refined Options identified the application site as a shortlisted site. The 'Preferred Options' for the Local Plan is currently at consultation stage, closing 19 August 2016. The Preferred Options does not specify sites for development and instead devolves delivery of houses in villages to the Neighbourhood Plan process.

5.7 Emerging Chinnor Neighbourhood Plan

The neighbourhood plan steering group for Chinnor Neighbourhood Plan has carried out a consultation on their pre-submission draft plan. The pre-submission draft plan identifies the application site as a draft allocation for development.

5.8 Environmental Impact Assessment

This proposal does not exceed 150 dwellings, the site area is under 5ha and is not within a 'sensitive area' as defined by the EIA regulations. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning considerations in the determination of this application are:

- Principle of development
- Cumulative impact of developments in Chinnor
- Housing mix and affordable housing
- Landscape impact

- Design and layout
- Public Open Space
- Highway safety, convenience and traffic
- Impact on neighbours
- Amenity of future occupiers
- Drainage
- Trees
- Protected species and biodiversity
- Heritage assets
- Contaminated land
- Air quality
- Infrastructure and Section 106 contributions / obligations

Principle of the development

- 6.2 Chinnor is identified as a larger village within the SOCS. Policy CSS1 of the SOCS sets out the overall distribution strategy for the district and this includes supporting and enhancing the larger villages as local service centres. This distribution strategy is followed through in Policy CSR1 which addresses housing in the villages and indicates that sites will be allocated for housing in the larger villages and that there would be no limit on infill development in these settlements.
- 6.3 The application site falls beyond the built up limits of the village. It is not closely surrounded by buildings or a small gap in an otherwise built-up frontage. It does not represent an infill development. It is also not a site allocated for housing in an adopted / made plan. The development therefore conflicts with the development plan, insofar as it does not meet with the policy CSR1 criteria against which proposals for development beyond the built-up limits of larger villages are assessed.
- 6.4 At present, none of the sites around Chinnor have been allocated for housing. We previously proposed to allocate sites through the new Local Plan 2032. The refined options (July 2015) consultation for the Local Plan 2032 shortlisted three sites for growth in Chinnor. The application site was one of the shortlisted sites under reference CHI7. The recently released Preferred Options (June 2016) consultation for the Local Plan 2032 does not specify sites for development and instead devolves delivery of houses in villages to the Neighbourhood Plan process.
- 6.5 In the pre-submission draft Chinnor Neighbourhood Plan two housing development sites are proposed. The application site is one of the proposed sites, as stated in draft policy CH H3 'Land at Mill Lane'. This draft policy states that planning permission will be granted for approximately 80 dwellings at the site subject to number of amenity and environmental considerations.
- 6.6 Chinnor has been subject to numerous speculative applications in the recent past. We have resisted housing developments on three sites around Chinnor and in each case, the Inspectors who considered the appeals against these refusals overturned our decisions and granted planning permission.
- 6.7 In four of the most recent district wide appeal decisions against the refusal of large scale housing developments the Inspectors assessing the appeals concluded that we should be applying a higher housing target as set out in the Strategic Housing Market Assessment (SHMA). These decisions were at Winterbrook, Wallingford (P15/S0191/FUL), Lower Icknield Way, Chinnor (P15/S0154/O), Newington Road, Stadhampton (P14/S4105/O) and High Street, Tetworth (P14/S3524/O).

- 6.8 The SHMA was published in April 2014 and sought to establish an objectively assessed need for the county and identify the housing requirements for each of the Oxfordshire authorities for 2011 – 2031. The SHMA indicates that a higher level of housing is required than was planned for in the SOCS. The SHMA objectively assessed need is between 725 and 825 dwellings per annum. The SOCS figure is 547 homes per annum. The increase in housing numbers has been taken into account in the Preferred Options consultation for the Local Plan 2032.
- 6.9 Based on the evidence in the SHMA, the Inspectors who considered the recent appeals were of the opinion that the council cannot currently demonstrate a five-year supply of deliverable housing sites. The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land.
- 6.10 Para.49 of the NPPF specifies that relevant policies 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 sites. Para.14 adds that where relevant policies are out of date, *planning 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*
 - *specific policies in the NPPF indicate that development should be restricted.*
- 6.11 This means that the policies for the supply of housing in the SOCS are given significantly less weight. Applications for housing should now be considered in the context of the presumption in favour of sustainable development and should be permitted unless there is planning harm that outweighs the benefit of providing new housing. The impacts of the development are considered below and the planning balance weighed up in the conclusion of the report.

