

CD6.28

Appeal Decision – Chinnor

Preface:

This appeal decision is important because it deals with the weight given to the benefit of older people's housing where there is an identified need which is relevant to the consideration of the appeal scheme.

The relevant paragraphs referenced in the Appellant's proof are highlighted yellow.



Appeal Decision

Inquiry held on 26 April 2022

Site visit made on 26 April 2022

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/Q3115/W/21/3289271

Land at Crowell Road, Chinnor, Oxfordshire Grid Ref Easting: 474927, Grid Ref Northing: 200261

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Beechcroft Developments Ltd against South Oxfordshire District Council.
 - The application Ref P21/S0804/O is dated 15 February 2021.
 - The development proposed is outline application (with all matters reserved except Layout and Access), for the erection of up to 54 age restricted dwellings (for people aged 55 and over), including 40% affordable housing and communal facilities, on land to the north of Crowell Road, Chinnor. New vehicular access to be created off Crowell Road, along with the retention of the existing pedestrian access to Oakley Road to the North.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application (with all matters reserved except Layout and Access), for the erection of up to 54 age restricted dwellings (for people aged 55 and over), including 40% affordable housing and communal facilities, on land to the north of Crowell Road, Chinnor. New vehicular access to be created off Crowell Road, along with the retention of the existing pedestrian access to Oakley Road to the North at Land at Crowell Road, Chinnor, Oxfordshire Grid Ref Easting: 474927, Grid Ref Northing: 200261, in accordance with the terms of application Ref P21/S0804/O dated 15 February 2021 and subject to the 25 conditions in the Schedule attached to this decision and the obligations contained within the Deed of Agreement dated 13 May 2022.

Preliminary Matters

2. The outline planning application was made with approval being sought for access and layout only. I have assessed the appeal on this basis. At the Inquiry the appellant confirmed that the parameter plans submitted with the planning application should be taken into consideration in informing any subsequent reserved matters application. The Council raised no objection to this approach, and I have assessed the proposal accordingly.
3. The appeal is made because the Council failed to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that it would have refused it and provided 5 putative reasons for refusal (PRFR) relating to open space provision and

- landscaping (PRFR 1), highway and pedestrian safety (PRFR 2), affordable housing provision (PRFR 3 and 4) and infrastructure provision (PRFR 5).
4. During the course of the appeal the Council indicated that part of its first PRFR relating to open space provision **had fallen away following the appellant's** submission of the Open Space Plan. Given this information, I am satisfied that the scheme provides an acceptable amount of outdoor amenity space for the intended future occupiers of the development to use, and that no party would be prejudiced through my consideration of this information. Accordingly, there would be no conflict with Policies DES1, DES2, DES5 or CF5 of the South Oxfordshire Local Plan 2011 - 2035 (SOLP), which collectively seek high quality development which incorporates inclusive and accessible open space.
 5. Furthermore, as landscaping is a matter reserved for future consideration, the Council indicated that its concerns relating to the landscape design of the scheme and that of drainage features could suitably be addressed as part of a subsequent planning application. I have no reason to find differently in this regard. On this basis the Council confirmed that it would not be defending PRFR 1.
 6. Discussions between the main parties regarding the **Council's** highway and pedestrian safety concerns occurred before the Inquiry opened. The appellant submitted additional information showing amendments to the layout of the proposed development including the provision of 2 metre wide footways throughout the scheme, visitor parking spaces and cycle stands, a Stage 1 Road Safety Audit and a Technical **Report dated 25 February entitled 'Response to Oxfordshire County Council Highways comments (21/S5231/0)'**. Although the application number on this report relates to a duplicate planning application on the site, it has been confirmed by the Council that its content is relevant to the appeal proposal also. Following assessment of this information, the Council confirmed that its second PRFR had been satisfactorily addressed.
 7. **I have considered the appellant's** additional information set out above against the principles established in the Courts by *Wheatcroft* and am of the view that the changes do not materially change the nature of the development or that to accept the information would prejudice those who should have been consulted of the change. The highway and pedestrian safety implications of the proposal will however be considered later in my decision, given the concerns raised by interested parties.
 8. Prior to the opening of the Inquiry the appellant provided revised plan numbers and titles to prevent duplication and correctly label what the drawings showed. These changes do not alter the nature of the information upon which interested parties were consulted upon and I find that no party would be prejudiced by me considering them.
 9. This decision will therefore focus on PRFR 3, 4 and 5. In respect of these matters the appellant submitted a draft Deed of Agreement (DoA) prior to the Inquiry. A completed DoA was finalised after the close on the Inquiry, dated 13 May 2022. The obligations contained within it are discussed later in this decision.

Main Issues

10. The main issues are therefore:

- whether or not the mix, type and tenure of affordable housing sought is reasonable and necessary to make the development acceptable; and
- whether or not the infrastructure contributions sought are reasonable and necessary to make the development acceptable.

Reasons

11. The obligations contained within the DoA are not in dispute. However, I am required to consider whether the contributions are in accordance with the three tests contained within paragraph 57 of the National Planning Policy Framework (Framework), and in respect of the infrastructure contributions, the statutory tests set out in regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 also.

