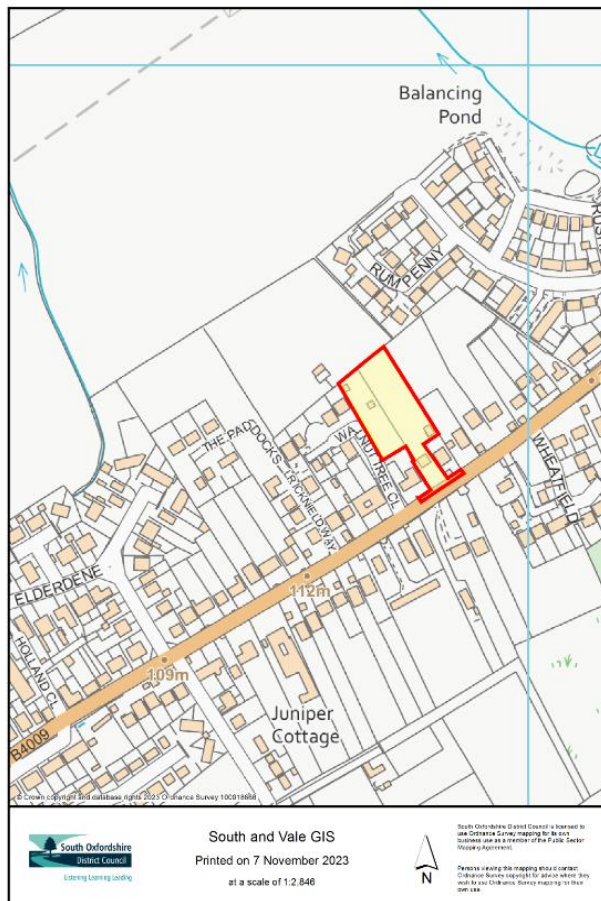


<b>APPLICATION NO.</b>	<a href="#">P23/S0565/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	8.3.2023
<b>PARISH</b>	CHINNOR
<b>WARD MEMBER(S)</b>	Ali Gordon-Creed Ed Sadler
<b>APPLICANT</b>	BHK Construction
<b>SITE PROPOSAL</b>	81 Lower Icknield Way Chinnor, OX39 4EA Demolition of 1 dwellinghouse and erection of 10 new dwelling houses on land to the rear of 79-83 Lower Icknield Way, Chinnor.
<b>OFFICER</b>	Katherine Pearce

**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This application is brought to Planning Committee because the officer’s recommendation is in conflict with the views of Chinnor Parish Council.
- 1.2 The application site comprises the residential dwelling No. 81 Icknield Way and its associated outbuildings, its rear garden and the substantial part of the rear garden of the adjacent dwelling No 79a Icknield Way. The site measures around 0.5ha in area.



- 1.3 Immediately to the west of the site is Walnut Tree Close, a development of 8 dwellings granted planning permission in 2015 (see paragraph 3.4). A close boarded fence separates the site from this development.
- 1.4 To the north of the site is a paddock, which is accessed through the application site. The paddock is separated from the site by a hedgerow. Planning permission for 60 dwellings on the application site and the paddock together was dismissed at appeal in February 2020.
- 1.5 The eastern boundary is marked by a hedgerow. To the east of the site are the long rear gardens of dwellings along Lower Icknield Way. To the north east of the site is a development of 89 dwellings granted on appeal in 2016 (see paragraph 3.3).
- 1.6 To the south of the site is Icknield Road, from which the site is accessed, with residential dwellings along the other side of the road.
- 1.7 Within the gardens themselves are some fruit trees and a hedgerow divides the gardens of No. 79a and 81. The site does not fall within an area of special landscape designation.
- 1.8 This is a full application for the demolition of No. 81 Icknield Way and the erection of 10 market dwellings. The mix of dwellings proposed is:  
2no. x 2 bed  
4no. x 3 bed  
4no. x 4+bed
- The dwellings would be arranged along a single access road running north-south through the site.
- 1.9 A single access off Lower Icknield Way would provide access to the site, which includes a turning head. There would be a pedestrian footpath along both sides of the access road. Along the northern boundary would be access to the paddock beyond.

## **2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

### **2.1 Chinnor Parish Council - Objection**

1. Whilst the site is inside the red line village boundary, the development should not be considered as infill because whilst built up to the West and the South, there are large gardens to the east, the North is open agricultural land.
2. Traffic concerns- we note Oxfordshire CC Highways response and support their comments.
3. Density- the proposed number of houses and layout constitutes over development for this part of the village where the remainder is for less density.
4. Unneighbourly- impact on neighbour amenity.