Cumulative impact of developments in Chinnor

- 6.12 Chinnor has been subject to a number of applications in the recent past. This includes:
- o Mill Lane / Thame Road - 61 dwellings – P15/S0779/FUL – Permission to be issued soon
 - o Lower Icknield Way – 89 dwellings – P15/S0154/O - Allowed on appeal March 2016
 - o Greenwood Avenue – 80 dwellings – P14/S0953/O – Allowed on appeal October 2015
 - o Crowell Road – 120 dwellings – P14/S1586/O – Allowed on appeal October 2015
- 6.13 In addition to these sites where work has not yet started the following permissions have been granted in recent years:
- o Chinnor Garden Centre – 39 dwellings – P14/S3987/FUL – Permission granted September 2015
 - o Chinnor Cement Works (in lieu of offices) – 21 dwellings – P14/S0655/FUL – Permission granted November 2015
- 6.14 Furthermore, two of the developments allowed on appeal (P14/S0953/O and P14/S1586/O) are either side of a field. It is likely that the middle field will come forward for development - it was the subject of a Screening Opinion for up to 150 dwellings in March 2016 under reference P16/S0617/SCR.
- 6.15 'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It assesses whether the effect on the environment would be such that it would represent Environmental Impact Assessment

(EIA) development and an Environmental Statement would be required. An EIA Screening Opinion does not indicate whether planning permission ought to be granted for a proposed development.

- 6.16 If permitted, this scheme would take the total number of homes recently permitted in Chinnor to 488 (not including any small scale developments or the potential future development referred to in para.6.14). Significant concern has been raised by local residents regarding the cumulative impact of these developments. This was also a matter that was raised under the previous application at this site (P14/S4024/O) and formed one of the reasons why this application was refused.
- 6.17 Given the number of developments within Chinnor, a Screening Opinion was carried out for the previous application (P14/S4024/O) and officers considered that there was potential cumulative highways impacts from all of the developments on the B4009, the road that leads from Princes Risborough, through Chinnor, to the M40. It was also considered that there was a potential cumulative impact on the highway junctions around the village and secondary impacts in relation to noise, vibration and air quality.
- 6.18 Since the determination of the previous application (P14/S4024/O) in December 2015, the Department of Communities and Local Government (DCLG) have considered the issue of the cumulative impact of the recent applications for housing in Chinnor. They issued a Screening Direction for the appeal for 89 homes at Lower Icknield Way (P15/S0154/O) and the Secretary of State (SoS) concluded that the proposal was unlikely to have significant effects on the environment and that it was not EIA development.
- 6.19 In reaching this view DCLG considered all of the recent applications in Chinnor and also had regard to the allocation of a significant amount of housing in Princes Risborough. The Screening Direction specifies that the SoS does not consider that the impacts as a result of traffic increases are likely to give rise to any significant effects and makes this judgement in the knowledge of all of the recent planning applications around Chinnor including this application. The SoS also considers that the impacts as a result of noise or emissions are not likely to give rise to any significant effects.
- 6.20 There have been no change in circumstances since DCLG issued the Screening Direction in January 2016, with no further large scale housing applications submitted around Chinnor. This is a material consideration that needs to be taken into account in the decision making process and in my opinion, removes the fifth reason for refusal of previous application P14/S 4024/O. The Screening Direction issued by DCLG is **attached** as Appendix C.

Housing mix and affordable housing

- 6.21 Para.50 of the NPPF seeks to deliver a wide choice of high quality homes, highlighting the need to plan for a mix of housing based on current and future needs. Policy CSH4 of the SOCS reflects this requirement. The SHMA is the most up to date evidence base for considering housing mix. The SHMA found a shortfall in smaller units and recommended for most units to be 2 and 3 bedrooms. The findings from the SHMA and the application proposal are summarised below.

Market homes	1 bed	2 bed	3 bed	4+ bed
SHMA	6%	27%	43%	24%
Application proposal	0%	20%	50%	30%

- 6.22 The application proposes a mix of market homes and although not completely in accordance with the evidence in the SHMA, the proposal does provide for predominantly two and three bedroom homes. As such, I consider that the development would contribute towards providing a mix of houses for current and future needs, in accordance with the above policy.
- 6.23 Policy CSH3 of the SOCS specifies that 40 per cent of new homes shall be affordable, with a tenure mix of 75 per cent social rented and 25 per cent intermediate housing. The application proposes 32 affordable units and this amounts to 41 per cent. As such there is no requirement for a commuted sum towards a part unit. In terms of the tenure split, 23 homes (72%) would be for affordable rent and 9 homes (28%) shared ownership.
- 6.24 The affordable housing mix from the SHMA and the application proposal are summarised in the table below.

