



RIDGE

**STATEMENT OF COMMON
GROUND**

**LAND AT CROWELL ROAD,
CHINNOR, OXFORDSHIRE**

**LPA REFERENCE: P21/S0804/0
APPEAL REFERENCE:
APP/Q3115/W/21/3289271**

**FOR BEEHCROFT
DEVELOPMENTS LTD**
April 2022

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1. INTRODUCTION

1.1 This Statement of Common Ground has been prepared by Ridge and Partners LLP on behalf of Beechcroft Developments Limited (The Appellant) and South Oxfordshire District Council (the Council) in respect of the appeal against the non-determination of Outline planning application P21/S0804/O by the Council.

1.2 The Outline Planning Application (and subsequent appeal) seeks:

'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 (Application Reference: P21/S0804/O).'

1.3 This Statement sets out agreed matters of fact and the matters of agreement and disagreement between the Council and the Appellant.

2. SITE DESCRIPTION

The Site

Site Description

- 2.1 The site is located in the village of Chinnor, within the administrative area of South Oxford District Council. The site comprises some 1.74 ha of greenfield land currently used for grazing, split over two fields. The land is generally level and open with small pockets of vegetation across the site.
- 2.2 The site is located on the south western edge of Chinnor. The site adjoins the built-up area of the village along its eastern boundary comprising existing properties along Oakley Road. To the south east the site is bounded by the B4009. A hedge defines the south western and north western boundaries which separates the site from open countryside.
- 2.3 The site currently has a gated field access in its south west corner which leads onto the B4009 Crowell Road, with a secondary gated access in its north west corner from Oakley Road, which also provides access to some of the neighbouring properties.

The Wider Area

- 2.4 The village of Chinnor is located close to the border between Oxfordshire and Buckinghamshire and lies approximately 6.4km to the south east of Thame, and 8km to the south west of Princes Risborough.
- 2.5 The village is defined within South Oxfordshire Local Plan as a Larger Village and benefits from the following services and facilities:
- Doctors surgeries, Opticians and a Chemist
 - Shop including a Post office, supermarket and convenience food retail stores, bakers and butchers.
 - A range of services including hairdressers, barber, estate agents.
 - A Public library
 - Places of worship
 - Public houses, take aways and restaurants
 - Allotments
 - 2no. primary schools and 3no. pre-schools

- 2.6 The nearest bus stops in relation to the site are located on Oakley Lane and Oakley Road approximately 100 and 200 metres walking distance from the site respectively (from the proposed pedestrian/cycle access). The bus stops are served by four services (40, 275, 320 and T1). These services provide access to the local areas surrounding Chinnor including Stokenchurch, Wheatley, Princes Risborough and Studley Green. The services also provide access to the centre of Oxford and High Wycombe. The bus services include a dedicated rail link (Bus No. 320) to Princes Risborough Station. The site is therefore well located relative to the existing bus network and would provide the opportunity for future residents to use this mode of transport.
- 2.7 The site is also located approximately 2.8 miles north east of the M40, Junction 6 northbound which provides direct access to Oxford, and southbound which provides direct access to High Wycombe and London.
- 2.8 Given the above, the site is considered to have good accessibility to a wide range of services and facilities.

Site Designations

- 2.9 The site adjoins the Oakley Conservation Area which is a relatively small Conservation Area focusing on the properties along Oakley Road. The Conservation Area includes 2no. Grade II listed buildings which are as follows:
- The Poplars, (now split into two dwellings); and
 - Lower Farm.
- 2.10 The site is not located within the Green Belt nor within an Area of Outstanding Natural Beauty (AONB). The AONB boundary is 750m to the south east of the site and there is a construction works and residential development currently being undertaken between the site and the AONB.
- 2.11 The site does not include any land which is subject to any statutory landscape or ecological designations. The Environment Agency's flood zone mapping shows that it lies within Flood Zone 1.

3. PLANNING HISTORY

- 3.1 P17/S1867/FUL - Appeal dismissed (24/12/2018). Full planning application for residential development comprising 54 dwellings, new vehicular and pedestrian access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated infrastructure.
- 3.2 P21/S5321/O – The Appellant submitted a duplicate application on 21 December 2021. Broadly the same information as submitted during the course of the appeal application was submitted. The target dated for the determination of the duplicate application is 2 March 2022. The council will confirm the status of the application in its evidence.

4. THE APPEAL PROPOSALS

4.1 The application that is now the subject of this appeal sought Outline Planning Permission for a development comprising:

'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 (Application Reference: P21/S0804/O).'

