



RIDGE

**PLANNING PROOF OF EVIDENCE
OF GILES BROCKBANK MRTPI**

**FOR THE ERECTION OF UP TO 54
AGE RESTRICTED DWELLINGS
AT LAND AT CROWELL ROAD,
CHINNOR.**

April 2022

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1. My name is Giles Brockbank and I am presenting this evidence on behalf of Beechcroft Developments Ltd. who is the Appellant for this appeal.
- 1.2. I am a member of the Royal Town Planning Institute and I hold a Postgraduate Diploma in Town Planning. I am a Partner at Ridge and Partners LLP, based at their offices in Cheltenham.
- 1.3. I previously worked for Hunter Page Planning for 17 years prior to its purchase by Ridge and Partners LLP in 2018 and before that worked for Cotswold District Council.
- 1.4. I have obtained during that time considerable experience in dealing with a wide range of planning matters relating to a variety of developments, with particular experience in schemes for specialist housing and care related developments. I undertake, and am responsible for, a wide range of consultancy tasks including the preparation of site appraisals, the preparation of planning briefs, planning applications, local plan representations, and representing clients at planning appeals and at Local Plan Examinations.

Declaration

- 1.5. The evidence which I have prepared and provided in this Planning Proof of Evidence is true and is given in accordance with the guidance of the Royal Town Planning Institute. The opinions expressed are my true and professional opinions.
- 1.6. I have visited the appeal site and surrounding locality.

2. THE APPELLANT'S CASE

- 2.1 My primary contention is that the development proposal accords with the Development Plan. Accordingly, planning permission can be granted in line with Section 38(6) of the Planning and Compulsory Purchase Act (2004). NPPF paragraph 11(c), which provides that proposals which accord with the Development Plan should be approved "without delay" is also applicable.
- 2.2 In the alternative, the Council do not have a five year housing land supply, with their supply being 4.13 years¹. If it were concluded that there was conflict with the plan as a whole, the tilted balance within paragraph 11(d)(ii) would be engaged and any harm would not significantly and demonstrably outweigh the benefits, according with the requirements of Policy STRAT1.

The Development Plan

Principle of Development

- 2.3 Whilst not forming part of the reasons for refusal, the following sets out how the appeal proposals are acceptable in principle.
- 2.4 The site is located outside any defined development boundary and is not allocated in the Local Plan or a Neighbourhood Plan where part 1 of Policy H1 of the Local Plan permits residential development. However, given the nature of the proposals and its location immediately abutting Chinnor, a Larger Village as defined by the Local Plan which comprise "*a wide range of services and facilities in sustainable locations*"², the proposals comply with part 3(ii) of Policy H1, and Policy H13, which both allow for specialist housing for older people in locations with good access to public transport and local facilities. Similarly, Policy CH H5 of the Neighbourhood Plan supports in principle the provision of retirement housing.
- 2.5 The above is supported by the site's sustainable location for development which is demonstrated within the Transport Assessment that was submitted as part of the application, concluding all bus services are within a short walking distance from the site. This is also reflected in the previous appeal decision [CD7.1] where the Inspector concluded:

"There are bus services to and from other large villages nearby that provide an hourly service Monday to Saturday with no services in the late evening or Sundays."

- 2.6 Further, the officer's report to committee at paragraph 6.7 lists the considerable range of services and facilities and the proximity of those to the appeal site stating "*most of these shops and facilities*

¹ Please refer to the Housing Need and Supply Proof of Evidence.

² Paragraph 3.14 of the Local Plan.

are along a bus route which can be accessed from the site”, as well as noting other nearby bus stops provide sustainable access to other local settlements and to Princes Risborough Station. Both parties agree the site is in a sustainable location for the nature of the proposed development.

- 2.7 As concluded in the pre-application response received by the LPA prior to the submission of the original application [CD10.1] the LPA state that *“Read together, policies H1 and H13 of the SLOP 2035 and CRNP policy CH H5 are generally supportive of the principle of specialist accommodation for older people on sites such as this. This is because the site is on the edge of a larger village with good access to public transport and local facilities.”*
- 2.8 At the time of the pre-application response, the LPA also concluded that the proposals were contrary to Policy CH H7 of the Neighbourhood Plan given the site is located outside a development boundary and did not comprise infill development, nor was it considered *“necessary or suitable for a countryside location.”* Comparing this to Policies H1 and H13, there is a clear pull in policy direction which was confirmed via a legal opinion submitted as part of the application submission [CD4.2]. Notwithstanding this, in the context of Policies H1 and H13 which allow for specialist elderly accommodation in locations with good accessibility, and in the context that the Chinnor Review Neighbourhood Plan was made following the adoption of these policies, the Appellant contends that the proposals do form a *“necessary”* development, which in this case, is an edge of settlement location; particularly as the Neighbourhood Plan does not define what would be *“necessary”*. This was then accepted by the LPA in their officer’s report to planning committee [CD8.1] at paragraph 6.6 where officers recognise that as the Neighbourhood Plan was independently examined to conclude it met the ‘basic conditions’ as set out at Paragraph 37 of the NPPF, a degree of flexibility must be attached to Policy CH H7 to accord with other relevant development plan policies, which in this case refers to Policies H1 and H13.
- 2.9 The acceptability of the principle of development is reflected in the LPA’s SOC at paragraph 7.1, where the LPA acknowledge *“the principle of housing for older people in this location is considered to be in accordance with the development plan when read as a whole, including Policy H13 (Housing for Older People), Policy CH H5 (Retirement Housing) and Policy CH H7 (Settlement Boundary).”* Therefore, the principle of development is a matter that is agreed by both parties.

Refusal Reasons 3, 4 and 5

- 2.10 The remaining reasons for refusal relate to securing the amount of affordable housing on site, equating to 40% as required by Policy H9, securing the mix and tenure of such housing, and securing the infrastructure necessary to meet the needs of the development. However, it is considered these refusal reasons can fall away due to agreement between both parties and the submission of a S106 Agreement.