Affordable homes	1 bed	2 bed	3 bed	4+ bed
SHMA	32.6%	35.5%	29.3%	2.7%
Application proposal	19%	50%	25%	6%

- 6.25 The proposal would provide a mix of affordable units and although not strictly in accordance with the evidence in the SHMA, would provide a high proportion of two bedroom affordable homes. This is particularly important as Government Welfare reform, introduced since the production of the SHMA, has seen a significant increase in the demand for two bedroom accommodation for rent with a reduction in demand for larger rented family homes due to the changes in eligibility for Housing Benefit.
- 6.26 The highest demand for shared ownership properties is also for two bedroom houses, therefore the affordable housing mix may be more suitably delivered with a higher proportion of two bedroom properties. The proposed mix reflects the significant demand for two bedroom units and our Housing Development Officer has confirmed that the mix would meet local demand. As such, I consider that the mix is acceptable.
- 6.27 The affordable units would be distributed throughout the development and a Section 106 legal agreement would require the units to be built “tenure blind” in respect of external design and features so they are materially indistinguishable from the general market housing. Subject to the completion of a S106 to secure the affordable housing provision, I consider that the scheme is acceptable in this respect and complies with the above policy.

Landscape impact

- 6.28 The text accompanying policy CSEN1 of the SOCS explains that there will be some further development on the edge of our settlements and that we will take account of and seek to reduce the impact of development on the environment. Policy C4 of the SOLP advises that development that would damage the attractive landscape setting of settlements will not be permitted.
- 6.29 The development would clearly result in a very different situation to the existing and this would be the case with any extension to a settlement, where the existing situation is an agricultural field. An advantage of this site is that it does not fall within a Green Belt or an Area of Outstanding Natural Beauty and is 1.3km from the Chilterns AONB escarpment, separated by the built form of Chinnor.
- 6.30 Although no Landscape and Visual Impact Assessment has been submitted with the

application I am satisfied that the development would not have a significant impact on the visual and historic character of Chinnor. We assessed the site in 2014 as part of a Landscape Capacity Study, to inform the future allocations for the village. This study concluded that the site has a medium / high landscape capacity for development.

- 6.31 A key factor that influenced the conclusions in the Landscape Capacity Study is that the site is separated from the wider landscape by a mature hedgerow. Although the Study comments that the development of the site would extend the village built form northwards of Mill Lane, it states that this would be counterbalanced by the existing school and the development at the end of Mill Lane, with the junction of Thame Road (Planning application P15/S0779/FUL).
- 6.32 The Landscape Capacity Study recommends that it is important to provide a good Green Infrastructure link along the northern boundary to provide a definitive landscape edge to the settlement. This is shown on the indicative plans and could be secured through a landscaping condition. It also recommends that existing boundary trees and hedgerows are retained and that the preferred access is from Mill Lane through an existing gap in vegetation (with some widening required).
- 6.33 In addition to a recommendation in the Landscape Capacity Study, the retention of the hedge along Mill Lane has been raised as an important issue by a number of consultees. The Parish Council have commented that the loss of hedgerows is a major concern. In addition, the draft Neighbourhood Plan policy CH H3 states that planning permission will be granted for residential development on the site subject to a number of criteria, including:
- *The retention and relaying of the existing hedgerow along Mill Lane which is not directly affected by the formation of a new vehicular access.*
- 6.34 Given that the retention / relaying of the existing hedgerow on Mill Lane is important to mitigate the landscape impact of the development, and has also been raised as a concern locally, I consider that it is important that as much of the hedgerow as possible is retained / replanted. The Applicant has demonstrated that this could be achieved in one of the indicative layouts which shows the hedge retained west of the new roundabout and replanted to the east of the roundabout (with the exception of the access to the allotments).
- 6.35 To address this issue I have recommended a condition requiring the retention of the hedgerow on Mill Lane to the west of the new roundabout. The replanting of the hedge to the east could be secured through a landscaping condition.
- 6.36 In landscape terms the site represents an acceptable location to extend the village. This is reflected in the fact that the site was shortlisted as an allocated site in the Refined Options of the Local Plan 2032. This draft allocation was based on the evidence in the Landscape Capacity Study for villages. Subject to conditions to secure a robust landscaping scheme and the retention of part of the hedgerow on Mill Lane, I am satisfied that the development would have an acceptable impact on the landscape setting of the village, in accordance with the above policies.