### **2.2 Urban Design Officer – No objection**

### **2.3 Landscape Architect – No objection, subject to conditions**

- 2.4 **Countryside Officer – No objection**, case officer should be satisfied that the requirements of Policy ENV3(2) are met in relation to biodiversity net loss.
- 2.5 **Forestry Officer – No objection**, subject to conditions.
- 2.6 **Drainage – No objection**, subject to conditions.
- 2.7 **Env. Protection Team – No observations to make.**
- 2.8 **Oxfordshire County Council Highways – No objection**, subject to conditions.
- 2.9 **Oxfordshire County Council Lead Local Flood Authority – No objection**, subject to conditions.
- 2.10 **Oxfordshire County Council Education – Objection**  
There is insufficient space in the local school. It is not known whether the Mill Lane Primary School can expand, it is being assessed.
- 2.11 **Oxfordshire County Council Archaeology – No objection**, no conditions required.
- 2.12 **Oxfordshire County Council Waste Management – No objection**, subject to S106 contributions
- 2.13 **Thames Water Development Control – No objection**  
Given the scale of the proposed development, it will not materially affect the sewer network. However, it is advised that care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. No objection in relation to foul water sewage network infrastructure capacity. No objection in relation to surface water.
- 2.14 **Neighbour (49) – Objections**, in summary:
- Chinnor has already received a lot of new housing in recent years, no more is needed.
  - The development is contrary to the neighbourhood plan
  - Loss of light and privacy to adjacent dwelling and garden
  - Nos. 79 and 79a will become an island between two access roads
  - This is the first phase of further development
  - Danger caused by cluster of 7 new exits onto Lower Icknield Way
  - Lower Icknield Way is already congested and unsafe for pedestrians
  - Impact on wildlife
  - Schools in Chinnor are oversubscribed already
  - GP surgeries, dentists, pharmacies cannot cope with existing demand, more housing will make this worse.
  - Drainage system cannot cope with more development
  - Lack of infrastructure to support this development

- Chinnor needs a bypass because of all the traffic going through it

### 3.0 RELEVANT PLANNING HISTORY

3.1 [P18/S1004/O](#) - Refused (18/04/2019) - Appeal dismissed (06/02/2020)  
Development of the 79a - 83 (and land rear off) to provide up to 60 dwellings, with associated open space, landscaping, vehicular access and footpath links.

3.2 [P17/S1587/O](#) - Refused (10/10/2017)  
Development of 79a - 83 (and land rear off) to provide up to 60 dwellings, with associated open space, landscaping, vehicular access and footpath links. (Preliminary contaminated land assessment received 8 June 2017)

Relevant planning history from sites in the vicinity:

3.3 [P15/S0154/O](#) – Refused (28/04/2015) – Appeal allowed (23/03/2016)  
Outline application with all matters reserved except access for the erection of up to 89 dwellings with public open space, landscaping, vehicular access and footpath links.

3.4 [P15/S0891/FUL](#) - Approved (12/06/2015)  
Demolition of No. 77 Lower Icknield Way. Erection of 8 new dwellings.

3.5 [P14/S3548/O](#) - Approved (30/04/2015)  
Outline application for demolition of 77 Lower Icknield Way. Erection of 10 new dwellings with associated access. (As amended by drawing 01A to alter access arrangements and increase parking provision)

### 4.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

4.1 The proposal does not exceed 150 dwellings, the site area is under 5 hectares and is not within a sensitive area as defined by the EIA Regulations. As a result, the proposal is below the thresholds prescribed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Taking into account the nature, scale and location of the proposal, the effect from this proposal is likely to be of local importance and not significant within the context of the EIA regulations and guidance. As such, the proposal is not EIA development and a full Environmental Statement is not required.