Affordable Housing

12. It is common ground that there is a need for affordable housing in the district. The proposal would deliver 21 affordable units, along with a financial contribution toward affordable housing provision elsewhere which would come into effect if permission is granted.
13. The occupation of the units would be age restricted in a similar manner to the other units on the site. There would be one, 1 bedroom dwelling for affordable rent or discount market sale to a person with a local connection; three, 1 bedroom dwellings for shared ownership or discount market sale as set out above, and seventeen, 2 bedroom dwellings for shared ownership or discount market sale.
14. The Council has indicated that the mix of housing type and tenure would contribute to addressing the need for affordable homes in the area and I have no substantive evidence before me to demonstrate otherwise. In this respect the affordable housing provision accords with Policy H9 of the SOLP and Chinnor Neighbourhood Plan 2011-2034 (Made May 2021) (CNP) Policies CH H2 and CH H4.
15. Given the above, I am satisfied that the obligation relating to affordable housing is necessary to make the development acceptable, directly related to the development, and fairly and reasonably related to the development in scale and kind. It thus accords with the tests for planning obligations.

Infrastructure Contributions

Open Space

16. Policy CF5 of the SOLP requires open space to be provided in new residential developments and that provision should be made for its future long-term maintenance and management. The obligation in the DoA makes provision for the open space on the site to be laid out and managed in perpetuity. Such open space provision, future maintenance and management accords with the

Framework's tests for planning obligations and being directly related to the development, being reasonable and necessary to make the development acceptable in planning terms, complies with the statutory test.

Waste Management

17. SOLP Policy EP3 requires residential developments to have adequate facilities for the sorting, storage and collection of waste and recycling. This policy supports SOLP Policy INF1 which requires development to be served and supported by infrastructure and services.
18. The DoA would make a financial contribution towards the provision of waste and recycling bins within the development for the intended future occupiers to use in accordance with the **Council's** adopted Section 106 Planning Obligations Supplementary Planning Document (S106 SPD) and S106 financial contributions and fees (April 2021). Such provision is directly related to the development and is reasonable and necessary to make the development acceptable in planning terms. The **Framework's tests and the** statutory test are complied with.

Street Naming

19. The DoA would make a financial contribution to the provision of street naming and numbering within the development site, **in accordance with the Council's** S106 financial contributions and fees (April 2021), S106 SPD and SOLP Policy INF1. Such provision is reasonable and necessary to make the development acceptable in planning terms and complies with **both the Framework's and** the statutory tests.

Public Transport

20. SOLP Policy TRANS 2 supports measures to support sustainable transport other matters seeks to support sustainable transport improvements. The DoA would provide a financial contribution towards the maintenance of bus services operating in the vicinity of the site, notably routes 40, 275 and 320 which are developer funded. It would also provide a financial contribution towards the provision of a pole, flag and timetable case at the northbound bus stop on Oakley Lane, which is currently unmarked. Such provision is likely to encourage the intended future occupiers of the site to use the local bus services rather than a private car to access services and facilities in both Chinnor and further afield and contribute to making the continued operation of the services viable. Accordingly, these contributions are both reasonable and necessary to make the development acceptable in planning terms thereby complying with the tests in the Framework. The statutory test is also complied with.

Other Matters

Principle of development proposed on the site

21. There is no dispute that the appeal site is located adjacent to, but outside of the development boundary for Chinnor as set out within Policy CH H7 of the CNP. For planning policy purposes, it is within the countryside. In such circumstances the policy states that developments will only be supported where they are necessary or suitable for a countryside location, or are infill development, and that the development is consistent with development plan policies.

22. The proposal is not an infill **development**. In terms of the proposal's suitability for this location, the supporting text to CNP Policy CH H7 establishes that there may be certain circumstances when development adjacent to, or beyond Chinnor village may be acceptable, including where there is a community need.
23. The CNP identifies that there is an increasing need for housing provision for the elderly in Chinnor due to the changing demographics and states that existing provision within the village of sheltered or managed open market housing at Leverkus House and Hill Farm Court is over-subscribed.
24. CNP Policy CH H7 is in broad accordance with SOLP Policy H1 which sets out that residential development on sites not allocated for development in the Development Plan (of which the CNP forms part) will only be permitted in a number of circumstances. At ii), specialist housing for older people in locations with good access to public transport and local facilities is identified. SOLP Policy H13 supports this exception.
25. The proposal is for age restricted dwellings (age 55+) and there is no dispute that such accommodation falls within specialist housing for the purposes of the SOLP. Indeed, the supporting text to SOLP Policy H13 acknowledges that the private sector is a key player in bringing forward specialist schemes for older people and gives full encouragement to such schemes on sites close to public transport and local shops and facilities. Beechcroft Developments is one such provider.
26. The appeal site would be served by a pedestrian access along a shared access onto Oakley Lane. There are bus stops on Oakley Lane and Oakley Road which are described as being between 100 to 200 metres from the appeal site. From these bus stops hourly services can be accessed into the village centre as well as further afield throughout the week, including the rail services offered at Princes Risborough. Although I was told that the bus services are under threat because Buckinghamshire Council provides some of them, at this time they are operating, and I have no timeframe of when the services may be changed or to what level.
27. The village centre where a range of services and facilities can be found including shops, hairdresser, doctors, dentist, Church and post office is calculated as being approximately 1 kilometre from the appeal site. Closer to the appeal site is the Wheatsheaf Pub and a Co-op store.
28. The route to the village centre is relatively straight with a slight incline. There are pavements either side of the roads leading to the village centre, pub and grocery store from the proposed pedestrian access, along with street lighting. Although roads would need to be crossed, traffic speeds through the village were observed to be not excessive and there is a dedicated pedestrian crossing in Oakley Road. Furthermore, although narrow with uneven surfacing in places and vehicle crossovers over the pavement, no substantive evidence has been presented to demonstrate that the local conditions deter pedestrians, including those with mobility issues from accessing the village centre or services and facilities within the village.
29. Given the above, I find that the appeal site is in a location with good access to public transport and local facilities.