Design and layout

- 6.37 Paragraph 56 of the NPPF states, “*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 58 of the NPPF requires new development to create a sense of place, optimise the potential of the site to accommodate development, respond to local character and create a safe and accessible environment. The design policies of the SOCS (particularly CSQ3) and the SOLP policies (particularly D1-D4) echo these requirements.
- 6.38 The application is in outline only, with layout to be considered later at reserved matters stage. The Applicant has submitted three indicative layouts to demonstrate that 78 dwellings could be accommodated on the site in slightly different ways. One of the layouts is identical to the indicative layout submitted under application P14/S4024/O. The key differences in the other layouts are that one shows that the largest parking courtyard could be omitted from the scheme and the other that much of the hedge on Mill Lane could be retained.
- 6.39 The key urban design issue raised under application P14/S4024/O was that the scheme showed a number of private accesses onto Mill Lane and with these accesses fixed at outline stage, that there may not be sufficient flexibility at detailed stage to secure a high quality layout. Officers who considered the previous application were concerned that with the position of the houses fronting Mill Lane fixed at outline stage, that the large parking courtyards behind the frontage buildings could not be designed out of the layout.
- 6.40 Through the submission of three indicative layouts, the Applicant has demonstrated that there is flexibility to layout the site in a number of ways. The change in the description of the application from ‘78 dwellings’ to ‘up to 78 dwellings’ also allows some flexibility to reduce numbers if this is necessary to accommodate an appropriate layout.
- 6.41 I note that in urban design terms, that having accesses fronting onto Mill Lane is preferable as this creates an active street frontage and would reflect the layout of the homes opposite the site. However, in landscaping terms the retention of the hedgerow along Mill Lane is preferable. As is the case with many planning issues, this conflict has to be assessed and weighed in the balance.
- 6.42 In weighing up these issues, I am of the opinion that the retention of the hedge on Mill Lane, to the west of the new roundabout, would be the most appropriate design response. In making this judgement I have taken into account the character of Mill Lane and that there is a more rural feel to the western end of Mill Lane as the road narrows towards the farm. The retention of the hedge would reflect this character. The retention of the hedge is also a criterion in the emerging Chinnor Neighbourhood Plan. In addition, it is a matter that has been raised as a concern locally that can be taken into account in the details of the development. The retention of the hedge can be secured though a condition.
- 4.43 The indicative plans show that a looser development could be achieved at the northern end of the site and this would be appropriate given that the northern end of the site borders open countryside. The layout also shows space for some significant additional planting to the north of the site. The inclusion of a central landscaped space would help break up and provide an informal setting to the site and that the footpath to the west could be linked to the open space within the development. The indicative layout shows that strong perimeter blocks could be achieved and that a wide mix of

house types could be accommodated on the site.

- 6.44 The density of the development on site would be around 22 dwellings per hectare. This would be less than the development on the corner of Mill Lane / Thame Road (application P15/S0779/FUL), which had a density of 39 dwellings per hectare. In my opinion the lower density proposed on this site is appropriate given that the site is located more on the edge of the village.
- 6.45 The submission of three indicative layout drawings has demonstrated that the development could be provided on site in a number of ways. I am satisfied that an appropriate layout could be achieved at reserved matters stage. The detailed appearance and scale of the homes would also be secured at reserved matters stage. As such, I consider that this outline application accords with the above design policies.

Public Open Space

- 6.46 Policy R6 of the SOLP requires that 10 per cent of the gross site area be provided as informal open space for the users of the development. The central open space area would exceed this requirement and the proposal therefore complies with this policy in terms of the percentage of space to be provided.
- 6.47 With regards to the quality of the open space, the open space would be in the form of a central green, which would provide a focal point for the development. The layout would provide a usable network of connected green spaces with a link between the central green, the landscaping to the north of the site and the footpath to the west. I consider the overall provision of open space within the site to be acceptable. The long term management of the open space would be secured through a S106 legal agreement.
- 6.48 Policy R2 of the SOLP endorses the Fields in Trust standard of 0.8ha of children's play space for every 1,000 people. On this site that would amount to around 0.16ha of space, of which 0.06ha should be equipped. Older children that are future residents of the site will be able to utilise the facilities at the nearby Whites Field recreation ground but it is important that facilities are provided at a localised level for younger children. As the application is in outline, the details are not shown on the plans. However details of the play space can be secured via condition and the long term maintenance secured through the S106.