4.2 The main components of the proposals are described below.

Housing Mix and Land Use

4.3 The Primary Land Uses across the site are defined as follows:

- Up to 33 no. (C3) Retirement Living Units;
- Up to 21 no. (C3) Affordable Retirement Living;
- 10m landscape buffer to the western and south western boundaries that will be secured by condition; and
- The provision of private and shared outdoor amenity space as shown on Open Space Plan reference 3636.P.113 A

Landscaping

4.4 The design of the site has been landscape led with the aim of producing an attractive environment for residents whilst effectively integrating the site into its wider context.

4.5 The landscape masterplan that accompanies this application has been used to inform the findings of the LVIA. The landscaping proposals include a vegetation buffer with a minimum width of 10m along the south-western edge of the site which when mature, will help limit views of the development from locations to the north-west and south-west of the site, as well as providing a strong landscaped edge to the settlement.

4.6 In addition to the above, a buffer is proposed along the full length of the boundary where it adjoins the existing edge of Chinnor and includes the provision of suitable planting that will include a palette

of native species that can be specified at reserved matters stage. The planting also includes an orchard area.

- 4.7 Further native tree planting is proposed along the site's south-eastern edge to supplement the existing mature trees and hedgerow vegetation. Housing along the site's south-eastern boundary with Crowell Road is to be set back from the road and new tree, hedgerow and further planting is proposed along the roadside. Further trees and ornamental planting are included throughout the proposed development.

Means of Access

- 4.8 The primary access point is proposed to the south of the site from Crowell Road, comprising of 5.5m wide carriageways with 2.0m footpaths either side.
- 4.9 The existing separate pedestrian access from Oakley Lane is to be retained and enhanced to provide a safe and convenient footpath link to the village. It should be noted that the access to the neighbouring properties that use this route will be unaffected by this proposal as routes to individual properties will remain unchanged.

Drainage

- 4.10 In terms of drainage, a strategy has been developed that employs a combination of swales, porous paving, pit soakaways and borehole soakaways with crate storage to facilitate the controlled discharge of surface water to ground. The proposed strategy utilises sustainable drainage techniques in accordance with the guidance described in CIRIA C753 (The SUDs Manual) and the relevant SFRA.

Public Open Space

- 4.11 The open space proposed is not for formal recreation due to the end users of the proposals comprising older people. A breakdown of the amenity space provided is referenced above.
- 4.12 The open space provided is appropriate for the retirement community which will live on site, benefitting from the footpath loop that is proposed along the boundaries of the site, providing connectivity for residents who can benefit from the green infrastructure and the orchard planting proposed.

Parameters of Subsequent Reserved Matters Applications

- 4.13 A series of parameter plans have been prepared to support the application.

- 4.14 Any subsequent reserved matters applications will need to be in general accordance with the parameter plans that have been listed in this statement.
- 4.15 This appeal does not seek approval at this stage for the detailed design or external appearance of any proposed buildings, nor landscape, although the material submitted with the application has set out the context and establishes the principles within which design details would come forward as part of reserved matters applications to the Local Planning Authority.

5 MATTERS OF AGREEMENT

- 5.1 Following the submission of this appeal, the appellant has continued dialogue with the LPA to try and resolve the reasons for refusal associated with this appeal. As a result of discussions, the Council will not be defending the appeal in its entirety with the matters of agreement on each reason for refusal summarised below. A separate SOCG has been agreed between the Appellant, the LPA and the Local Highways Authority. The Inspector should also refer to the points of agreement set out at Section 2 of the Highways SOCG and Housing Need SOCG.

Reason for Refusal 1 (RFR1)

- 5.2 Following receipt of the Open Space Plan (reference 3636 P 113 Rev A) on 16 March 2022, the Council subsequently confirmed on 17 March 2022 (CD11.1) that the development would provide an appropriate amount of open space provision on site and that putative refusal reason 1 would fall away. In this regard, the appeal proposal does not conflict with Policy ENV1 (Landscape and Countryside), Policy DES1 (High Quality Development Proposals, Policy DES2 (Enhancing Local Character), Policy DES4 (Masterplans), Policy DES5 (Outdoor Amenity Space), Policy EP3 (Waste Collection and Recycling) and Policy CF5 (Open Space, Sport and Recreation in New Residential Development) and National Planning Policy Framework, subject to conditions and a S106 agreement.
- 5.3 The background to how RFR 1 was addressed is broken down below to illustrate how the key policy implications have been agreed.