30. Concerns have been raised by interested parties as to whether there is a need for accommodation such as that proposed. Reference is made to the number of bungalows within the village and properties for sale on a property sale website. Whilst noting these matters it is clear from the CNP that even with such provision within the village, that there remains an increasing need for additional housing for the elderly in the area.
31. Furthermore, whilst acknowledging that there are a number of site allocations identified for housing within Chinnor by CNP Policy CH H6, and that the village has exceeded the minimum 15% growth rate, there is no evidence before me to indicate that these sites would address the identified need for elderly people. Reference is made to a site at Old Kiln Lakes, but this site has planning permission for a care home, the use of which differs from the proposal before me. I have not been directed to any other sites where housing for the elderly could be located within the development boundary for Chinnor.
32. As such, I find that the provision of housing for the elderly on the appeal site would contribute to meeting the housing need for this part of the population and is therefore acceptable, in accordance with CNP Policies CH H7 and CH H5, and SOLP Policies H1 and 13 which supports specialist/retirement housing and care provision. It is noteworthy that the Council reached a similar view in this regard.
33. Consistency in decision making is important to maintain public confidence in the system, and in reaching this conclusion, I am mindful that an earlier appeal decision¹ on the site for 54 dwellings was dismissed because of the conflict with the housing strategy for Chinnor. This housing was market housing and the Inspector found that the proposal did not fall within any category of acceptable development set out within Policy CSR1 of the Core Strategy.
34. Since this decision the SOLP has been adopted and it has replaced the Core Strategy and the former South Oxfordshire Local Plan 2011. There is also a new CNP. Accordingly, the planning policy framework as contained within the development plan is different in the appeal before me to that at the time that the earlier appeal was determined. Furthermore, the appeal proposal falls within one of the development types that the SOLP finds acceptable in the countryside as set out above.
35. The circumstances of the earlier appeal are thus not comparable to the case before me and do not provide justification for the same conclusion to be reached.

Landscape, Character and Appearance

36. The appeal site is located outside of, but in close proximity to the Chilterns Area of Outstanding Natural Beauty (AONB). Due to some intervisibility from the AONB which is around 750 metres distant to the south east, the appeal site lies within its undefined setting.
37. It is located within National Character Area 08, Upper Thames Clay Vale which **is described as 'a broad belt of open, gently undulating lowland farmland'**. Within the Oxfordshire Wildlife and Landscape Study the site is located within Landscape Character Type D: Estate Farmlands within the Chinnor to Watlington local character area which is characterised by undulating landscape

¹ APP/Q3115/W/17/3188694

with large, geometric arable fields. The South Oxfordshire Landscape Assessment (SOLA) places the site within Character Area 5 – Eastern Vale Fringes within the semi-enclosed Rolling Downs landscape type.

38. In terms of planning and development issues the SOLA identifies that, amongst other matters, development within the open arable downs landscapes will be highly prominent unless closely associated with existing built form and that **special attention should be paid to creating strong landscape 'edges' to settlements** to reduce the urbanising influences of development on adjacent countryside.
39. The appeal site comprises rough grassland and is largely enclosed by a mixture of hedgerows and trees with some fencing, particular to the rear of residential properties on Oakley Road. It is of a markedly different appearance to the large, open arable fields beyond the site towards the settlement of Crowell and the pasture to the north.
40. The development of the site would alter the open, undeveloped appearance of the site. It would also result in the removal trees and hedgerow along the B4009 to create an access into the site. Built development of Chinnor would extend closer to Crowell. This would be readily apparent from viewpoints close to the site, including from Oakley Road, Crowell Road and from Mill Lane.
41. However, from further afield, including from the AONB and from Crowell, the new development would be viewed in the context of the existing built form of Chinnor, including the recently constructed housing on the opposite side of Crowell Road. The Hills beyond the appeal site would remain the dominant backdrop from vantage points, including bridleways to the west and south of the site, with any views of the proposed development softened by existing vegetation. Moreover, the layout of the site would allow for wide landscape areas to mitigate the visual impact of the proposal, including around the new access, thereby according with the aims of the SOLA.
42. Given the above, whilst acknowledging that the proposal would reduce the open, undeveloped fields between Crowell and Chinnor, the size and scale of the development and its relationship with the built form of Chinnor would ensure, subject to suitably designed buildings, that it would not be unduly prominent in the wider landscape. It would not result in the merging of settlements, which is a concern of local residents. The development could be designed and landscaped as part of a subsequent planning application to ensure that its appearance would be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Heritage Assets

43. The appeal site backs on to the rear gardens of Lower Farm and Nos 1 and 2 The Poplars, which are grade II listed buildings. It also adjoins the boundary of the Oakley Conservation Area.
44. Lower Farm was constructed during the 18th century and comprises a large timber framed structure with a painted brick infill. It was formerly a farmhouse within the spring line settlement of Oakley and is aligned north-east/south-west perpendicular to the pavement, with the main façades facing north-west and south-east. On its south-western end is an extension dating from the