### 5.0 POLICY & GUIDANCE

#### 5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 - The Overall Strategy

STRAT5 - Residential Densities

H1 - Delivering New Homes

H4 - Housing in the Larger Villages

H9 - Affordable Housing

H11 - Housing Mix

H16 - Backland and Infill Development and Redevelopment

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  
DES10 - Carbon Reduction  
ENV1 - Landscape and Countryside  
ENV2 - Biodiversity - Designated sites, Priority Habitats and Species  
ENV3 - Biodiversity  
ENV9 - Archaeology and Scheduled Monuments  
ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)  
ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)  
EP1 - Air Quality  
EP3 - Waste collection and Recycling  
EP4 - Flood Risk  
INF1 - Infrastructure Provision  
INF2 - Electronic Communications  
INF4 - Water Resources  
TRANS4 - Transport Assessments, Transport Statements and Travel Plans  
TRANS5 - Consideration of Development Proposals  
CF5 - Open Space, Sport and Recreation in New Residential Development

## **5.2 Neighbourhood Plan**

The Chinnor Neighbourhood Plan Review II (CRNP) was made on 17 November 2023 and therefore carries full weight in decision making. The relevant policies from the CRNP are:

CH H1 – Infill Residential Development  
CH H2 – Affordable Housing  
CH H3 – Tenancy Mix  
CH H7 – Development Boundary  
CH H8 – Sustainable Homes  
CH C1 – Design  
CH GP2 – Protection of Habitats of Significance

## **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. The dwellings would be required to meet the necessary building regulation standards to ensure accessibility for a range of needs.

## 6.0 PLANNING CONSIDERATIONS

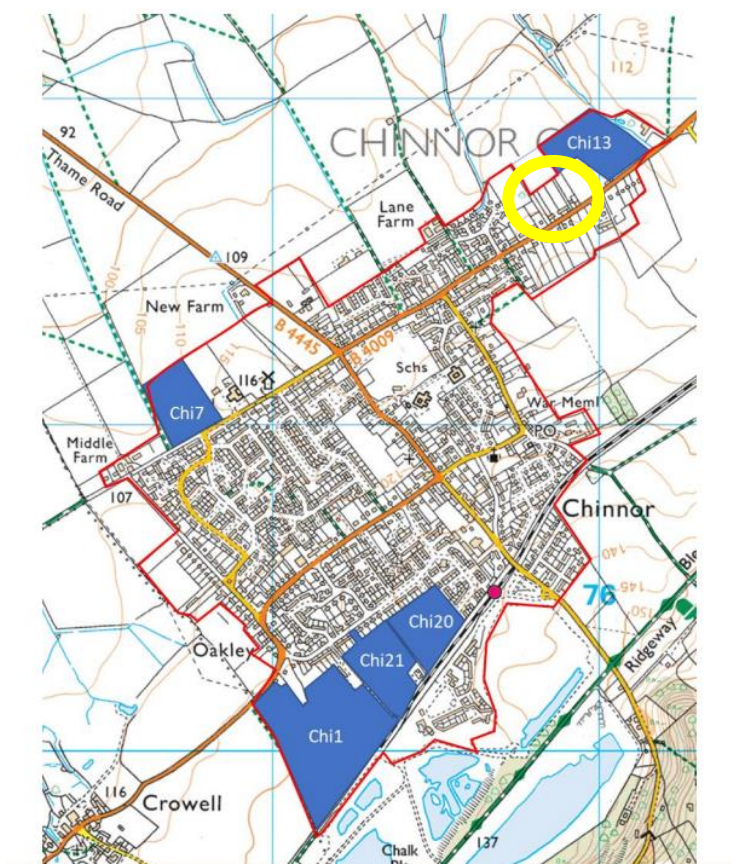
6.1 The relevant planning considerations are the following:

- Principle of development
- Design and character
- Mix and density
- Trees and landscaping
- Ecology and biodiversity
- Drainage
- Residential amenity
- Access and parking
- Energy Statement
- Community Infrastructure Levy and Section 106 Agreement
- Other matters