Affordable Housing

- 2.11 The amount of affordable housing (40%) to be delivered on site is a matter agreed between both parties as set out in the agreed SOCG, with 21 units being delivered on site and an offsite contribution to be secured by the S106 Agreement of £76,177.65 (0.6 of a unit). The proposals therefore conform with part 1), part 2) ii) and iv) of Policy H9, and Policy CH H2. It is noted the last half of part 2) iv) requires the affordable housing to also be mixed with the market housing. Further, part 2) vi) requires affordable housing to be indistinguishable in appearance from market housing, a matter of which can be secured at the reserved matters stage, and distributed evenly across the site with these units being clustered in groups of no more than 15 homes.
- 2.12 Given the nature of the proposals, the affordable housing is proposed in the form of apartments and located in blocks toward the east and south eastern edges of the appeal site as per the Affordable Allocations Plan [CD9.4]. These are proposed in units no more than 15 per block and separated by landscaping. The Council's Housing Officer accepts that due to the nature of the development, affordable housing in the form of apartments is acceptable, and no objections have been raised by the Council's Housing Officer on the location of the affordable units. As such, it is contended there is no conflict with Policy H9 part 2) iv) and vi).
- 2.13 The affordable housing tenure proposed has regard to local housing need, as required by Policy CH H3 of the Neighbourhood Plan, a matter agreed by both parties in the Planning SOCG. It is noted that part 2) iii) of Policy H9 states *"The Council will expect a tenure mix of 40% affordable rented, 35% social rented and 25% other affordable routes to home ownership..."*. Justification for this preferred mix is taken in the context of paragraph 6.84 of the Oxfordshire Strategic Housing Market Assessment (April 2014) [CD2.1] (thereafter referred to as 'the SHMA') which states:
- "6.84 With respect to tenure mix, our assessment indicates a County-wide mix target of 25% intermediate: 75% rent would be appropriate. In need terms, the rent composition is slightly skewed towards social rent; however, the deliverability of this in the context of national affordable housing policy and funding availability should be considered. **We also identify some variation at local authority level which could feed into local policies and would suggest that the types of tenure that will be sought is a policy decision to be made through the Local Plan.** A policy to house those in the greatest need might therefore see a higher proportion of social rented housing being sought."* [own emphasis added].
- 2.14 The above indicates that the exact tenure type should be informed by more localised planning policies.
- 2.15 As the Neighbourhood Plan was made following the adoption of the Local Plan, Policy CH H3 is more up to date than the policy requirements of Policy H9. This policy of the Neighbourhood Plan requires that the mix of housing reflects local needs rather than seeking a standardised mix as Policy

H9 2) iii) seeks to do. As such it is appropriate to consider the local need for housing to determine whether proposals comply with the housing mix sought by the Development Plan. Therefore, in principle we do not consider there to be conflict with Policy H9 2) iii) for reasons below.

2.16 The appeal proposals seek to deliver the entirety of its affordable housing as shared ownership save one affordable rented unit with a fallback position of discount market sale housing, all of which is informed by local housing need as evidenced by the Housing Need SOCG. This is supported by the Three Dragons Needs Assessment [CD4.9].

2.17 Clearly, there is an identified need for affordable retirement accommodation in the form of shared ownership, which officers supported in their report to planning committee [CD8.1]. This is also echoed at paragraph 4.17 of the Chinnor Neighbourhood Plan Review where it states:

*“Sheltered or managed housing for those capable of independent living with limited support. **In Chinnor this housing is available both as social housing through OSHA (Leverkus House, St Andrew’s Road/Elm Road) or managed open market housing (Hill Farm Court) but is over-subscribed.**” [own emphasis added].*

2.18 Even in the absence of Policy CH H3, Policy H9 is informed by an assessment of tenure mix for all housing, and not specifically older persons accommodation, which adds further weight when considering the appeal proposals in the context of this policy.

2.19 Overall, in compliance with Policy CH H3 of the Neighbourhood Plan, the proposals will deliver 1 affordable rented retirement unit with the remainder as shared ownership as agreed in the Housing Need SOCG. Policy CH H3 is made more recently than Policy H9 and it is agreed in the Housing Needs SOCG that in determining planning applications and appeals, an assessment of local housing need is required by the Development Plan to determine the appropriate tenure mix. The appeal proposals reflect this.

2.20 In terms of the number bedrooms, the proposals include 4 x 1 bedroom and 17 x 2 bedroom apartments, all meeting the minimum national space standards, and being designed to either be 2 bedroom 4 person apartments or 1 bedroom 2 person apartments; a matter which will be secured at the more detailed design stages. The proposals therefore meet part 2) v) of Policy H9.

2.21 Whilst not specifically reflective of the need set out in the SHMA, paragraphs 7.40 and 7.42 of the SHMA state:

“7.40 The mix identified above should inform strategic HMA-wide policies. In applying these to individual development sites regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level.

7.42 *The analysis of an appropriate mix of dwellings should also inform the 'portfolio' of sites which are considered through the Local Plan process, including: Site Allocations, Neighbourhood Plans and other planning documents. Equally it will be of relevance to affordable housing negotiations."*

- 2.22 Given this and the Housing Officer's approval of the number and type of beds proposed in respect of the affordable housing, part 2) v) of Policy H9 is met.
- 2.23 Part 2) vii) of Policy H9 is irrelevant to the appeal proposals.
- 2.24 It is also noted Policy CH H4 requires 20% of all new affordable homes to be subject to a local connection to the Parish of Chinnor. This will be secured via the S106 Agreement.
- 2.25 Taking all the above into account, the appeal proposals comply with Policy H9 entirely, and Policies CH H2, CH H3 and CH H4 of the Neighbourhood Plan.

Necessary Infrastructure

- 2.26 The remaining obligations attached to the appeal scheme are set out within the draft Heads of Terms [CD9.6] which refer to contributions towards public transport services and infrastructure, street naming and recycling and waste. There is also a clause to secure the open space on site to meet the needs of the end user group, and to secure its maintenance and management. An agreed S106 Agreement will be submitted prior to the inquiry which reflects this.
- 2.27 With this agreed by the LPA and OCC, in its entirety the appeal scheme will be supported and served by appropriate onsite and offsite infrastructure and services, meeting the requirements of Policy INF1. With regards to highways improvements, Policies TRANS2, TRANS4 and TRANS5 are met insofar that the contributions will support and improve public transport services and infrastructure, providing an adequate level of accessibility for existing and future users of the bus network. In addition to the safe and suitable recycling and waste facilities proposed on site, which are confirmed acceptable by the Council's Waste Team as per paragraph 3.20 of the LPA's SOC, the offsite contribution ensures that the proposals wholly comply with Policy EP3 to ensure adequate facilities are provided. This is explained in further detail within Section 4 of my Proof. As a result, the contributions required comply with the requirements of Paragraph 57 of the NPPF, being necessary, fair and reasonable.

Conclusions

- 2.28 As part of the ongoing negotiations with the Council during the appeal process, the amount, type and tenure of the affordable housing, with an offsite contribution, has now been agreed as per the Planning SOCG. An agreed Section 106 will be submitted in due course which will secure this, along

with agreement on contributions to secure the infrastructure necessary to demonstrate the appeal scheme is acceptable.

- 2.29 Given the above, it is considered reasons 3, 4 and 5 can be alleviated, and that if the Council were to have assessed the scheme based on its current position, their recommendation would be one of approval.

Other Material Considerations

The National Planning Policy Framework

- 2.30 Chapter 5 of the NPPF looks to deliver a sufficient supply of homes, and particularly Paragraph 60 supports the Government's objective to significantly boost the supply of homes. In doing so advocates a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land within permission is developed without unnecessary delay.
- 2.31 As within the Needs Assessment [CD4.9] and the Housing Need SOCG, the proposals will address the need for specialist elderly accommodation, and in particular the lack of affordable elderly accommodation within Chinnor and the wider district. Consequently, the appeal proposals meet the thrust of Paragraph 62 by delivering a scheme that has taken into account the type, size and tenure of accommodation for the elderly population.
- 2.32 The above has demonstrated the proposals in principle comply with Paragraph 62 of the NPPF by delivering a scheme that addresses a need for specialist elderly accommodation, delivering a policy compliant amount of retirement affordable housing, according with Paragraph 65 of the NPPF. In line with Paragraph 63, the total amount of affordable housing is to be delivered on site, with a small offsite contribution to account for 0.6 of a unit.
- 2.33 The planning obligations attached to the proposed scheme comply with the requirements of Paragraph 57 of the NPPF, being necessary, reasonable and fair for the type of development proposed, a matter agreed by both parties.
- 2.34 The contributions relating to the improvement of public transport services and infrastructure accord with the aims of Paragraphs 104 and 110 of the NPPF, providing opportunities to promote public transport use and addressing the potential impacts of the development on transport networks, which in the context of the end user on site, is likely to be reliant on the bus network to travel.