Highway safety, convenience and traffic

- 6.49 Policies D1, D2, T1 and T2 of the SOLP also require an appropriate parking layout and that there would be no adverse impact on highway safety. With respect to highway safety matters, the advice in the NPPF is that *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*
- 6.50 Access is the only matter in this application that is not reserved for consideration later. The main site access is proposed to be a mini-roundabout at the junction of Mill Lane and Estover Way. This was developed under the previous application (P14/S4042/O) in consultation with Oxfordshire County Council, who did not raised any objection to the previous application.
- 6.51 The applicant submitted further details to the County highways team following the issues they raised in their initial consultation response. This included an update to the traffic flow data including a traffic growth forecast up to 2021, which takes account of the recent developments that have been permitted within Chinnor. This concluded that the forecast traffic flows from other developments, in combination with the traffic from this proposal, would not create any capacity issues on the highway network. The

County Highways officer has confirmed that this analysis is acceptable.

- 6.52 The Applicant and the County Highways officer have also had further discussions about the potential incorporation of the existing cycle lane into the mini-roundabout arrangement. The County still have concerns with the cycle lane provision but are of the view that an appropriate solution can be achieved under the S278 legal agreement that the Applicant will need to enter with then to carry out works within the highway. This would enable the existing cycle lane to be reincorporated into the mini roundabout and this can be accommodated within the width of the carriageway.
- 6.53 The County Council require highway works that are outside of the red line site boundary and this includes the roundabout and footpath improvements. These off site highway works can be secured through an appropriately worded planning condition and would require a separate Section 278 Agreement with the County.
- 6.54 Policy CSM1 of the SOCS seeks to mitigate the impact of development on existing transport networks and promotes the use of sustainable transport. The site is located in a sustainable location, close to public transport routes and within reasonable walking distance of existing services and facilities within Chinnor. Appropriate cycle parking facilities could be secured by condition, as could a Green Travel Plan.
- 6.55 The County Council have requested a number of contributions towards site specific transport infrastructure. This includes a contribution of £20,000 to fund new bus stop infrastructure, a contribution of £1,032.26 per additional dwelling towards improved public transport in Chinnor (indicatively £80,516 for 78 homes) and £1,240 to enable the travel plan to be monitored. These can be secured through the S106 legal agreement.
- 6.56 Subject to the resolution of the two issues raised by the County highways officer, I am of the opinion that the development would be acceptable in highway terms and would comply with the above policies. This would be subject to the completion of a legal agreement and the use of planning conditions relating to the offsite highway works, visibility, achieving appropriate access and parking arrangements, cycle parking, travel plans and construction traffic.

Impact on neighbours:

- 6.57 Policy D4 of the SOLP requires new development to secure an appropriate level of privacy for existing residents. The closest residential properties to the development are positioned to the southern side of Mill Lane. Given the layout that could be achieved between the proposed homes and the public facing elevations of the neighbours on Mill Lane, I do not consider that the development would result in any adverse impact in terms of overlooking. With regards to outlook and light, I consider that a layout could be achieved that would not result in any material harm to the amenities of neighbouring properties.
- 6.58 Concern has been raised that construction activities would cause undue noise and disturbance to the pupils in the school adjoining the site. Construction noise is an unfortunate consequence of any building work and would not be a reason to refuse planning permission. As advised by our environmental health officer, I have recommended a condition requiring the approval of measures to control noise and dust during construction.
- 6.59 Residents in Mill Lane have raised concern that the development would impact on the rural outlook that they currently enjoy. Although I can sympathise with these concerns, the impact on a view is not a matter that can be taken into account in the planning

process. As such, I consider that the development would have an acceptable impact on neighbouring properties, in accordance with the above policy.

- 6.60 I note that there has been much local opposition to the proposal and 197 objections were received in relation to the previous application P14/S4024/O. Officers have carefully considered the comments that have been made but have to take account of all relevant material planning issues in forming a recommendation. Any additional comments received from neighbours will be updated at the committee meeting.