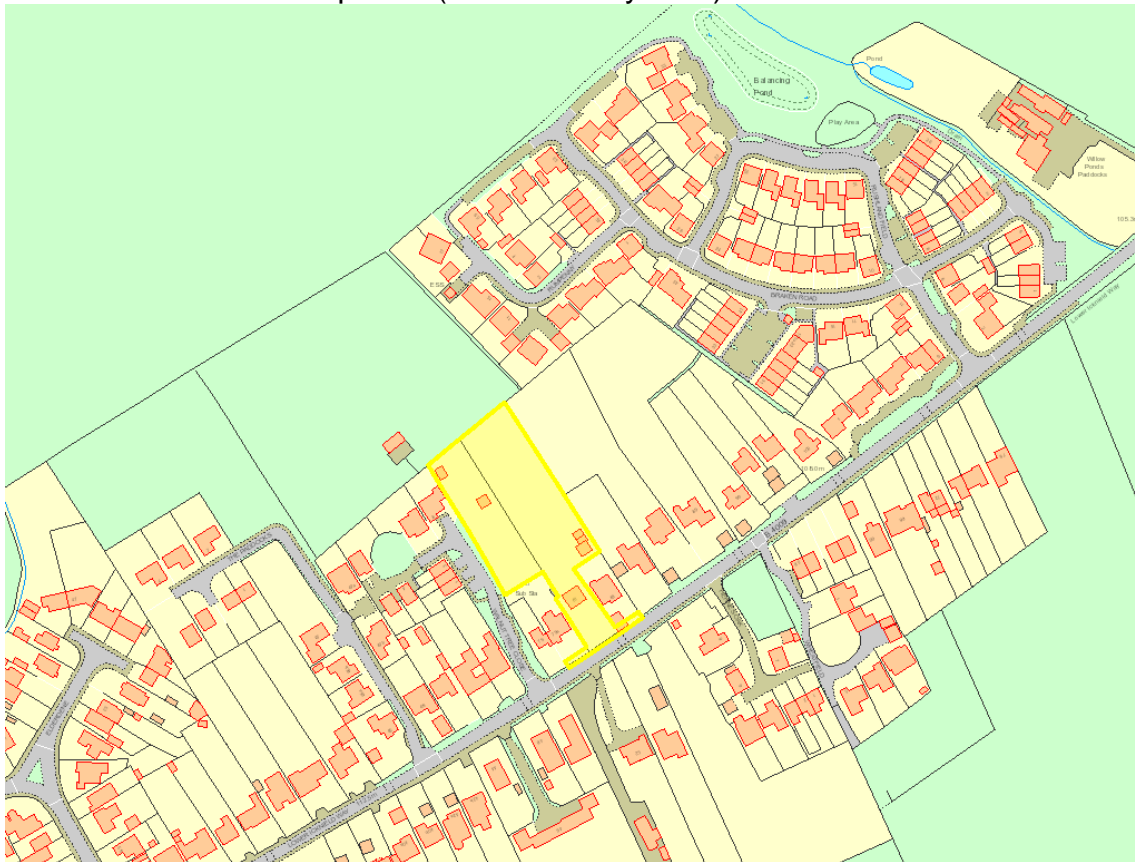
### 6.2 Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Figure 2 in the CRNP sets a settlement boundary around Chinnor, shown below. The yellow circle indicates the general location of the site:

Figure 2: Chinnor Village Development Boundary



- 6.3 Since the above map was created Chi13 has been built out and backland development to the west of the site has occurred. The OS map below shows this more recent development (the site in yellow):



- 6.4 CRNP Policy CH H7 states that *“Proposals for development inside the development boundary will be supported where they constitute sustainable development and are consistent with development plan policies.”*
- 6.5 CRNP Policy CH H1 supports infill development within the Chinnor Development Boundary, provided certain technical matters relating to amenity of existing residents, parking and turning, impact on highway network, loss of important open space, design and extension of the built limits of the settlement can be addressed.
- 6.6 SOLP Policy H1 permits development within the existing built-up area of Larger Villages. SOLP Policy H16 allows for residential development of land behind existing frontages (backland) provided the privacy of existing and future residents will be protected; means of access can be appropriately secured; and, development would not extend the built limits of the settlement.
- 6.7 Chinnor Parish Council has objected to the development because, whilst the site is within the settlement boundary, it should not be considered infill because there are large gardens to the east and open agricultural land to the north. The term ‘infill’ is not defined in the CRNP; however it is defined in Policy H16 of the SOLP as *“the filling of a small gap in an otherwise continuous built-up frontage or on other sides within settlements where the site is closely surrounded by buildings.”*

- 6.8 The proposed development could not be classified as the filling of a small gap in an otherwise built-up frontage. As regards ‘closely surrounded by buildings’, the Inspector for sites to the south of Chinnor (P16/S3284/O and P16/S3285/FUL refers) stated the following:

*“it is not necessary to have 4 or even 3 sides occupied by development nor are adjacent buildings required to be hard up against the boundary...Back gardens adjoin the site and will provide residential curtilage and some containment.”*