Oxfordshire Strategic Housing Market Assessment (March 2014)

- 2.35 The Oxfordshire Strategic Housing Market Assessment (March 2014) (SHMA) [CD2.1] forms part of the evidence base for the adopted Local Plan.
- 2.36 It identifies in Oxfordshire the total population of over 55's comprised 27.3% of its population in 2011, and a projected increase of 49.3% by 2031, specifically highlighting a growth in this population of 46% in South Oxfordshire. The SHMA also predicts the tenure need for the elderly population, concluding at paragraph 8.14 that *"given it is expected to increase in the future and that the number of single person households is expected to increase this would suggest (if occupancy patterns remain the same) that there will be a notable demand for affordable housing from the ageing population"*, and *"there may therefore be additional pressure on the affordable housing stock from such households"*.
- 2.37 Table 75 in the SHMA outlines a projected need of 1,309 units (133 specialist units per 1,000 people aged 75 and over) and 2,094 units (170 specialist units per 1,000 people aged 75 and over³) in South Oxfordshire by 2031.
- 2.38 In addition, the SHMA also presents an identified need for affordable housing, with a backlog of either 1,060 affordable homes (according to the DLUHC Live Tables), or 1,199 affordable homes (according to the Annual Monitoring Report of the Council), with a total need of 2,779 households registered in need of affordable housing in South Oxfordshire⁴.

Oxfordshire Market Position Statement 2019-2022

- 2.39 The Oxfordshire Market Position Statement (OMPS) addresses need for extra care housing and care homes but does not specifically address the need for retirement living and sheltered housing. However, on page 14 it states that the County Council will encourage the development of such accommodation as this will suit the needs of Oxfordshire.
- 2.40 The OMPS also includes an Extra Care Housing Supplement which whilst not specific again about retirement living or sheltered housing, does identify that one of the aims over the next five years is to increase the support of other forms of elderly accommodation.

National Planning Practice Guidance

- 2.41 Paragraph: 001 Reference ID: 63-001-20190626 of the PPG sets out that there is a critical need for housing for older people, and where proposals can offer a better choice of accommodation to suit their changing needs, this can help the elderly live independently for longer, provide a more socially inclusive community and reduce costs to social care and health systems. This demonstrates that the delivery of such proposals presents a significant benefit when weighed in the planning balance.

³ Based on whether the level of provision was to get to the national average.

⁴ Recognising that not every household in need of affordable housing may be on the register, but equally a proportion of those on the register may not be in affordable housing need.

3. PREVIOUS APPEAL

3.1 The appeal site is subject to a previously dismissed appeal (ref. APP/Q3115/W/17/3188694) which sought full planning permission for the residential development of 54 dwellings. A copy of the decision notice can be found at [CD7.1].

3.2 The Inspector dismissed the appeal on 24th December 2018 based on the principle of development, concluding it failed to accord with the spatial strategy, contained in a now out-of-date development plan (South Oxfordshire Core Strategy (2012), the saved policies of the South Oxfordshire Local Plan (2006) and the Chinnor Neighbourhood Plan (made 2017)), compared to the subject appeal. The subject appeal proposals are different in that the proposals are seeking the development of specialist elderly accommodation, rather than open market housing. The current, adopted Local Plan’s spatial strategy allows for such development in locations outside defined settlement boundaries and with good access to public transport and local facilities, as contained within Policies H1 and H13. The Chinnor Review Neighbourhood Plan has also since been made, containing Policies CH H5 and CH H7 which also support the principle of specialist elderly accommodation. In this context, the Inspector’s reason for dismissing the previous appeal cannot be attached to this appeal scheme.

3.3 Notwithstanding its dismissal, the previous Inspector concluded in the planning balance:

“86. The proposal would also generate residual adverse impacts. The proposal would conflict with the housing strategy as set out in the development plan. In addition, there would be moderate impact on the settings of designated Heritage Assets and limited impacts due to the loss of countryside, the landscape and visual impact of the development and on archaeology. These matters could be ensured by conditions and Section 106 obligations.”

3.4 The following sets out a comparison table of the previously dismissed appeal proposals against the subject appeal having regard to those considerations quoted above.

Table 1 - Comparison of previous appeal decision and subject appeal.

Key Constraint	APP/Q3115/W/17/3188694	Current Appeal Scheme
Heritage	The Planning Inspector when considering the previous scheme, agreed that mitigation to reduce the impact of the development on nearby heritage assets could be provided and secured by condition.	The Council’s Heritage Officer raises no objection to the scheme, but concludes less than substantial harm at the low-mid range of the scale to the nearby designated heritage assets (Poplars and Lower Farm (Grade II listed) and Oakley Conservation Area). At the time of those comments, further

		<p>information was requested by the Conservation Officer on proposed building heights, intervisibility between the site and the Conservation Area and lighting. The comments go onto state that the level of harm could be reduced further with this information.</p> <p>Similar conclusions were drawn for the previous appeal, where the Inspector considered the requested mitigation could be dealt with by way of condition. It is considered the same conclusions can be drawn in this case, particularly given the matter of detail in respect of scale, appearance and landscaping is to be dealt with at the reserved matters stage.</p> <p>Notwithstanding this, albeit indicative at this stage, there is a greater provision for a landscape buffer around the site to soften the form of development and importantly allow views through the development so the interface between the Chinnor Conservation Area and open countryside is still apparent. In this regard, the current appeal is an improvement over the previous appeal scheme that it was considered acceptable in heritage terms.</p> <p>The necessary heritage planning balance has been undertaken in the Planning Balance section below in line with Paragraph 202 of the NPPF demonstrating the public benefits outweigh the heritage harm.</p>
Landscape	This scheme was considered to cause little landscape harm and	At the time of the submitting the appeal, outstanding

	<p>was judged to accord with now out-of-date development plan policies.</p>	<p>concerns remained from the Council's Landscape Architect in respect of detailed matters, which would usually be dealt with at the reserved matters stage.</p> <p>However, the LPA's SOC confirms that these matters have now been addressed through discussions between the LPA and the Appellant, and that there is no in principle landscape objection.</p> <p>It should be noted that the appeal scheme provides a greater degree of landscaping when compared to the previous appeal and the level of mitigation proposed through landscape buffers, native planting, biodiversity enhancements and green infrastructure ensures that this appeal scheme will be an improvement, and therefore can also be judged as having very limited landscape harm.</p>
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3.5 Thus, it can be concluded that the reasons for the previously dismissed appeal cannot be attached to the subject appeal given the change in type of residential development proposed and the change of spatial strategy and development plan policy. Further, the conclusions in respect of landscape and heritage made by the previous Inspector can be applied to this case, and moreover the harm attached to these previously can be further reduced given the improvements made to the subject appeal scheme.