Amenity of future occupiers

- 6.61 Policy D3 of the SOLP requires all new homes to benefit from either a private garden, outdoor amenity space or a shared amenity area. I am satisfied that a suitable layout could be achieved that would provide an appropriate level of amenity space for all of the plots. A suitable parking layout could also be achieved to serve the future residents. I am also of the opinion that a layout could be achieved which would secure an acceptable relationship between the proposed homes and would ensure that there would be no adverse overlooking between plots.
- 6.62 Our environmental health officer has commented that there may be potential for future occupiers to be affected by noise arising from the use of the adjacent school playing field. In my opinion the relationship between the proposed housing and the school would not result in harmful living conditions for future occupiers and it would not be reasonable to require mitigation measures. It is not unusual for residential developments to be located near to schools, and given the likely hours of use of the playing fields, the amenities of future residents would not be significantly harmed.

Drainage

- 6.63 Policy EP4 of the SOLP advised that proposals which increase the requirement for water will not be permitted unless adequate water resources already exist or can be provided. Thames Water have commented that they have no objection to the development with regard to water infrastructure capacity.
- 6.64 Following initial investigation, Thames Water believes that the sewer network downstream of this development may be approaching capacity. Thames Water have therefore requested that impact studies be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades.
- 6.65 To ensure that there is sufficient capacity to cope with the new development and in order to avoid any adverse impact on the community, Thames Water have recommended the following condition: *Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.*
- 6.66 As is now standard practice, a detailed scheme for the site would need to incorporate a Sustainable Urban Drainage (SUDS) compliant strategy to ensure that all surface water run-off is accommodated within the confines of the site and discharged in a controlled manner.
- 6.67 A number of residents have commented that the site forms part of the flood plain. A small section of the site is within Flood Zone 3. The majority of the site is within Flood Zone 1 (with the least probability of flooding). The Environment Agency have

commented that they have no objection to the development subject to there being no building works within the small area of Flood Zone 3, which would need to be shown on the details submitted for the reserved matters application.

Trees

- 6.68 Policy C9 of the SOLP seeks to retain landscape features that make an important contribution to the local scene. There are no trees of significant arboricultural quality within or adjacent to the site. The hedges bordering the site vary in quality and mostly will be unaffected apart from potentially the hedge growing at the front of the site next to Mill Lane.
- 6.69 In my opinion a suitable layout could be secured at reserved matter stage, which would have an acceptable impact from an arboricultural perspective. This is subject to a condition to secure a landscaping scheme and management plan that would include larger long lived trees and be made up of a wide variety of species to insure a diverse and robust tree scape.

Protected species and biodiversity

- 6.70 The application site is formed of common and widespread habitats. The main ecological features of interest are the hedgerows and trees around the site boundaries. A small population of slow-worms have been found to be present.
- 6.71 Policies CBS1 of the SOCS and Policies C6 and C8 of the SOLP seek to avoid a loss of biodiversity and take account of any protected species. Where opportunities arise, these policies seek to secure a biodiversity gain for all types of habitat, contributing to the Government's commitment to halt the overall decline of biodiversity.
- 6.72 In order to assess the overall impacts of the proposed development on biodiversity our countryside officer has used a Biodiversity Impact Calculator (recently developed by the Environment Bank) and the outcome was that the scheme would result in an overall loss in biodiversity value when compared to the existing site conditions.
- 6.73 Although the proposed development would result in an overall loss in biodiversity and impact on a population of slow-worm, I do not consider that either of these issues are sufficient grounds to recommend refusal of the application. As advised by the council's countryside officer, both issues could be adequately mitigated by condition. I have recommended conditions requiring a reptile mitigation strategy and a scheme to offset the biodiversity impacts of the development.

Heritage Impact:

- 6.74 Policy CSEN3 of the SOCS seeks to conserve and enhance the district's heritage assets, both above and below ground. In relation to below ground heritage assets, the Applicant carried out a geophysical survey and trenched evaluation of the site. Following this work, the County Archaeologist confirmed that there are no significant archaeological remains on the site and no further investigations will be required.
- 6.75 The site is positioned a distance of some 600m from the two conservation areas in Chinnor and some 400m to the closest listed building. Given these distances and the work that has already been carried out in terms of the potential archaeological interest of the site, I consider that the development would have an acceptable impact on heritage assets, both above and below ground, in accordance with the relevant policies.