- 1950s and a lower extension extending to the north-west, giving it an L-shape plan form.
45. The building derives its significance from its architectural and historic interest as an 18th century farmhouse. The 1844 Tithe Map shows that the building had a farmyard to the north-west with a number of buildings on it, which have since been removed, presumably to make way for the residential development to the north-west of the farm and the access which forms part of the proposed pedestrian access.
 46. Although not within the same ownership now, there has been a historical functional connection between the appeal site and Lower Farm. There are views from the appeal site of Lower Farm and from Chinnor Road, across the appeal site to the building with the more recent extension being visible. The appeal site therefore forms part of the setting of this listed building.
 47. The proposed development would alter the agricultural character of the appeal site and the new buildings would be likely to obscure some views of Lower Farm particular on the approach into Chinnor. It would erode the former functional connection of the appeal site to the former farmhouse.
 48. However, given that the listed building would continue to be appreciated from the access track and from Oakley Road and Oakley Lane, within the vicinity of it, I find that the harm that would result to the significance of the designated heritage asset would be moderate, and in terms of the Framework, less than substantial.
 49. Numbers 1 and 2 The Poplars (now called The Poplars and October Cottage) was originally constructed as a single house in the mid 17th century, with a timber frame with brick infill. Both dwellings have rear extensions and outbuildings within the gardens, close to the appeal site. **The building's** significance is derived from its architectural and historic interest as a dwelling house, with its setting comprising its garden, the open fields beyond (of which the appeal site forms part) and the residential context within which it is located.
 50. There was a historical connection between the ownership of the then dwelling and part of the appeal site, albeit since this time, both the dwellings and the appeal site are in separate ownership, thus this functional connection has diminished.
 51. The appeal site forms part of the setting of Nos 1 and 2 with their rear more recent rear extensions being prominent in views from it, and from the approach into Chinnor from Crowell, along with the ridgeline and chimney of the building.
 52. As the character and appearance of the appeal site would change as a result of the development, with views of the rear of this listed building likely obscured from various points, the setting of the listed building would be moderately affected by the proposal. Such harm would be less than substantial for the purposes of the Framework; a matter which is not disputed.
 53. The Oakley Conservation Area is modest in size and contains the listed buildings referred to above, along with a number of other historic buildings constructed close to the road upon which they are sited. Oakley is a spring line village with views of the Chiltern Hills being obtained from within the conservation area. The appeal site provides a soft edge to the conservation

area, symbolising the area's agricultural past, including the association with both Lower Farm and Nos 1 and 2 The Poplars.

54. The development of the appeal site would urbanise the setting of the conservation area, but no more so than recent development in the locality. Moreover, there would be a landscape buffer between the new buildings and the edge of the conservation area as shown on the parameter plans which would serve to **reduce the development's impact on this** heritage designation. The proposal would have little impact on the views of the ridgeline of the Hills from within the conservation area or the settlement's relationship to the spring lines. Accordingly, whilst the setting would change to the conservation area any harm caused would be less than substantial, which is not disputed.
55. Given my findings above, and in accordance with the Framework, SOLP Policies ENV7 and ENV8 it is necessary to weigh the harm that would result to the significance of the listed buildings and the conservation area, as designated heritage assets against the public benefits of the proposal, which I do in the concluding section of this decision.

Highway and pedestrian safety

56. The vehicular access to the site would be from the B4009, close to the junction of Lummas Mead with Crowell Road. The proposal includes a right turn lane within Crowell Road, similar to that serving Lummas Mead opposite. Although close to a bend within the B4009, the submitted drawings show that the necessary visibility splays could be achieved. These splays would be greater than those that are achieved within the vicinity of The Poplars, at which I was told a collision occurred with a vehicle exiting the access.
57. Although the main parties consider that the local highway network has capacity to serve the proposed development and that vehicular and pedestrian traffic could be accommodated safely, this is disputed by local residents.
58. The submitted Transport Statement (TS)² utilised traffic flow data taken in 2017 as part of a Transport Assessment undertaken in respect of the earlier planning application on the site. More recent traffic flows were unable to be taken because of the impact of the COVID-19 pandemic. Although concern has been raised about the use of this data, I am satisfied, as was the Highway Authority, that such information is more representative of **'normal' traffic** conditions than if a survey had been undertaken when many people were working and being educated from home during the pandemic.
59. The TS has predicted likely traffic flows in 2026 along the B4009 within the vicinity of the site, which has taken account of predicted traffic flows for a number of developments in Chinnor where planning permission has been granted. These 2 way traffic flows show an increase in movements compared to those in 2017, with predicted flows being 705 vehicles leaving Chinnor towards the M40 between the AM peak of 08:00 and 09:00, and 359 vehicles entering the village. In the PM peak between 17:00 and 18:00 vehicles entering Chinnor are predicted to total 651 and those exiting would amount to 339 vehicle movements over this period.
60. Based on the proposed use of the site the TS has calculated that the proposal would generate 10 two-way trips by vehicle during the AM and PM peak hour

² mode transport planning (5 February 2021)