4. THIRD PARTY COMMENTS AND OTHER MATTERS

- 4.1 Third party comments have been received as part of the appeal process and application process from members of the public [CD6.0]. These comments have been reviewed and summarised under headings which I consider are the other issues that have been raised by the Inspector, but which do not form the main issues to be discussed as part of this appeal.

Location, Overprovision and Type of Development

- 4.2 One key concern raised by a number of the respondents relates to the location of development, where comments are made that the site is an unsuitable and unsustainable location for over 55s specialist accommodation, falling outside a defined settlement boundary and therefore not complying with planning policy.
- 4.3 Some comments criticise creating a development solely for over 55's, with few stating that it is not in the best interest of older people's wellbeing. Furthermore, some comments dislike the grouping of all the affordable housing close together in the proposed layout, arguing it is not best practice.
- 4.4 Some comments also raise concerns that allowing this development would set a precedent, claiming Chinnor has already fulfilled its obligation for new housing having been developed considerably in recent years. Some express fears of Chinnor becoming over-developed and argue Chinnor does not require additional developments.
- 4.5 Referring to the Neighbourhood Plan, others state that development should be dependent on existing infrastructure, and that sites to meet older person's needs within Chinnor should come through a review of the Neighbourhood Plan.
- 4.6 Comments also contend that the location of the site is unsuitable for elderly residential properties and is not close enough to local services, having regard to inadequate medical facilities and pharmacy capacity. Moreover, comments also consider that the public transport is inadequate and believe that there is a need to update existing infrastructure.

Appellant's Response

- 4.7 The location of development has been demonstrated as being entirely appropriate having regard to Policies H1 and H13 of the Local Plan and Policies CH H5 and CH H7 of the Neighbourhood Plan, by delivering specialist elderly accommodation in a location that has good access to services and facilities, and that is deemed a necessary development for an edge of settlement location. This is a matter agreed by the LPA and the Appellant.

- 4.8 In addition, the appeal proposals will meet an identified need for specialist elderly accommodation, and in particular affordable retirement development, in Chinnor and the wider district, thus justifying the need for such development. Whilst the proposals are not considered an overdevelopment of the site, with all design matters having been agreed between both parties, the need and acceptability of the principle of development justifies the proposals as wholly acceptable in this location.
- 4.9 On the matter of affordable housing and its proposed siting in respect of the wider development, the previous section of my Proof demonstrates there to be no conflict with Policy H9 2) iv and vi) insofar that the location of the affordable housing is accepted by the Council, and in any event is separated through the provision of landscaping and no more than 15 units per block.
- 4.10 The site has also been demonstrated as being in a sustainable location for development, being within suitable walking distance to several bus stops, open space and nearby services and facilities. This is agreed in the Highways SOCG between the Appellant and the Local Highways Authority. Berkshire Clinical Commissioning Group (the relevant health body) were consulted as part of the application process, and raised no objection to the scheme stating *"Local healthcare should have sufficient capacity to deal with any additional needs."* Further, as will be set out in the agreed S106, offsite contributions will be paid by the Appellant to ensure the public transport and services, as well as recycling and waste facilities, can adequately provide for the additional development within the village. Therefore, it is concluded the proposals can be sufficiently accommodated by such provisions.
- 4.11 In terms of effect on education and shop/supermarkets, dealing with the former, it would not be appropriate or necessary to consider the proposals could impact upon education given the end user of the site. In terms of the latter, future residents will utilise the shops/supermarkets contained within the village and the wider local area, however it is considered that footfall will increase the vitality of such services and facilities, akin to Paragraph 86 of the NPPF, particularly part f), and Paragraph 79 of the NPPF.

Landscape/AONB

- 4.12 Comments suggest that the proposed development will have a detrimental impact on the character and appearance of the village, which could diminish the natural and open character of the locality that can be seen in views from the Chilterns Area of Outstanding Natural Beauty (AONB).

Appellant Response

- 4.13 A Landscape and Visual Impact Assessment was submitted with the application originally [CD4.4], according with Policy ENV1 part 1) fourth bullet point. That concluded that the proposals can be effectively accommodated and assimilated within the existing settlement framework of Chinnor and

its adjacent rural environs, and not impact upon the setting of the AONB. This is supported by the Inspector's conclusions in the previously dismissed appeal where it states:

"The development east of Crowell Road, like the scheme subject of this decision, was considered not to materially undermine the existing separation between development and the escarpment and to retain views from Chinnor and Oakley to it. Due to these matters it would not materially affect the setting of the AONB. I consider that this would be the same for this appeal scheme."

- 4.14 In line with Policy ENV1 1) and Paragraph 176 of the NPPF, both which attach the highest status of protection to the AONB and seek to conserve and enhance its landscape and scenic beauty, the appeal proposals are acceptable.
- 4.15 In terms of the proposals themselves, a considerable amount of landscaping, including new tree planting and positive management of hedgerows is proposed, along with extensive landscape buffers to the south west, south east and north east. This ensures that, in line with Policy ENV1) 2) i) and v), the landscape features on site are protected and where possible enhanced to contribute to the wider landscape character.
- 4.16 The Council's Landscape Architect raises no objection to the appeal proposals and the outstanding, detailed landscape comments that formed the premise of refusal reason 1 are agreed within the Planning SOCG. As a result, the proposals accord with Policy ENV1 by conserving and enhancing the character and natural beauty of the AONB and surrounding landscape; as relayed at Paragraph 176 of the NPPF.
- 4.17 Taking all the above into account, the proposals recognise the intrinsic character and beauty of this part of the countryside, having regard to Paragraph 174 of the NPPF.

Heritage

- 4.18 Comments were raised in respect of the impact on nearby listed buildings and Oakley Conservation Area, noting that the proposals will impact upon views from these heritage assets towards the open countryside. In particular, one comment referred to the site as being *"the last remaining site of historic conservation visible entering Chinnor, from any of its four roads...which offers the view through to listed buildings from 1670."* Concerns are raised over the loss of such views.

Appellant Response

- 4.19 The site sits adjacent to the Oakley Conservation Area and within the setting of Grade II listed buildings The Poplars, located east of the site, and Lower Farm, located north of the site. A Heritage

Statement was submitted originally with the application [CD4.12], in line with Policy ENV6 4), which concluded:

- There would be less than substantial harm attributed to Lower Farm through alterations to its setting, and the appeal proposals are less harmful than compared to the previously dismissed appeal scheme due to increased separation of built form.
- There would be less than substantial harm attributed to The Poplars through alterations to its setting, and the appeal proposals are less harmful than compared to the previously dismissed appeal scheme due to increased separation of built form.
- There would be less than substantial harm to the heritage significance of the Oakley Conservation Area via a change of setting, and the appeal proposals are less harmful than compared to the previous dismissed appeal scheme due to increased separation of built form.

4.20 It is contended that the appeal proposals whilst conserving the historic significance of the above heritage assets, will result in less than substantial harm due to a change in character of their respective settings. The same conclusions were drawn by the Conservation Officer who considered that harm to be on the low-mid range of that scale.

4.21 In line with Paragraph 202 of the NPPF, the public benefits of the scheme will need to outweigh the less than substantial harm concluded for planning permission to be granted. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require considerable importance and weight is attached to this harm. Similarly, the NPPF requires 'great weight' to be afforded to this harm (para 199 of the NPPF). The Planning Balance section of my Proof undertakes this exercise where it is demonstrated planning permission can be granted.