Contaminated land

- 6.76 Policy EP6 of the SOLP sets out the council's approach to development on contaminated land. The application was accompanied by a contaminated land questionnaire. Based on the information submitted there does not appear to be any potential sources of contaminated land that could impact on future residents of the development. As such, I consider that the site is suitable for the proposed residential development, in accordance with the above policy.

Air quality

- 6.77 Policy EP1 of the SOLP seeks to secure mitigation measures to ensure that developments do not have an adverse effect on the health and amenity of future occupiers. Based on the size of the proposed development basic good practice design should be applied to this site in order to help mitigate against the air quality impacts and the potential cumulative effects of piecemeal developments and to enable future proofing of the development.
- 6.78 I have recommended a condition requiring air quality mitigation measures to be agreed to ensure satisfactory standards of air quality for the residents of the development and surrounding properties. Mitigation measures can include measures such as electric vehicle charging points and sustainable travel packs for residents. Subject to the imposition of this condition I consider that the development would comply with the above policy.

Infrastructure and S106 contributions / obligations

- 6.79 The proposed development will inevitably increase the demands placed on local infrastructure, services and facilities. Local residents have commented that shops are not able to cope with an increase in population. On the other hand, by utilising local services, new residents could create additional local business opportunities to support the economy and create new jobs.
- 6.80 The County Council have commented that is insufficient capacity at early education settings, primary, secondary and special schools in the area at this time to meet the demands arising from the development. To mitigate the impact of these demands, the County have forecasted how many pupils would be generated by the development and the cost per pupil to extend schools in each sector.
- 6.81 Policy CSI1 relates specifically to infrastructure provision and states that infrastructure and services required as a consequence of development, and provision for their maintenance, will be sought from developers and secured by the negotiation of planning obligations, by conditions attached to a planning permission and / or other agreement, levy or undertaking, all to be agreed before planning permission is granted.
- 6.82 The council adopted a Community Infrastructure Levy (CIL) on 1 April 2016. With the exception of the affordable housing, the development would be CIL liable at a rate of £150 per sq.m. The money collected from the development can be pooled with contributions from other development sites to fund a wide range of infrastructure to support growth, including schools, transport, community, leisure and health facilities.
- 6.83 The CIL Regulation 123 list distinguishes the infrastructure to be funded through CIL from that which should to be secured through S106. A scaled back S106 would still be required to secure affordable housing and contributions towards on-site infrastructure, including street naming and bin provision. Contributions towards site specific highways matters and the long term maintenance of the public open space / sustainable drainage system would also be secured through the provisions a S106.

- 6.84 The Parish Council receive a proportion of CIL money and this would be either 15% or 25% depending on when the neighbourhood plan is adopted. This can be spent on infrastructure projects that are priorities for the community. Subject to the requirement to pay CIL and the completion of a S106 legal agreement I consider that development would comply with the above policy.

7.0 PLANNING BALANCE AND CONCLUSION

- 7.1 There have been some significant changes in circumstances since application P14/S4024/O was refused planning permission some seven months ago. The most notable of these is that a number of recent appeal decisions have concluded that we are currently unable to demonstrate a five-year supply of deliverable housing sites. This has a significant impact in terms of the first reason for refusal of application P14/S4024/O, which found the principle of the development to be unacceptable.
- 7.2 The application proposal would still conflict with policy CSR1 of the SOCS, which sets out the criteria for housing within larger villages. However, the weight to be given to this conflict is reduced given that we cannot currently demonstrate a five-year supply of deliverable housing sites and our housing policies are therefore considered under the NPPF to be out-of-date.
- 7.3 The opinion of the SoS, issued by DCLG in January 2016, on the cumulative impacts of development within Chinnor, is also a matter that needs to be taken into account in the decision making process. This concluded that the cumulative impacts as a result of traffic increases are unlikely to give rise to any significant effects. The traffic element of this Screening Direction is as relevant to the current application as it was to the appeal at Lower Icknield Way, for which it was issued, and addresses the fifth reason for refusal of P14/S4024/O.
- 7.4 In relation to the remaining reasons for refusal, the submission of alternative indicative layouts has demonstrated that the development could be accommodated in a manner that would achieve a high quality design. This overcomes the fourth reason for refusal of application P14/S4024/O. The final reasons for refusal were in relation to securing affordable housing and relevant infrastructure, which would be overcome through the application of CIL and the completion of a S106 legal agreement.
- 7.5 The key remaining issue is therefore whether the adverse impacts of the development would significantly outweigh the benefits when assessed against the policies in the NPPF taken as a whole. This is the test that is triggered as our housing policies are given significantly less weight as they are considered out of date as we cannot demonstrate a five-year supply of deliverable housing sites.
- 7.6 Para. 7 of the NPPF sets out the three dimensions to sustainable development: social, economic and environmental. The benefits and harm of the development should be considered against these three strands of sustainable development. Of most importance, the proposal would positively support the delivery of housing, including affordable housing, and there is a considerable need for market and affordable homes within our District. The social benefits of providing much needed housing is a material consideration of significant weight.
- 7.7 With regards to the economic dimension of sustainability, the Government has made clear its views that house building plays an important role in promoting economic growth. In economic terms, the proposal would provide construction jobs and some local investment during construction, as well as longer term expenditure in the local economy. I consider that moderate weight should be afforded to these benefits.