- periods, as set out above. This would have a negligible impact on the capacity of the highway.
61. The B4009 is covered by a 30 mile per hour speed limit within the vicinity of the site. It is clear from the speed surveys undertaken that many drivers exceed this speed limit when entering the village, with the surveys noting that the 85th per centile speeds were just below 35 miles per hour. Notwithstanding this, no accident data has been recorded close to the appeal site. The proposal whilst introducing vehicles slowing down in the B4009 to enter the access into the site, as well as exiting it, would, given the limited vehicle movements involved, be unlikely to result in conflict with other vehicles or compromise highway safety. Moreover, the highway works proposed and the built form of the development on the approach into Chinnor would be likely to alter driving behaviour by reinforcing the speed limit.
 62. Pedestrian access to the site would be via a new pavement adjoining the Crowell Road frontage to the northern side of the new junction. There would be a pedestrian refuge island provided in Crowell Road which would allow a safe crossing point of the road for pedestrians.
 63. Within the site pavements would be provided and there would be a separate pedestrian link and footpath at the far end of the site which would connect with the existing footway at the junction between Oakley Road and Oakley Lane. The track where the new footpath would be constructed serves as a means of vehicular access to a number of residential properties, including The Old Stable and Lower Farm. I acknowledge that at times the access is likely to be used horses and their riders, agricultural vehicles and vehicles towing horseboxes, however, these vehicles are likely to be within the carriageway, rather than on the footway, so conflict between users of this area would be unlikely.
 64. A total of 85 car parking spaces, of which 4 would be accessible bays for people with impaired mobility would be provided for the new units. The Highway Authority has indicated that such provision accords with the adopted standards. Cycle parking would also be provided on the site for both residents and visitors.
 65. Given the above and in the absence of evidence to demonstrate otherwise, I find similarly to the Council that the proposal would not result in harm either to highway or pedestrian safety. Accordingly, there is no conflict with Policies TRANS2 or TRANS5 of the SOLP which requires new developments, amongst other matters, to be designed to encourage walking and cycling and provide for a safe and convenient access to the highway network for all users.

Effect on Services and Facilities

66. I note the concerns that parking within the village centre is limited, however it does not necessarily follow that the intended future occupiers of the site would drive to the shops and services. Some would be likely to walk given the relatively short distances involved and others may cycle. Given the quantum of development proposed, it is unlikely that the proposal would have a noticeable effect on the existing situation.
67. I heard that many local residents had difficulty getting an appointment with a doctor and that the services offered in the village were satellite services. The Council has not raised the impact on local healthcare services as a concern. Indeed, upon consulting health care practices in the locality of the planning

application, the Council was advised that there was capacity at Unity Health to accommodate residents of the development proposed and the Cross Keys Practices at Princes Risborough raised no objections to the scheme.

68. Although concern has been raised about the shops and supermarkets not being able to accommodate the proposed development no evidence has been provided to substantiate this. Occupiers of the development would be likely to support the local shops and services and in this regard the scheme would support the social and economic objectives of sustainable development.
69. Whilst some of the intended future occupiers of the scheme may have school age children, the likely numbers involved would be small. No evidence has been provided to demonstrate that nearby educational establishments are at capacity, and given the above, it is unlikely that the proposal would have an adverse effect on such services.

Drainage, foul and surface water

70. There is no dispute that the existing foul water network within Chinnor is under stress. Thames Water has identified that the existing system is unable to accommodate the needs of the proposed development and will need to be upgraded to accommodate it.
71. Both main parties have agreed that this upgrade could be secured by way of a suitably worded Grampian style condition. Whilst I was advised by local residents that such an upgrade could take Thames Water 5 years, this condition would prevent the development from being occupied until the upgrades had occurred or until an approved phasing plan had been first agreed with the Council. Accordingly the development would be unlikely to contribute to the existing foul water problems in the locality.
72. The appellant has indicated that surface water from the site would not be discharged into the public network and that a sustainable drainage strategy would be designed for the site including swales, porous paving and borehole soakaways with crate storage to facilitate controlled discharge of surface water to the ground. Such details can be controlled by a suitably worded planning condition.
73. Given the above and subject to the foul water network infrastructure being improved and the surface water drainage being approved, the development would be likely to be suitably drained without causing pollution or flood risk elsewhere.

Biodiversity

74. The application site comprises grassland bounded by hedgerow and trees. The Ecological Appraisal³ established that the hedgerow was species poor and along with the semi-improved calcareous grassland supports a moderate diversity of floral species.
75. The surveys undertaken identified the presence of a locally valuable bat assemblage comprising eight species with moderate levels of bat foraging/commuting activity recorded across the site. Badger setts and small populations of grass snake and slow worms were also identified. The survey

³ By The Environmental Dimension Partnership Ltd (June 2021)

also found that a limited population of birds would breed within the hedgerows and trees.