- 6.9 The proposed site has development on its west and south and residential gardens to the east. Development on Rumpenny and The Paddocks protrude further into open countryside than the proposed site, which would be contained by these developments. The proposed development would not extend the settlement, as evidenced by the sense of containment, but also the site is included within the settlement boundary. I therefore consider the proposed development to be infill, as defined by SOLP Policy H16 and, provided technical matters can be satisfactorily addressed, the principle of residential development on the site is acceptable and in accordance with CRNP Policies CH H1 and CH H7.
- 6.10 Many comments from the public have referred to the development not being needed because Chinnor has already more than met its housing needs. Paragraph 4.4 of the SOLP explains that the Council’s supply of housing does include a significant proportion of sites on less than 1ha, and on other smaller sites of less than 100 homes. The sources of these smaller housing sites is expected to be windfall and infill development and sites allocated in neighbourhood plans. Therefore windfall sites, such as that proposed, are an important and accounted for, part of the ongoing housing land supply. This is also recognised in the CRNP, where it states on page 30 that *“The community is anxious to ensure that all new housing developments fully respect the housing needs of the wider community and accommodate them within the existing allocations and infill and windfall sites.”* Small windfall sites such as this are a critical part of achieving a five year land supply because they can be delivered quickly.
- 6.11 The principle of development is supported by the Development Plan. At present the Council cannot demonstrate a five year land supply, therefore paragraph 11d of the NPPF predominates and the tilted balance should apply. The proposed development therefore should be granted planning permission unless other policies in the NPPF suggest otherwise or the harm of doing so would significantly and demonstrably outweigh the benefits.
- 6.12 As stated above, the proposed development is in accordance with the Development Plan as a whole, including the Neighbourhood Plan. Paragraphs 12 and 14 of the NPPF indicate that where there is conflict with a Neighbourhood Plan that is less than two years old (amongst other criteria), then planning permission should not usually be granted. However, in the case of the proposed development, officers consider that there is no conflict with the Neighbourhood Plan and therefore these paragraphs do not apply. Therefore,



the titled balance is engaged and the development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I therefore find the principle of development to be acceptable.

**Design and character**

- 6.13 The grain of development along the northern section of Lower Icknield Way can be characterised as ribbon development with pockets of backland. This is not just because of recent backland development such as The Paddocks and Walnut Tree Close, but also Elderdene, Malyns Close and Leyburne Gardens, which all allow access from Lower Icknield Way to dwellings behind the ribbon of development along the main road.
- 6.14 The proposed layout is similar to Walnut Tree Close and I have no objection to it. Comments have been made about the access to the paddock to the north providing access for potential additional development. The only access to this paddock is through the rear of this site so access through the site needs to be maintained. The acceptability of development on land to the north would be assessed if a planning application were made and does not form part of this application.
- 6.15 The proposed development consists of detached and semi-detached dwellings, which is in keeping with the form of development in the area. The plans for plots 7 and 8 have been amended to ensure the development does not exceed two storeys, which is appropriate for this location. The massing of the buildings is appropriate with the larger dwellings (plots 8-10) being broken up into separate elements. The appearance of the dwellings is simple and well portioned.
- 6.16 Members of the public have raised concern regarding Nos. 79 and 79A Lower Icknield Way becoming an island between two accesses, however this arrangement is acceptable in terms of character, residential amenity is discussed below.
- 6.17 I consider the character and layout of the development to be in accordance with SOLP Policies DES1 and DES2, and the Design Guide, and CRNP Policy CH C1 and Appendix 4.

**Mix and Density**

- 6.18 Policy H11 of the SOLP requires a mix of dwelling types and sizes to be sought on all new residential developments and that proposals should have regard to the Council's latest evidence and Neighbourhood Plan evidence for the area. CRNP Policy CH H3 states that proposals for residential development should, where appropriate, have regard to local housing need. There is no information in the Neighbourhood Plan to indicate what 'local housing need' is or how it has been quantified.
- 6.19 The proposed mix in comparison to the mix set out in the Strategic Housing Market Assessment (SHMA) is:

	Proposed	SHMA
1 bed	0%	5.7%
2 bed	20%	26.7%
3 bed	40%	43.4%
4+ bed	40%	24.2%

- 6.20 For the development to be in accordance with the SHMA one of the 4+ bed units should become a 2 bed unit. However, the difference from the suggested SHMA mix is marginal and on a smaller site is not key in terms of overall housing supply. I consider the proposed provides a mix of dwelling types and sizes and complies with SOLP Policy H11 and CRNP CH H3.
- 6.21 The Parish Council has objected to the density of the proposed development, which is higher than the density of development in the area. Policy STRAT5 of the SOLP requires development to optimise the use of land and potential of the site. It states that density of development should be informed by:
- i) the capacity of the site and the need to use land efficiently;
  - ii) the need to achieve high quality design that respects local character;
  - iii) local circumstances and site constraints eg. housing mix, the need to protect or enhance the environment, important landscape, habitats or townscape;
  - iv) the site's level of accessibility to local services and facilities by walking, cycling or public transport; and
  - v) the need to minimise detrimental impacts on the amenity of future and/or adjoining occupiers.
- 6.22 The proposed development would have a density of 21 dwellings per hectare (dph). Immediately to the west of the site, the dwellings in Walnut Tree Close and along Icknield Way has a density of around 18dph. The development allowed on appeal at Rumpenny to the east has a density of around 25dph. The area around Elderdene has a density of around 20dph. The proposed density is therefore not out of character with the local area. Currently this northern section of Lower Icknield Way has a density of around 6dph, because of the very large plots in which the dwellings sit. If further housing is considered acceptable in principle, development should provide an efficient use of land in accordance with DES7 of the SOLP.
- 6.23 As demonstrated above, the design of the proposal is appropriate, reflects local character and the mix is appropriate. Whilst comments have been made that the site's level of accessibility to services and facilities is compromised by busy traffic, this is a sustainable location for development and journeys can be made by foot and cycle. The purpose of locating development within settlements is that they will have access to services and facilities that locations in the countryside would not.
- 6.24 The impact of development on the amenity of future and adjoining occupiers is assessed below (paras 6.37 – 6.43) and found to be acceptable. Overall, I find

the density of the proposed development to be acceptable and in accordance with SOLP Policies STRAT5 and DES7.

**Trees and Landscaping**

- 6.25 The site is located within the built-up limits of Chinnor and is separated from the wider countryside by the paddock to the north. The Landscape Officer has no in principle objection to development of the site.
- 6.26 The proposed development will require the removal of 3 fruit trees from the garden of No. 79 and the hedgerow dividing the two gardens. The Tree Protection Plan has been updated to show the retention of the majority of the hedgerow along the northern boundary, where previously it was shown to be removed. It's retention and enhancement is supported.
- 6.27 The Council's Forestry Officer has no objection to the removal of the trees and hedgerows and considers that the Landscape Plan demonstrates that appropriate mitigation can be provided through the planting of new trees. Conditions have been suggested to provide tree pit details, further tree protection information and securing the landscaping plan.
- 6.28 The Landscape Officer's comments on previous iterations of the proposal related to concerns that there wasn't sufficient space for the proposed landscaping and that there were clashes with the proposed drainage. The Landscape Officer has confirmed that they are now satisfied with the proposal and have no objections. I therefore find the development to be in accordance with SOLP Policies ENV1 and DES1.

**Ecology and Biodiversity**

- 6.29 The submitted ecological report confirms that there are no priority habitats on site and the current habitats would not be a constraint to the development. The existing buildings on site have been found unsuitable for roosting bats. Though there is an ornamental pond on site, the Countryside Officer states that it would seem reasonable to conclude that Great Crested Newts will not be using the site. The site is not considered to provide suitable habitat for reptiles. The vegetation on site is very likely to be used by nesting birds, therefore the Countryside Officer recommends works to buildings, trees and other vegetation are undertaken outside of the bird nesting season. This is controlled by the Wildlife and Countryside Act 1981 (as amended) as set out in the Ecology Impact Assessment.
- 6.30 SOLP Policy ENV3 requires all development to provide a net gain in biodiversity where possible and, as a minimum, there should be no net loss. As this is a site within the built-up area of the settlement and acceptable in all other respects, I consider the biodiversity off-setting to be an acceptable solution.
- 6.31 In the case of net loss of biodiversity, developers can arrange for the creation of habitat of equal or greater value to wildlife, known as biodiversity offsetting. The Council's Ecology Officer has confirmed that 0.48 habitat units require offsetting and has suggested a condition to ensure this is carried out. Overall, I consider the proposed development is in accordance with SOLP Policy ENV3.