- 7.8 In environmental terms, the proposal would cause some harm to the rural character of the site and would have an impact on the landscape setting of Chinnor. Additional traffic as a result of the development would also inevitably have some environmental impacts. Although these impacts weigh against the scheme, I have considered the overall impact on the landscape setting of the village to be acceptable and I consider that the development would represent an appropriate design. The cumulative impact of traffic has been assessed recently by the SoS and has been found to be acceptable.
- 7.9 The development would result in the loss of agricultural land. However, some loss will be inevitable in order to secure the delivery of the levels of housing required. In addition, given the very substantial area of our District that is covered by protected landscapes or Green Belt, the opportunity to provide new homes on a suitable site that is unaffected by these designations weighs in favour of the proposal.
- 7.10 Taking into account the benefits of the development and weighing these against the harm, I consider that the proposal represents a sustainable development, consistent with Para.14 of the NPPF and Policy CS1 of the SOCS. The proposal would contribute towards the objective to significantly boost the supply of housing, consistent with Para.47 of the NPPF.
- 7.11 In addition to weighing up the benefits / harm of the development, this is a site that is identified for growth in the Chinnor Neighbourhood Plan and the proposed development is therefore consistent with the direction of travel that this document is taking. It is likely that this site would be allocated for housing later in the development plan period. This accords with Policy CSC1 of the SOCS which sets out contingency measures that should be taken into account when development sites have not progressed in a timely manner. This policy states that under these circumstances, we will consider *bringing forward sites anticipated to come on stream later in the plan process*.
- 7.12 Furthermore, the Inspectors who considered the most recent appeals recognised the strength of our housing distribution strategy, which focuses development to the more sustainable towns and larger villages. The application scheme would broadly conform to the overall distribution strategy in the SOCS and its ambitions for larger villages, as articulated by policy CSS1.
- 7.13 In conclusion, placing all of the relevant material considerations in the balance, when considered against the development plan as a whole, the proposal would represent a sustainable form of development.

8.0 **RECOMMENDATION**

- 8.1 **To delegate authority to grant planning permission to the Head of Planning subject to:**

i) The prior completion of a Section 106 agreement to secure the affordable housing, financial contributions and other obligations stated above, and

ii) The following conditions:

- 1. Outline planning permission.**
- 2. Approved plans.**
- 3. Sample materials to be agreed.**
- 4. Slab and ridge levels to be agreed.**
- 5. Reptile mitigation strategy to be approved.**
- 6. Scheme to offset biodiversity impacts to be approved.**
- 7. Landscaping scheme to be approved.**

8. Landscape management scheme to be agreed.
9. Retention of hedge to west of new roundabout.
10. Play space / equipment to be approved.
11. Air quality mitigation to be approved.
12. Construction hours restriction.
13. Appropriate provision for the control of noise and dust to be approved.
14. Drainage strategy for any on and off site works to be agreed (in consultation with Thames Water).
15. Surface water drainage to be agreed.
16. Green travel plans to be agreed.
17. Off site highway works to be agreed and a timetable for their implementation.
18. Estate access, driveways, parking and turning areas to be provided.
19. Construction traffic management plan to be agreed.
20. Construction method statement to be agreed.
21. Cycle parking to be agreed.
22. No surface water drainage onto highway.
23. Provision of visibility splays.
24. Refuse and recycling storage to be agreed.
25. Details of boundary walls and fences to be agreed.
26. Development to achieve Secure by Design Part 2.

Author: Emma Bowerman
Contact No: 01235 422600
Email: planning@southoxon.gov.uk

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