76. The Framework requires at paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other matters, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
77. The proposal would result in the removal of the rough grassland and some ruderal vegetation. Trees and hedgerows along the road frontage would also be lost to make way for the new access into the site, as well as tree close to the new pedestrian route. However, as part of a subsequent landscaping scheme, which is not before me at this stage, hedgerows could be improved and extended with species rich planting creating a denser structure and trees and species rich grassland planted which would be likely to enhance foraging and feeding opportunities on the site. Once mature, the new hedgerow would be likely to provide a strong green corridor for wildlife movement.
78. Details of mitigation and enhancement and timings of work to avoid harm to biodiversity could be controlled through the approval of a biodiversity enhancement plan and a construction environmental management plan for biodiversity which could be secured by appropriately worded planning conditions. The Council consider that such an approach is acceptable.
79. Given the above, and subject to details being approved in respect of the biodiversity plans referenced, I conclude that the proposal would not adversely affect the natural environment, including protected species and that biodiversity net gain could be achieved. Accordingly, the proposal complies with SOLP Policies ENV2 and ENV3 which seek measures to be provided that would avoid, mitigate or as a last resort, compensate for the adverse effects resulting from development and for biodiversity net gain to be achieved.

Living conditions of nearby occupiers

80. Details of the design of the dwellings are not before me at the stage. The layout of the new buildings however gives suitable separation between existing dwellings. Moreover, the parameter plans show a wide landscaping belt between development on the site and nearby properties. Furthermore, it is likely that as part of a subsequent planning application that the Council, in the first instance would ensure that harm to the living conditions of nearby occupiers would not result, in terms of privacy and outlook, amongst other matters.
81. It is inevitable that the development of the site would result in potential noise nuisance during construction works. Such works are likely to be for a relatively short period however and would be unlikely to result in harm to nearby **occupiers' living conditions** to an unacceptable degree.

Whether location of affordable housing is suitably integrated

82. The proposed affordable housing would be located within 3 blocks upon the site, separated by access roads and parking areas. There would be 9 units in one block, 4 in another and 8 in the third block.

83. Although closely related to each other, I consider that the positioning of the block closest to the pedestrian/cycleway is more closely related to the market units 29 to 33 respectively, being set back within the site from the other 2 blocks of affordable homes. Whilst the affordable units within the block closest to the B4009 and the one next to this could be considered to be clustered for the purposes of SOLP Policy H9, only 13 units would be in this cluster, which falls below the 15-threshold set out in Policy H9.
84. The layout of these units and space around would be similar to the market accommodation. There is no reason why the design of the affordable units could not be similar to other units on the site to make them indistinguishable. Such design is not before me as part of this appeal and would be considered as part of a subsequent planning application.
85. My attention has been drawn to an appeal decision⁴ at Shirburn Road, Watlington where the Inspector found that the design and concentration of the 34 affordable units conflicted with Policy H9 of the SOLP. In this case the 34 units were concentrated within one building and their design and external space differed from the market housing on the site. The circumstances in this case are thus not directly comparable to the proposal before me.

Loss of agricultural land

86. Although not actively farmed it was confirmed at the Inquiry that the agricultural land classification is the same as that for other land in Chinnor, which is Grade 2. This grade is very good quality agricultural land but is unlikely to comprise 'the best and most versatile **agricultural land**' for the purposes of SOLP Policy DES7. Such land is generally considered to fall within Grade 1.
87. The Council has not raised the loss of this area of land as a concern and on the basis of the evidence before me, I have no reason to reach a different conclusion.

Detailed Design Matters

88. The detailed design of the accommodation is not before me and matters raised concerning mobility scooter storage, handrails and level surfaces are issues that will be likely to be considered as part of a subsequent planning application on the site.

Planning Balance

89. The proposal would result in less than substantial harm to the significance of designated heritage assets through alteration to the setting of Lower Farm, Nos 1 and 2 the Poplars and the Oakley Conservation Area. In such circumstances, SOLP Policies ENV7 and ENV8 and the Framework advise that this harm should be weighed against the public benefits of the proposal.
90. The provision of specialist housing for the elderly, including affordable housing at a time when there is an identified need in the locality and which accords with the development plan is a public benefit which carries significant weight in favour of the proposal.

⁴ Ref: APP/Q3115/W/21/3277768

91. The support that the intended future occupiers would be likely to give to local services and facilities carries moderate weight in favour of the proposal, as does the economic benefits associated with the development including employment opportunities. The public transport contributions would benefit the wider community and this too carries moderate weight in favour of the proposal.
92. The biodiversity enhancements carry limited weight because these measures mitigate harm. Limited weight is given to the contribution the scheme would make to a low carbon future, given the matters before me as part of this appeal.
93. Whilst I have given great weight to conserving the setting of the listed buildings and the conservation area, the harm to the significance of these designated heritage assets is outweighed by the public benefits of the proposal. Accordingly, the proposal complies with SOLP Policies ENV7 and ENV8 and the Framework.

Conditions

94. The appellant and the Council agreed to a schedule of conditions during the Inquiry. Additionally, the appellant agreed to the wording of those conditions with pre-commencement requirements. I have considered whether the suggested conditions meet the tests set out at paragraph 56 of the Framework. Minor editing of some of the conditions is necessary for precision and clarity.
95. Condition 1-3 are necessary setting out the matters that are approved, the timeframe for the submission of the reserved matters and the timescale within which the development shall be commenced. Condition 4 relating to the approved plans is necessary in the interests of certainty.
96. Condition 5 is necessary limiting the number of dwellings that the permission relates to. As the development is only acceptable because it falls within one of the exceptions for development in the development plan, a condition (No 6) is necessary restricting the occupancy of the units.
97. To enhance biodiversity and provide mitigation the approval of a Biodiversity Enhancement Plan is necessary (condition No 7). To ensure that biodiversity is not harmed during the clearance/construction phases a condition (No 12) securing the approval and implementation of a Construction Environmental Management Plan for biodiversity is necessary. To ensure that future landscaping on the site is maintained, a condition setting out the information that will be required as part of a reserved matters application is reasonable (condition No 8). Condition 16 is necessary to protect retained trees on the site, in the interests of biodiversity and the character and appearance of the area.
98. Conditions 9 and 10 are necessary are necessary to inform the design of the units as part of a reserved matters application for accessibility purposes.
99. To ensure highway safety is not adversely affected by the proposal condition 11 is necessary requiring the approval and implementation of a Construction Traffic Management Plan. Conditions are also necessary in respect of the access, parking and turning areas and visibility splays (conditions 20, 21 and 23). To promote sustainable modes of transport, a condition (No 22) requiring