4.22 Taking all the above into account, the requirements of Policy ENV6 1) and 2) i), and Policy CH C2 of the Neighbourhood Plan are met insofar that the proposals have taken account of the desirability of sustaining and enhancing the significance of the above heritage assets through the design of the layout, providing a buffer between the built form of the proposals and the heritage assets themselves; whilst considering the situation of built form within their respective settings and providing glimpsed views of such historic assets. Notwithstanding this, as less than substantial harm is attached to the proposals, it could be argued there is a degree of conflict with Policy ENV6 2) which requires no harm to be caused to the historic environment. However, Policies ENV7 3) and ENV8 3) allow for such harm subject to carrying out the necessary planning balance as per Paragraph 202 of the NPPF. This is also in line with Policy STRAT1 which states proposal must be determined in accordance with national policy. This is dealt with in the Planning Balance section of my Proof.

4.23 Policy ENV7 1) expects development proposals to conserve, enhance or better reveal the setting of listed buildings, and be sympathetic to its setting in terms of, inter alia, its siting, which the appeal

proposals achieve. Other matters listed such as size, scale, height, alignment, materials and finishes, and design and form are matters to be agreed at the reserved matters stage and therefore are not relevant for the determination of this appeal. As above, reflected at point 3) of that policy is the premise of Paragraph 202 of the NPPF, and also criteria in which to consider when the less than substantial harm argument applies to the setting of listed buildings. The proposals meet each of that criteria by justifying the 'less than substantial harm' to the setting of those heritage assets through delivering a development that addresses an identified specialist elderly accommodation need, including affordable retirement housing need, within Chinnor and more widely the district. This is a significant, public benefit to the scheme that when weighed with other benefits, as set out in the Planning Balance section of my Proof, would outweigh that harm.

- 4.24 Policy ENV8 contains similar policy requirements to ENV7, but relates to conserving and enhancing the special interest, character, setting and appearance of Conservation Areas. Demonstrably, the proposals have taken account of the site's setting through the layout of the scheme, in particular the siting of built form, and have retained glimpsed views from the appeal site toward the Conservation Area (albeit these are not considered as important as some views from the adjacent Oakley Road/Chinnor Road junction where a better appreciation can be achieved of the two nearby listed buildings). In that regard, the appeal proposals meet part 1) i), ii), iii) and iv) of Policy ENV8.
- 4.25 In terms of the site itself, this is assessed as making a small contribution to the overall heritage significance of this asset through its setting, which is echoed in the previous appeal decision where the Inspector concluded the contribution to be "*minimal*". With this and the layout of the scheme, the proposals have sought to be sympathetic to this green space adjacent to the Conservation Area. However, as above the change in character attributes less than substantial harm. Notwithstanding this, it is contended the proposals accord with part 1 v) of Policy ENV8.
- 4.26 Part 1) vi) is met insofar that the social and environmental effects of the proposals are compatible with the existing character and appearance of the Conservation Area through delivering a residential scheme which reflects the general development type in the Conservation Area, and providing significant landscaping that assimilates the proposals well into the surrounding landscape and village. Part 1) vii) is irrelevant in this case.
- 4.27 Part 3) again echoes the requirements of Paragraph 202 of the NPPF.
- 4.28 Given the above, Paragraphs 194, 197, 199 and 202 of the NPPF are also met.

Highways

- 4.29 Comments were raised in respect of road safety, with the majority of comments concerning the safety of the proposed access. Comments imply that the B4009 road is dangerous, due to its

reduced visibility, bends, and fast moving traffic. Some consider the retainment of existing trees and hedgerows bordering the site will reduce visibility of the access.

- 4.30 Comments were also raised regarding the proposed pedestrian access, which is currently shared with neighbouring properties and used regularly by animals and vehicles, and does not have sufficient space to be shared with pedestrians. Some comments question whether this would be safe for elderly residents, and commented that pedestrians leaving the site would have to cross the road to reach the pavement on the other side which would be dangerous due to the nature of the road.
- 4.31 Finally, some comments state that the proposal has insufficient car parking spaces, which could encourage residents to park elsewhere on already congested roads, and that the traffic data is insufficient/out-of-date.

Appellant Response

- 4.32 As set out in the agreed Highways SOCG, the proposed vehicular access is safe and suitable, comprising an access strategy identical to the previous appeal scheme which was considered acceptable in both highway safety and capacity terms by the Inspector, and which also represents a less intensive use than the previous appeal scheme.
- 4.33 With regard to the proposed pedestrian access to the north of the site and that proposed with the new vehicular access off the B4009, the Transport Statement which accompanied the application [CDH.1] concludes this as being safe and suitable for the future occupiers of the site, in line with local and national planning policy.
- 4.34 Given the above, the proposals comply with Policy TRANS5 part 1) i) and ii), as well as Paragraph 110 b) of the NPPF.
- 4.35 The proposals also accord with the Council's parking standards [CD1.10 and CD1.12], providing a total of 85 parking spaces both allocated and unallocated parking spaces for visitors, with 4 accessible bays provided throughout the site. In addition, a total of 56 cycle spaces is proposed for future occupiers of the site with a further 28 for visitors as agreed with the Local Highways Authority. The proposals therefore comply with Policy TRANS5 part 1) xiii).
- 4.36 Finally, the traffic data collated as evidenced in the Transport Assessment [CDH.1] and the Transport Technical Note [CDH.3] was accepted by the Local Highways Authority. It should be noted the appeal scheme comprises a reduced traffic generation based on the previously dismissed appeal which the Inspector considered acceptable in both highway safety and capacity terms, complying with Policy TRANS 1) vi) and Paragraph 111 of the NPPF.

- 4.37 For completeness, other matters that have been agreed between both parties as per the Highways SOCG refer to layout, the submission of a Road Safety Audit and the development impact (as listed at paragraph 2.4.1 of the SOCG).
- 4.38 In terms of layout, the footways to be provided will be 2 metres internally and at the site access, as required by the Local Highways Authority. Tracking assessments that have been undertaken demonstrate a large car and refuse truck can move safely within the internal road layout. Further, the submitted Road Safety Audit demonstrates that the internal road layout is also safe and suitable, meeting the relevant local and national planning policy tests.
- 4.39 The refuse collection strategy has been agreed, with bin stores and kerbside locations proposed across the site that refuse vehicles can suitably access, and with an Estate Manager on site who will ensure bins are within those locations. The proposals therefore comply with Policy EP3 parts 1) and 3). The proposals also ensure the recycling and refuse storage is separate from the cycle storage, car parking and circulation areas, meeting part 4) of Policy EP3. Consequently, the proposals meet part 5) of Policy EP3, demonstrating that recycling and refuse provision is feasible and practically provided.
- 4.40 Overall, the Local Highways Authority are supportive of the scheme, and there is no reason to refuse the appeal proposals on highway grounds, having regard to Paragraph 111 of the NPPF.

Drainage

- 4.41 Many comments were raised by respondents referring to the existing sewerage problems in the area. The sewers are causing problems for neighbouring residents to the site, who have recently experienced flooding and the release of raw sewage into their gardens. Comments express concern that the development will exacerbate these issues.