Landscape

- 5.4 The Council clarified within their Statement of Case, that *“considering that landscaping, scale and appearance comprise reserved matters, the council considers that the appeal proposal, including the attenuation basins, is capable of incorporating appropriate landscaping and building heights secured since these matters being the subject of detailed consideration at the reserved matters stage.”* (CD 3.2, para 3.18). The Council go on to state that *“in the light of the 2017 Cala appeal decision, the council considers that the appeal proposal would cause little landscape harm which would not result in any conflict with development plan policies.”* (CD3.2, para 3.19). Matters of detail such as these which were considered by the Inspector in the Cala Appeal and whereby the Inspector set out that *“there is little reason why mitigation could not be provided and this could be ensured by condition”* (CD3.2, para 63).

5.5 Following the above, the Council go on to set out within their SoC, that *“the council anticipates that the landscape and visual impacts of the proposal will be agreed, as per the landscape and visual impact assessment, through a statement of common ground. It is accepted that the landscape and visual impacts would not be such as to justify the refusal of the scheme.”* (CD3.2, para 3.23). This Statement of Common Ground confirms that the Council and Appellant are agreed on this matter and therefore the proposals are acceptable in landscape terms.

Waste

5.6 The Appellant employs a site manager on their developments to assist future occupiers with taking refuse and recycling from their homes to the bin stores. In addition, the Council’s Waste Team have confirmed that the proposed development would accord with Waste Planning. Details of bin stores, including sizes, will be provided either as part of reserved matters details or conditioned in order to ensure they can accommodate the correct number of bins for the number of properties and the routes from the stores to the collection vehicle.

Open Space

5.7 Given the above, the key matters remaining in relation to RFR1 were that:

“The proposal fails to demonstrate that the development can provide adequate areas of usable open space for residents. The proposed development would potentially result in unsatisfactory amenity space for future residents of the development. As such, the proposal would be contrary to Policy DES5 (Outdoor Amenity Space) and Policy CF5 (Open Space, Sport and Recreation in New Residential Development and the National Planning Policy Framework.” (CD3.2, para 3.23)

5.8 The development plan policies relevant to open space provision refers to Policy DES5 (Outdoor Amenity Space) and Policy CF5 (Open Space, Sport and Recreation in New Residential Development).

5.9 As mentioned above, an Open Space plan was submitted to the council on 16th March 2022 which sought to demonstrate that the proposals would deliver in excess of what is considered an adequate amount of usable open space in line with planning policies DES5 and CF5 [CD1.3]. This calculation was undertaken in accordance with section 2 of the council’s Open Space Study (CD1.11)

5.10 As confirmed in the Case Management Conference on 17th March 2022, the LPA confirm that they accept the Open Space plan and are no longer seeking to defend the first reason for refusal. However, for completeness, the following outlines how the proposals accord with the requirements of Policies DES5 and CF5 of the Local Plan.

- 5.11 The appeal proposals will provide some 8325sqm (excluding basins) of open space, including patios and balconies. This provision is in excess of that required for private garden space/outdoor amenity space and open space by policies DES5 and CF5, particularly when the nature of the development and the likely needs of its future occupiers are taken into account along with open space provision in Chinnor.
- 5.12 It is agreed details can be secured at the more detailed design stages to ensure that the private outdoor patios and balconies will not be overlooked by habitable rooms of other occupiers and would not be disturbed by the shading of trees to be proposed, which again is detail reserved for a later date. Part 1 of Policy DES5 is met.
- 5.13 The proposals incorporate an amount and type of amenity space that accords with the development plan in a manner that is integral to the appeal scheme and will not be compromised by parking areas or garages as illustrated in the Proposed Site Plan to be approved. Therefore, part 2 of policy DES5 is satisfied.
- 5.14 In relation to RFR1, it is agreed between both parties that the appeal scheme is in accordance with the policies contained therein and this reason for refusal is no longer contested,

Reason for Refusal 2 (RFR2)

- 5.15 It is agreed between the parties that the highway matters pertaining to the reasons for RFR1 and 2 have been suitably addressed to remove the highway elements from reason 1 (Policy EP3 and DES1) and fully address reason 2 (Policy TRANS5 and EP3) and subsequently remove reason 2 entirely. This is set out within a HSoCG signed by the appellant and the Council which was submitted to the Inspectorate on 16th March 2022.

Reason for Refusal 3 (RFR3)

- 5.16 The amount of affordable housing (40%) to be delivered on site is a matter agreed between both parties, 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) that was been agreed with the Council on 29th March 2022 (CD11.2). It is also agreed that the affordable housing will be sheltered accommodation (people aged 55 and over) and includes an agreed mix of 4 x 1 bedroom and 17 x 2 bedroom apartments, all meeting the minimum national space standards, and being designed to be either 2 bedroom 4 person apartments or 1 bedroom 2 person apartments; a matter which will be secured through the

s106 and at the reserved matters stage. The location of the affordable housing on site is also agreed as shown on dwg no. 3636 SK 1403 B, submitted on 16 March 2022.