cycle parking facilities to be provided is necessary, as is the requirement to submit a travel plan for approval (condition No 25).

100. To ensure that the site is suitably drained and to prevent flood risk, conditions relating to surface water and foul drainage (condition Nos 13 and 24). In the interests of pollution control conditions are necessary requiring assessments to be made of land contaminants along with suitable mitigation (conditions 17, 18 and 19).

101. To record the archaeological value of the site conditions 14 and 15 are necessary.

102. As I am only considering the access and layout of the proposal at this stage, conditions relating to travel plans, electric charging points, broadband provision, noise mitigation measures in the design of the buildings and energy statements are not necessary or reasonable, so I have not included these.

Conclusion

103. The proposal complies with the development plan taken as a whole. There are no other considerations which indicate that a decision should be made other than in accordance with the development plan.

104. The appeal is allowed and planning permission is granted subject to the planning obligations and the conditions in the attached Schedule.

R C Kirby

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ben Du Feu of Counsel	Instructed by South Oxfordshire District Council
Ms Tracy Smith	Principal Planning Appeals Officer South Oxfordshire and Vale of White Horse District Councils

FOR THE APPELLANT:

Mr Killian Garvey of Counsel	Instructed by Beechcroft Developments Ltd
Mr Matthew Jeal	Beechcroft Developments Ltd
Mr Giles Brockbank	Ridge and Partners LLP
Ms Claudia Jones	Ridge and Partners LLP
Mr Neil Tiley	Pegasus Group

INTERESTED PARTIES:

Mrs Becky Crockett	CPRE South Oxfordshire District
Mr Martin Wright	Chinnor Parish Council
Mrs Sandra Stillman	Local Resident
Mrs Llyn Lloyd	District Councillor - Ward Member
Mrs Susan Ashdown	Local Resident
Mrs Davern	Local Resident
Mr Davern	Local Resident
Mrs Lee King	Local Resident

DOCUMENTS

INQ1	Agreed position Statement of the Council and Appellant
INQ2	Statement of Mrs Crockett, CPRE South Oxfordshire District
INQ3	Appeal Decision Ref: APP/Q3115/W/21/3277768 referred to by Mrs Crockett
INQ4	Statement of Mr Bob Dobbs read by Susan Ashdown
INQ5	Statement of Mrs Lee King
INQ6	Draft Deed of Agreement

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (drawing no. 3636.P.100 rev A)
 - Site Plan (drawing no. 3636.P.101 rev T)
 - Site Access Arrangement (drawing no. J32-5511-PS-001 rev B)
 - Internal Visibilities (drawing no. J32-5511-PS-005 rev A)And details contained within the following Parameter Plans shall inform the details submitted in respect of the Reserved Matters
 - Conceptual Schematic Layout (drawing no. 3636.P.102 rev M)
 - Proposed Land Use Plan (drawing no. 3636.P.105 rev C)
 - Proposed Density Plan (drawing no. 3636.P.106 rev B)
 - Proposed Building Heights Plan (drawing no. 3636.P.107 rev D)
 - Proposed Access and Movement Plan (drawing no. 3636.P.108 rev A)
 - Proposed Green Infrastructure Plan (drawing no. 3636.P.109 rev C)
 - Proposed Development Area Plan (drawing no. 3636.P.114)
 - Car Parking Arrangement (drawing no. 3636.P.110 rev G)
 - Vehicle Tracking Assessment (Refuse Vehicle) (drawing no. J32-5511-PS002 rev A)

- Vehicle Tracking Assessment (Large Car) (drawing no. J32-5511-PS-003 rev A)
 - Vehicle Tracking Assessment (Internal) (drawing no. J32-55111-PS-004 rev A)
 - Vehicle Tracking Assessment (drawing no. J32-5511-PS-006 rev A)
 - Landscape Masterplan (drawing no. P21-0246_01 rev J)
 - Landscape Strategy (drawing no. P21-0246_08)
 - View Corridors (drawing no. 3636.P-112)
 - Open space Plan (drawing no. 3636.P.113 rev A)
 - Affordable Housing Allocation Plan (drawing no. 3636.SK1403 rev C)
- 5) The development hereby permitted shall comprise no more than 54 dwellings.
- 6) The age restricted properties hereby permitted shall be occupied only by persons aged 55 years or over; persons living as part of a single household with such a person or persons; or persons who were living in the unit as part of a single household with such a person or persons who have since died.
- 7) Concurrent with the submission of any reserved matters application, a Biodiversity Enhancement Plan (BEP), including drawings shall be submitted to and approved in writing by the Local Planning Authority, along with timescales for implementation. The BEP should be broadly in accordance with the outline details of habitat enhancements stated in sections 5 and 6, and appendix EDP7, of the supporting Ecological Appraisal (EDP, June 2021, Ref: edp2770_r001d). The BEP should include:
- a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans),
 - b) Details of species enhancements;
 - c) Selection of appropriate strategies for creating / restoring target habitats or introducing target species;
 - d) Selection of specific techniques and practices for establishing vegetation;
 - e) Sources of habitat materials (e.g. plant stock) or species individuals;
 - f) Method statement for site preparation and establishment of target features;
 - g) Extent and location of proposed works;
 - h) Full details of a biodiversity metric assessment to demonstrate a biodiversity net gain.
- Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements shall be delivered prior to the final occupation of the development.
- 8) Concurrent with the submission of comprehensive details of the landscape reserved matters, a maintenance schedule and a long term