### **Drainage**

- 6.32 The site is located in Flood Zone 1, meaning it has the lowest probability of fluvial flooding. The surface water flood mapping provided by the Environment Agency also indicates the site as very low risk of surface water flooding. The overall risk of groundwater flooding is considered to be low and the risk of sewer flooding to the site is considered low.
- 6.33 The proposed surface water drainage is proposed to be discharged to a nearby ditch to the west of the site by connecting through neighbouring development, including a swale on the outfall. Evidence that this connection can take place has been provided to the Council's Drainage Officer and Lead Local Flood Authority (LLFA) Officer at Oxfordshire County Council and both are satisfied on this point. In addition, permeable paving will be used across the access road and driveways. The sub-base of the paving would need to be tanked because testing at the site showed that the ground had low infiltration properties. The water would then outfall to the surface water network under the road.
- 6.34 Thames Water has advised that, given the scale of the proposed development, it will not materially affect the sewer network. However, it is advised that care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. The applicant has liaised with the Council's Drainage Engineer and LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network.
- 6.35 The proposed foul water strategy is not to drain to the existing Thames Water sewer in Lower Icknield Way, but to connect to the neighbouring development sewerage system, through the paddock to the north. This means that the discharge will not need to be pumped and is therefore preferable.
- 6.36 The proposed drainage strategy has been found to be acceptable by the Council's Drainage Engineer, the LLFA at Oxfordshire County Council and Thames Water. I find The proposed development is in accordance with SOLP Policies EP4 and ENV12.

### **Residential amenity**

- 6.37 The proposed development has the potential to impact several dwellings, owing to its situation as backland development. Plots 1 and 10 will be in excess of the 12m back to side distance required by the Design Guide, from dwellings to the south along Lower Icknield Way (Nos. 79A and 83 respectively). The only first floor windows that will overlook these dwellings and their gardens are bathroom windows, which can be conditioned to be obscure glazed.
- 6.38 Nos. 1 – 3 Walnut Tree Close will be located around 25m from the dwellings along the western boundary. This is ample distance to ensure loss of privacy is not an issue, particularly given the front to back relationship of these dwellings.
- 6.39 No. 8 Walnut Tree Close has a blank side elevation so there will no issue of overlooking or overbearing impact on the dwelling from Plots 5 & 6. In terms of

impact on the garden from Plot 7, the dwelling is around 19m away, which is sufficient distance to ensure that it doesn't have an overbearing impact and the area closest to the house would not be overlooked.

- 6.40 The privacy to the garden for No. 87 Lower Icknield Way will be maintained because the only window facing directly onto it will be obscure glazed and fixed shut below a certain height, as shown on the floorplans and can be reinforced by condition. As No. 87 has such a large garden, I do not believe the dwellings will cause an overbearing impact.
- 6.41 Again, the issue of privacy for the garden of No. 85 Lower Icknield Way can be addressed by the first floor landing window being obscure glazed and top opening only. In terms of the impact of the building itself on the garden, the way that the dwelling for Plot 10 is broken up into separate elements means that there will not be a blank expanse of wall facing onto the garden. The main house and the garage will be located around 4.3m from the boundary and the garage is one and a half storey, so reduced in height. The linking element will be around 8.85m from the boundary, thereby reducing the impact. Furthermore, No. 85 has a large garden and a good deal of it won't be affected by Plot 10. There may be some loss of direct sunlight to the garden later on in the day, but not at a rate sufficient to warrant refusal.
- 6.42 Whilst the dwellings either side of the access will have increased traffic to the side, the levels of traffic are not considered so significant as to be unacceptable. Overall I consider the impact on the amenity of existing neighbours to be acceptable and in accordance with SOLP Policy DES6.
- 6.43 The garden sizes shown broadly comply with the standards set out in the Design Guide and are acceptable. Therefore the proposed development is in accordance with SOLP Policy DES5.

**Access and parking**

- 6.44 There have been many comments from members of the public about the road infrastructure in the area being unable to cope with existing levels of traffic. In particular, concerns have been raised regarding the safety of pedestrians along Lower Icknield Way, which can become very busy with traffic. The proposed development includes off-site works to facilitate walking and cycling to local amenities, such as dropped kerbs and relocating traffic calming features, which would be of benefit to existing and proposed residents. These will be secured through a Section 278 Agreement with the Local Highway Authority.
- 6.45 As part of the Transport Assessment, predicted trip generation figures were given for the proposed development. The Transport Officer at OCC considers these figures to be on the low side. However, even if the numbers were to be higher, the Transport Officer didn't consider the impact on the local highway network would be severe. This is the test set by paragraph 111 of the NPPF, which states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

6.46 Concern has also been raised about the number of exits onto this road but the Transport Officer is aware of these exits and has not raised any safety concerns or objections.