Appellant Response

- 4.42 These issues did not form part of the reasons for refusal by the LPA. Indeed, the Lead Local Flood Authority and Thames Water Development Control did not raise an objection to the scheme. Thames Water does set out network upgrades are likely to be required to accommodate the proposed development prior to occupation. It is agreed between both parties that a suitably worded Grampian condition can be attached to the decision to secure these upgrades. In that respect the proposals comply with Policy INF4 part 1) of the Local Plan.
- 4.43 For completeness, the following also considers flood risk and the surface water drainage strategy proposed.

- 4.44 The site sits in Flood Zone 1 and therefore is at the lowest probability of flooding, however, as the site measures over 1 ha a Flood Risk Assessment was submitted as part of the application [CD4.10] in line with Policy EP4 3) and Paragraph 167 of the NPPF. The Flood Risk Assessment, which was prepared with reference to the South Oxfordshire District Council Strategic Flood Risk Assessment (March 2019), concludes that flood risk will not increase on site or elsewhere as a result of the proposals, meeting Policy EP4 1) i), ii) and iii), Policy EP4 4) and Paragraph 167 of the NPPF.
- 4.45 Accompanying the Flood Risk Assessment is a Surface Water Drainage Strategy (contained at Appendix E of the Flood Risk Assessment) which utilises sustainable drainage techniques using a combination of swales, porous paving, pit soakaways and borehole soakaways with crate storage to facilitate the controlled discharge of surface water to the ground. The parameters of this drainage strategy will be secured by way of condition, and the detail will be worked up at the reserved matters stage. The outline drainage strategy was accepted by the LLFA and consequently, the proposals meet Policy EP4 5) and Paragraph 169 of the NPPF.

Biodiversity

- 4.46 Comments are raised over the potential loss of biodiversity.

Appellant Response

- 4.47 An Ecological Appraisal accompanied the application [CD4.5] which concludes that the proposals accord with Policy ENV3 of the Local Plan and Paragraph 180 of the NPPF, seeking to conserve, restore and enhance biodiversity on site, and resulting in a biodiversity net gain of approximately 8%. This figure will be secured at the more detailed design stages.
- 4.48 The Ecological Appraisal assessed the key ecological features/receptors pertinent to the development proposals, listed at paragraph 3.53 of the Ecological Appraisal. The assessment goes onto conclude potential loss or damage to hedgerows, scattered scrub, and grassland as well as habitat harm/disturbance to birds, bats, badgers and reptiles, both during construction and post-development. However, mitigation and enhancement measures are proposed to retain these habitats where possible and create new planting of tree/shrub/hedgerow planting and wildflower grassland.
- 4.49 The Council's Countryside Officer raised no objection to the scheme, requiring conditions to be attached to the decision to secure and maintain the mitigation and enhancement strategy proposed.
- 4.50 As a result, it can be demonstrated that where there is loss of habitat, this is offset through the mitigation and enhancement measures put forward by the Ecological Assessment, which will be secured by way of condition, thus meeting the local and national planning policy tests as above.

Other Environmental Considerations

- 4.51 Concerns were raised over the construction of the site causing noise and dust pollution. Concerns are also raised over the traffic the construction and operation of the development will cause and the impact this will have in respect of noise and air pollution.
- 4.52 Concerns were also raised in terms of the interruption of means of access where the pedestrian route is proposed in the north corner of the site, and the loss of privacy this could provide.

Appellant Response

- 4.53 The proposed design of the layout has considered impact on neighbouring properties east of the site through the introduction of a considerable landscape buffer to ensure the privacy of existing and future residents is maintained, as required by Policy H16 3) i), the principles of which are also contained at Policy DES6 of the Local Plan. In terms of meeting part ii) of Policy H16 3), the proposed junction arrangement will not prejudice the new junction which provides access to the residential scheme opposite, as agreed in the Highways SOCG, and thus the means of access can be appropriately secured.
- 4.54 The concerns raised in terms of the proposed pedestrian footpath effecting existing vehicular routes is one of minor concern insofar that the conflict will be minimal between pedestrians and the very few vehicular movements that will utilise this access given the limited properties it serves. This is also not the only pedestrian access proposed as part of the scheme. A pedestrian access and footway is proposed along Crowell Road which provides suitable and safe access for the future users of the site towards the services and facilities in the village.
- 4.55 The final part of that policy (iii) requires development to not extend the built limits of the settlement. As concluded in the Landscape and Visual Impact Assessment [CD4.4], the proposals would not extend any further south than what currently exists, having regard to the newly constructed Bellway scheme. Notwithstanding this, the proposals will extend the built form of the village further west. However, as the principle of development is acceptable for these types of development in edge of settlement locations, it is considered further weight should be given to the applicability of the proposals with the Council's spatial strategy. In any event, extending the built form westwards would not impact upon existing residential development, which is the purpose of Policy H16 3). The proposals are therefore compliant with that policy).
- 4.56 Policy DES6 1) lists a criteria to ensure development does not result in significant adverse impacts on the amenity of neighbouring uses. To contend that the proposals meet that criteria, the required separation distances between the proposed new buildings and existing residential dwellings are proposed in line with the South Oxfordshire Design Guide (2016) [CD1.8], ensuring there is no loss

of privacy, daylight or sunlight. Moreover, given the proposed use, it is not considered there would be any impact on external lighting, noise, smell, dust, heat, odour or any other types of pollution, a matter that has not been raised by the LPA for this subject appeal or the previously refused application, nor a matter that was raised by the previous Inspector. The concerns of the residents relate to the impact of construction traffic and the noise and disturbance this may cause. A Construction Management Plan will be submitted at the more detailed design stages of the application, secured by way of condition. In that regard, Policy DES6 is met.

5. ECONOMIC, SOCIAL AND ENVIRONMENTAL DIMENSIONS

5.1 This section considers the proposal against the three dimensions to sustainable development: the economic, social and environmental objections as set out at Paragraph 8 of the NPPF.

Economic Considerations

5.2 The economic dimension within the NPPF highlights that development should contribute towards building a strong, responsive and competitive economy.

5.3 The development of housing growth and investment into the housing sector brings significant growth to the construction industry. With reference to the “Laying the Foundations: A Housing Strategy for England. HM Government” every £1 million received from new housing development supports 12 net jobs (seven direct and five indirect) for a year, as well as apprenticeship opportunities. A more responsive housing market can play a major role in delivering local economic growth, with housing construction, repairs and maintenance having a direct impact on economic output, accounting for an average 3% of GDP. This would bring prosperity and growth to the local economy.

5.4 A well-functioning housing market is therefore vital to the Country’s competitiveness and attractiveness to business, which will drive the economic growth the country needs. The availability of housing in the right places and at the right time will therefore bring economic prosperity to areas, supporting the economic dimension to sustainable development.

5.5 In this case, the economic value of development can be taken directly from the House Builders Federation (HBF) calculator, that stipulates that the delivery of approximately 54 dwellings will generate the following economic benefits:

- Support the employment of 167 people; and
- Generate £650,862 in tax revenue (including £60,990.84 in council tax revenue).

5.6 Additionally, future residents of the residential development will contribute towards the local economy by supporting existing services and facilities within South Oxfordshire, particularly in Chinnor which will support its role as a Larger Village, boosting the local authority’s GDP.