management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority.

The Landscape Management Plan shall include:

- a) Details of long term design principles and objectives.
 - b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, and street furniture within open spaces.
 - c) A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible of the maintenance of the other areas of the site.
 - d) Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows. The schedule and plan shall be implemented in accordance with the agreed programme.
- 9) All affordable housing units, and at least 15% of market housing shall be designed and constructed to the equivalent of Schedule 1, Part M (4), category 2) accessible and adaptable dwelling standards or any successor standard current at the time of construction.
 - 10) At least one of the affordable housing units shall be designed and constructed to the equivalent of Schedule 1, Part M (4), category 3) wheelchair user dwellings or any successor standard current at the time of construction.

Pre-commencement

- 11) Prior to commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented prior to any works being carried out on site and shall be maintained throughout the course of the development.
- 12) Prior to the commencement of the development (including vegetation clearance) a Construction Environmental Management Plan for Biodiversity (CEMP Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Updated ecological surveys for relevant habitats and species. Update surveys shall follow national good practice guidelines.
 - b) Risk assessment of potentially damaging construction activities.
 - c) Identification of biodiversity protection zones.
 - d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
 - e) The location and timing of sensitive works to avoid harm to biodiversity features.
 - f) The times during construction when specialist ecologists need to be present on site to oversee works.

- g) Responsible persons and lines of communication.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 13) Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on Glanville Consultants Flood Risk Assessment reference: 003_8210168_LM dated 03 February 2021, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme to be submitted shall include:
 - i. Drainage Catchment Plans and outline strategy;
 - ii. Interpretive site investigation to include groundwater assessment and infiltration tests to BRE 365;
 - iii. Detailed measures to improve water quality prior to discharge;
 - iv. A compliance report to demonstrate how the scheme complies with **the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire"**;
 - v. Detailed hydraulic calculations including node references with consideration for all events up to the worst case 1:100 + 40% event;
 - vi. Fully detailed sustainable surface water drainage layouts; • Proposed site levels, floor levels and an exceedance plan;
 - vii. SUDS features and sections;
 - viii. Landscape plans with sustainable drainage features integrated and coordinated as appropriate;
 - ix. Drainage Construction Details;
 - x. Maintenance and Management Plan covering all surface water drainage and SUDS features. No dwelling shall be occupied until the surface drainage works to serve that dwelling have been carried out and completed in accordance with the approved details.
- 14) Prior to the commencement of the development an Archaeological Written Scheme of Investigation, relating to the application site area, shall be submitted to and approved in writing by the Local Planning Authority.
- 15) Following the approval of the Archaeological Written Scheme of Investigation and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

16) Prior to the commencement of development (including demolition or site clearance) a protected area shall be designated for all existing trees which are shown to be retained, and the trees shall be protected in accordance with a scheme which complies with the current edition of BS 5837: "Trees in relation to design, demolition and construction" that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be kept in place during the entire course of development.

17) Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy.

Phase 3 requires that a remediation strategy be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use.

18) No phase of the development shall be occupied until any previously approved remediation strategy for that phase has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.

19) The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue, unless otherwise agreed in writing by the Local Planning Authority, until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken.

Where land contamination investigation/remedial works are required this must be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites' and submitted to and approved in writing by the local planning authority.

Prior to occupation

20) Prior to first occupation of the dwellings hereby approved, the access onto the B4009 shall be formed and laid out in accordance with the approved details.

- 21) Prior to first occupation of the dwellings hereby approved, the vision splay shall be formed, laid out and constructed in accordance with approved plan J32- 5511-PS-001 rev B. Thereafter the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres, as measured from carriageway level.
- 22) Prior to occupation of the dwellings hereby approved, cycle parking facilities shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter.
- 23) Prior to the first occupation of the relevant dwelling on the development hereby approved, the parking and turning areas serving and associated with that dwelling, shall be provided in accordance with the approved plan 3636.P.110, rev G and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 24) The development shall not be occupied until confirmation has been provided that either: -
 - a) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - b) A development and infrastructure phasing plan has been agreed with the local planning authority to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 25) Prior to the first occupation of the development hereby approved, a residential travel plan for the encouragement of the use of sustainable modes of transport shall be submitted to and approved in writing by the local planning authority. It shall include a travel plan statement and details of a travel information pack to be provided to the first occupiers of each dwelling upon occupation. The travel plan shall be implemented upon the occupation of the first dwelling on the site. It shall be monitored and reviewed in accordance with details to be set out in the approved plan.

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