6.47 The proposed development has been subject to amendments to try and address the Transport Officer's comments, and all issues have now been addressed. The submitted plans show two parking spaces per dwelling for plots 1-7 and three parking spaces per dwellings for plots 8-10. Cycle parking has also been shown, either in garages or in separate storage units in the garden. The proposed development would therefore provide an appropriate level of car and cycle parking in accordance with Oxfordshire County Council standards. I find the proposed development to be in accordance with SOLP Policies TRANS4 and TRANS5.

#### **Energy Statement**

6.48 The submitted Carbon Reduction Statement demonstrates that each dwelling will provide in excess of a 9% reduction in emissions when compared to the requirements of 2021 Building Regulations (this represents more than 40% in terms of 2013 Regulations). This will be achieved through high standards of insulation and high efficiency glazing products, and air source heat pumps for heating/hot water. The delivery of the stated levels of carbon reduction should be secured by condition. The applicant has also submitted a Sustainable Construction Checklist, which demonstrates how the proposals will minimise carbon and energy impacts. The proposed development is therefore in accordance with SOLP Policies DES8 and DES10.

#### **Community Infrastructure Levy (CIL) and Section 106 Agreement**

6.49 The proposed development is liable for CIL of £270,225, and Chinnor Parish Council would receive 25% to spend on local infrastructure.

6.50 Oxfordshire County Council has objected to the application on the grounds that there is not sufficient space in the existing schools to accommodate the development. They state that it is not known whether Mill Lane Primary School could expand to accommodate additional pupils. Since this was stated, the County Council has established through the appeal on a nearby site, that Mill Lane Primary School could expand. I consider there is insufficient evidence to refuse planning permission on education grounds.

6.51 Oxfordshire County Council has recently withdrawn its request for financial contributions on the basis that the application is for fewer than 10 dwellings (net gain) and therefore contributions are not usually sought from development of this scale.

#### **6.52 Other Matters**

As the site is located in a residential area, a construction management plan and a condition restricting the hours of construction should be included.

## **7.0 CONCLUSION**

- 7.1 The site is located in the built-up larger village of Chinnor, within the settlement boundary as shown in the made Neighbourhood Plan. The development of the site would not extend the built limits of the settlement and would be contained within the existing residential development in the area. The principle of development is in accordance with both the Local Plan and the Neighbourhood Plan. Furthermore, the Council cannot demonstrate a five year land supply at this time and therefore the tilted balance applies, meaning that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably out weight the benefits.
- 7.2 The form, density and appearance of the proposed development is in keeping with the character and appearance of the area and all technical matters relating to drainage, trees, ecology, landscaping, access and parking have been satisfactorily addressed.
- 7.3 The proposed development would provide the benefit of nine additional dwellings within an existing settlement. I attach significant weight to this. Moderate benefits are also provided to the economy through construction jobs it would bring. Weighed against this is the net loss of biodiversity, though as mitigation is proposed by way of biodiversity offsetting I give this harm limited weight. An element of harm to the amenity of the garden of No.85 Icknield Way has also been identified but this is minor and I give it limited weight. Overall, I consider the benefits of the scheme significantly and demonstrably outweigh the harm and therefore planning permission should be granted.

## **8.0 RECOMMENDATION**

**To delegate to the Head of Planning in consultation with the Chair of Planning Committee, to grant planning permission, subject the following conditions:**

- 1. Commencement – 3 years**
- 2. Approved plans**
- 3. Levels details to be submitted**
- 4. Schedule of materials to be submitted**
- 5. Obscure glazing to Plots 9 and 10**
- 6. Energy Statement verification**
- 7. Vehicular access to site to be provided**
- 8. Visibility splay to be maintained**
- 9. Access to dwellings to be provided**
- 10. Roads and footpaths to be provided**
- 11. Cycle parking to be provided as on plan**
- 12. Construction traffic management details to be submitted**
- 13. Travel Information Pack to be submitted**
- 14. Landscaping to be implemented as on plan**
- 15. Landscape Management Plan to be submitted**
- 16. Tree pits design to be submitted**
- 17. Tree protection measures to be submitted**
- 18. Biodiversity offsetting certificate to be submitted**
- 19. Implement in accordance with approved Ecology Impact Assessment**

**20. Hours of construction**

**21. Full details of foul and surface water drainage to be submitted**

**22. Construction phase surface water management strategy to be submitted**

**23. Foul water and SuDS compliance report to be submitted**