5.7 In light of the above, the proposal contributes towards building a strong, responsive and competitive economy, delivering economic benefits.

Social Considerations

- 5.8 The social dimension within the NPPF seeks to support strong, vibrant and healthy communities by enabling a well-designed and safe built environment with accessible services, reflecting the current and future needs and support communities' health.
- 5.9 The delivery of this site will assist the Government in boosting their supply of housing, and in this particular case the amount of specialist elderly accommodation both at a district and national level, helping meet the predicted increase of an ageing population. In addition, the proposals will deliver a policy compliant amount of affordable retirement housing, also identified as a need within the district. Providing such a mix ensures the proposals will achieve a well-balanced and inclusive community, supporting older people to live independently for longer, and their overall health, wellbeing and quality of life. These benefits are significant.
- 5.10 The proposals deliver an amount of shared and private amenity space for the future occupiers of the site that is well above policy requirements. The introduction of a footpath integrated with high quality landscaping and an orchard helps achieve a healthy, inclusive and safe community, providing a sense of place for the end users of the site.
- 5.11 The introduction of safe and suitable pedestrian routes that connect to the wider area will provide opportunities for future residents to sustainably access local services and facilities via walking and nearby bus services. Consequently, future residents of the site will contribute towards the local communities, and services and facilities that exist within Chinnor, and more widely within South Oxfordshire. Moreover, developer contributions made through a S106 agreement/Community Infrastructure Levy will enhance, in this case, public transport infrastructure and services.
- 5.12 Finally, the proposals will ensure a more effective use of existing dwelling stock by releasing under-occupied housing for use by families.
- 5.13 This site therefore has the potential to deliver significant social benefits.

Environmental Considerations

- 5.14 The environmental dimension in the NPPF seeks to contribute to protecting and enhancing the natural, built and historic environment by helping to improve biodiversity, using natural resources, and moving towards a low carbon economy.
- 5.15 The proposals seek to conserve and enhance the special landscape qualities and characteristics of the wider landscape and pay respect to the setting of the Chiltern AONB through the retainment of landscaping and incorporation of additional soft landscaping, including significant landscape buffers.
- 5.16 The adoption of additional landscaping also provides ecological enhancements on site, resulting in a biodiversity net gain of approximately 8%.

- 5.17 The scheme has been designed to assimilate well with the wider rural landscape and setting of the existing village, having regard to the landscape and nearby heritage assets. Whilst the proposals result in less than substantial harm to the setting of two Grade II listed buildings and the Oakley Conservation Area, the proposals have sought to deliver a sympathetic, carefully considered and high quality design (detail of which will be secured at reserved matters stage) to conserve the significance of those heritage assets.
- 5.18 The proposed design of development will comprise energy efficient measures, a sustainable design and sustainable construction methods. The Appellant is committed to ensure the proposals comply with the 2013 Building Regulations requirements for carbon dioxide emissions via energy efficiency techniques, and ASHP's will also be installed to reduce the regulated carbon dioxide emissions from the development. Consequently, the proposals could significantly reduce the site wide carbon dioxide emissions, achieving in excess of 40% betterment over the Building Regulations 2013, meeting the policy requirements of Policy DES10 1).
- 5.19 Finally, the location of development and the incorporation of new footpaths that are safe and suitable for future users of the site encourages the use of sustainable transport methods, such as walking and bus services, to access nearby services and facilities, overall reducing the carbon output of the development.
- 5.20 To summarise, the proposal would accord with the social, economic and environmental dimensions of sustainable development. In light of this the proposals are a sustainable form of development complying with Paragraphs 7 and 8 of the NPPF.

6. BALANCING EXERCISE/SUMMARY OF BENEFITS AND IMPACTS

- 6.1 The following section demonstrates that the proposals conform with the development plan when read as a whole, and therefore this appeal should be allowed in line with Section 38(6) of the Planning and Compulsory Purchase Act (2004). Paragraph 11 c) of the NPPF is also applicable insofar that proposals that accord with the development plan should be approved without delay. As such, the proposals accord with Policy STRAT1 having been assessed using the development plan and national planning policy guidance.
- 6.2 As set out previously, the proposals are wholly compliant with the Council's spatial strategy and the Neighbourhood Plan, comprising specialist elderly accommodation that is within good access to services and facilities, and is deemed necessary for an edge of settlement location.
- 6.3 With regard to the remaining reasons for refusal (refusal reasons 3, 4 and 5), a signed S106 Agreement will alleviate these refusal reasons, securing a policy compliant amount, type and tenure of affordable housing on site, and improvements to public transport infrastructure and services, recycling and waste facilities, and implementation of street naming.
- 6.4 In terms of all other considerations pertinent to the determination of this appeal, Section 4 of my Proof has demonstrated that the proposals are compliant with the development plan policies relevant to those considerations when read as a whole, as well as the NPPF, according with Policy STRAT1. Where there is slight conflict with Policy ENV6 2), this is outweighed by the requirements of Policies ENV7 3) and ENV8 3) which refer to the balancing exercise at Paragraph 202 of the NPPF (as below).
- 6.5 In this context, the Appellant contends that the proposals will cause less than substantial harm to the setting of two Grade II listed buildings (The Poplars and Lower Farm) and the setting of the Oakley Conservation Area in terms of alterations to the site's character. This is at the low to mid-range of that scale, as agreed by the Council's Conservation Officer. In line with Policies ENV7 3) and ENV8 3), and thereafter Paragraph 202 of the NPPF, the public benefits need to outweigh that level of harm in order for planning permission to be granted.
- 6.6 A full package of benefits is set out in the table below.

Summary of Benefits

- 6.7 The following summarises the benefits of the scheme in line with three dimensions of sustainable development as set out in Section 5 of this Proof.

Table 2 - Summary of benefits.

DIMENSION OF SUSTAINABLE DEVELOPMENT	CONTRIBUTING FACTORS	SCALE OF IMPACT/PUBLIC BENEFIT	EXPLANATION
Social	Delivering specialist elderly accommodation	Significant Benefit	The proposals will deliver specialist elderly accommodation that will help meet an identified need as evidenced in the Housing Need SOCG, supported by evidence in the Council's SHMA, the County Council's OMPS and national planning guidance.
	Delivering a policy compliant amount of affordable retirement accommodation on site	Significant Benefit	The proposals will deliver a policy compliant amount of onsite age restricted affordable accommodation that helps meet an identified housing need.
	Providing a suitable mix of retirement housing	Significant Benefit	The proposed identified mix of market and affordable retirement accommodation will introduce a well-balanced and inclusive community.
	Benefits associated with the delivery of older persons housing	Significant Benefit	<p>Enabling residents to live independently for longer;</p> <p>Reducing the incidence and severity of injuries experienced by residents;</p> <p>Improving the health, wellbeing and quality of life of residents;</p> <p>Reducing costs on the health and social care sectors; and</p> <p>Releasing under-occupied homes for other households.</p>
	Promoting a healthy, inclusive and safe community	Moderate Benefit	The proposals will provide private and shared amenity space above policy requirements as defined Policy DES5. The amenity space will comprise high quality landscaping, helping to achieve a healthy, inclusive and safe community for the future occupiers of the site.

	Supporting local services and facilities	Moderate Benefit	<p>The proposals provide sustainable means of access to local services and facilities, all within adequate walking distance from the site, to promote a healthy lifestyle and socially inclusive community.</p> <p>The future residents of the site will contribute towards the services and facilities that exist within Chinnor and more widely the district.</p>
Environmental	Helping to achieve a low carbon future and mitigating and adapting to climate change	Moderate Benefit	The proposals aim to deliver a sustainable and energy efficient scheme through utilising energy efficient measure during both construction and operation and comprising a sustainable design. There is opportunity to achieve above the 2013 Building Regulation requirements, providing a betterment in excess of 40%.
	Conserving and enhancing biodiversity and providing net gains on site.	Moderate Benefit	The proposals will protect, conserve and enhance biodiversity on site, providing mitigation measures where there will be loss of habitat. A biodiversity net gain can be achieved of approximately 8%, according with the requirements of Policy ENV3 and Paragraph 174 d) of the NPPF.
Economic	Supporting the local economy	Significant Benefit	The future residents of the development will support existing services and facilities within Chinnor and more widely the district, boosting the local authority's GDP.

6.8 Given the above, it is considered there are a number of benefits to the scheme which would, in my view, provide significant weight in favour of the scheme. Within this, there are a number of public benefits that when weighed against the less than substantial harm attributed to the proposals in respect of the setting of two Grade II listed buildings and Oakley Conservation Area, considerably outweigh that harm. In that regard, the proposals meet the requirements of Paragraph 202 of the NPPF, thereafter complying with Policies ENV7 3) and ENV8 3), and as such outweigh the conflict

with Policy ENV6 2). It is contended therefore that the proposals are entirely compliant with the development plan and national planning policy, as required by Policy STRAT1.

- 6.9 Taking all the above into account, in line with Section 38(6) and Paragraph 11 c) of the NPPF, planning permission should be granted without delay.
- 6.10 However, if the Inspector were to disagree and considered the harm due to the conflict with the development plan could not be outweighed by the benefits of the scheme, Paragraph 11 d) of the NPPF is triggered given the Appellant's position that the Council cannot demonstrate a five year housing land supply.
- 6.11 In dealing with limb i) of Paragraph 11 d), it is demonstrated that there is no clear reason to refuse the proposed development in the context of the policies in the NPPF that protect areas or assets of particular importance. With regard to limb ii), it is my view that there are no adverse impacts attached to the proposals, and that there is a suite of benefits that add considerable weight to the proposals such that planning permission should be granted. With this conclusion, the proposals still adhere to the development plan insofar that Policy STRAT1 is met which allows for proposals to be assessed against national planning policy, such as Paragraph 11 d).

7. CONCLUSIONS

- 7.1 In the first instance, whilst not forming a main issue, my Proof has demonstrated the acceptability of the principle of development, whereby the development plan supports specialist elderly accommodation in locations with good access to services and facilities and which are considered necessary for, in this case, an edge of settlement location, such as the appeal site. This is a matter of agreement between both parties.
- 7.2 The main issues for the appeal concern the S106 Agreement. Dealing with affordable housing first, it is demonstrated that the appeal proposals meet the local plan policy requirement for affordable housing on site, delivering 40% of the 54 units proposed with a commuted offsite payment in respect of 0.6 unit that remains. In terms of affordable housing type, the Council's Housing Officer is content that the entirety of the affordable housing units will comprise 4 x 1 bedroom and 17 x 2 bedroom apartments and can be designed to be either 2 bedroom 4 person apartments or 1 bedroom 2 person apartments. Whilst not specifically reflective of the need set out in the SHMA, the SHMA is clear that *"applying these to individual development sites regard should be had to the nature of the development site and character of the area, and up-to-date evidence of need as well as existing mix and turnover of properties at the local level."* Given this, the affordable housing type complies with Policy H9. Further, it is agreed between parties that there is no conflict with Policy H9 part 2) iv) and vi) in that the siting of the affordable units is permissible.
- 7.3 In terms of affordable housing tenure, my Proof considers there is no conflict with part 2) iii) of Policy H9 due to the policy support within Policy CH H3 which requires residential development to have regard to local housing need, and which was adopted after Policy H9. The affordable housing is proposed as 1 affordable rented retirement unit with the remainder to be delivered as shared ownership as agreed in the Housing Need SOCG.
- 7.4 As a result, the proposals conform entirely with Policy H9 and Policy CH H3.
- 7.5 The remaining main issues refer to securing the necessary infrastructure as required by the County Council which in this case will be improvements to public transport infrastructure and services, incorporation of street signage and provision for recycling and waste. The draft Heads of Terms agree the contributions required by the County Council, and by the time the inquiry is held it is assumed an agreed S106 will be with the Inspector for consideration that reflects this. As a result, the proposals comply with Policies INF1, TRANS2, TRANS4 and TRANS5 of the Local Plan. It is the Appellant's contention that the requested contributions comply with Paragraph 57 of the NPPF, being necessary, fair and reasonable to the proposed development.
- 7.6 In light of the above, relevant to the main issues of the appeal, the proposals are entirely compliant with the development plan. This is reflected in the agreed Planning SOCG between both parties. Moreover, there are other material considerations such as the NPPF, the SHMA, the Council

Council's OMPS, national planning guidance and lack of five year housing land supply that supports the principle of the appeal scheme, detailed within the Housing Need SOCG. As a result, the main issues have been addressed and in that regard the appeal should be allowed.

- 7.7 Other issues that have been highlighted by Third Party Comments have also been addressed demonstrating that the appeal scheme is acceptable in landscape, heritage, highways, amenity, drainage, ecological and sustainability terms, having regard to the relevant local plan, neighbourhood plan and national planning policies.
- 7.8 In considering the previous appeal scheme, it is demonstrated that the reason for its dismissal cannot be attached to the subject appeal due to the change in type of residential development proposed and change in the Council's spatial strategy, which now allows for specialist elderly accommodation in locations such as the appeal site. Further, the conclusions reached by the Inspector in terms landscape and heritage, which could be dealt with at that time via conditions and Section 106 obligations, can be reached again. In fact, the subject appeal proposals are a betterment from the previous.
- 7.9 Demonstrably, the appeal proposals meet the social, economic and environmental dimensions that form sustainable development in line with Paragraph 8 of the NPPF. A summary of benefits is set out at Table 2, which highlights significant social and economic benefits are attributed to the scheme, with some environmental moderate benefits also attached to the proposals.
- 7.10 In drawing this altogether, a planning balance is undertaken in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and in line with Paragraph 202 of the NPPF given the conclusion that less than substantial harm will be attributed to the setting of the Grade II listed buildings and Conservation Area. The suite of benefits contained in Table 2 in my opinion significantly outweigh that level of less than substantial harm such that planning permission should be granted without delay. This overall accords with the requirements of Policy STRAT1.
- 7.11 However, if the Inspector disagrees and considers there is conflict with the development plan, it is the Appellant's contention that the Council cannot demonstrate a five year housing land supply such that Paragraph 11 d) of the NPPF can be triggered. The above has demonstrated that the limbs i) and ii) of Paragraph 11 d) are met and therefore planning permission can be granted. In this context, the proposals are still compliant with Policy STRAT1, and therefore the development plan, insofar that the proposals have been assessed against the tilted planning balance which that policy allows for.

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