- 5.17 It is agreed between both parties that the policy implications associated with RFR3, specifically Policy H9 (Affordable Housing), Policy DES1 (High Quality Design), Policy CH H2 (Affordable Housing), and Policy CH H4 (Allocation of Affordable Housing) are met.
- 5.18 The tenure mix has been informed by the findings of the Three Dragon's Report and data available from the local housing register. It is agreed that, based on the available evidence, the tenure mix accords with Policy CH H3. There is no other assessment of local housing need upon which to determine the tenure mix for the purposes of this planning appeal. This does not however prejudice the Council's ability to take into account subsequent evidence when considering other applications and appeals.

Reason for Refusal 4 (RFR4)

- 5.19 An agreed S106 Agreement will be submitted prior to the inquiry which secures the provision of age restricted affordable housing, the provision of an off-site contribution of 0.6 of a unit (£76,117.65) the required mix of units as set out above and an appropriate mechanism to ensure the affordable housing is made available to local people. It also includes provision for the affordable housing to revert to discounted market sales housing should the agreed tenure not be transferred to a preferred registered provider.

Reason for Refusal 5 (RFR5)

- 5.20 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, 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. A S106 Agreement will be submitted prior to the inquiry which reflects this and the principle of this is agreed between both parties.
- 5.21 With the above matters 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 (Infrastructure Provision), Policy IN4 (Water Resources), Policy TRANS2

(promoting Sustainable Transport and Accessibility), Policy EP3 (Waste Collection and Recycling) and National Planning Policy Guidance.

Other Matters of Agreement

Principle of Development

- 5.22 It is agreed that the site is located outside the defined settlement limits of Chinnor, but that the proposal meets the objectives of Policies H1 and H13 of the SOLP and CH H5 of the CRNP which support specialist housing for the elderly outside development boundaries in locations that are well related to existing services and facilities.
- 5.23 It is agreed that the site is accessible as it lies in close proximity to the many services and facilities located in Chinnor, all of which are within walking distance of the site. The nearest bus stops in relation to the site are located on Oakley Lane and Oakley Road approximately 100 and 200 metres walking distance from the site. The bus stops are served by four services providing access to Stokenchurch, Wheatley, Princes Risborough and Studley Green, the centre of Oxford and High Wycombe. The bus services include a dedicated rail link (Bus No. 320) to Princes Risborough Station. The site is therefore well located relative to the existing services and the bus network and would provide the opportunity for future residents to use sustainable modes of transport.
- 5.24 It is agreed that the proposals align with the spatial strategy for the district within the adopted local plan and the CNPR and the principle of development conforms with Policies H1 and H13 of the Local Plan and Policies CH H5 and CH H7 of the CRNP, whilst also meeting the objectives of Paragraph 62 of the NPPF.

Agreed Heritage Balance

- 5.25 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, 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.

5.26 It is agreed between both parties 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. Notwithstanding this, the appeal proposals ensure glimpsed views of the listed buildings and Conservation Area can be achieved.

5.27 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).

5.28 In this case it is agreed by both parties that the benefits arising from the appeal proposals will outweigh the 'less than substantial harm' to those heritage assets through delivering a development that addresses an identified specialist elderly accommodation need, including affordable retirement housing, within Chinnor and more widely the district. This is a significant public benefit to the scheme that when weighed with other benefits, such as promoting a healthy, inclusive and safe community; supporting local services and facilities; helping to achieve a low carbon future and mitigating and adapting to climate change; conserving and enhancing biodiversity and providing net gains on site; investing into the housing sector (employment and tax revenue); and supporting the local economy, would outweigh that harm.

5.29 As a consequence of the acknowledged heritage harm, the parties agree that there is conflict with Policy ENV6. This policy requires that there is no harm to heritage assets. However, Policy STRAT 1 of the development plan says that proposals should be determined in accordance with national policy. National policy does not preclude harm to heritage assets, as paragraph 202 of the NPPF allows for such harm where the public benefits outweigh the identified harm. The parties agree that the benefits do outweigh the harm and thus there would be compliance with paragraph 202 of the NPPF and consequently Policy STRAT 1. Thus, the conflict with Policy ENV6 does not warrant a conclusion of conflict with the development plan as a whole.

Location of the appeal site and accessibility

- 5.30 It is agreed that the location of development is demonstrated as being appropriate having regard to Policies H1 and H13 of the Local Plan and Policies CH H5 and CH H7 of the Neighbourhood Plan, delivering specialist elderly accommodation in a location that has good access to services and facilities, and that is deemed necessary development for a countryside location. This is a matter agreed by the LPA and the Appellant as per the agreed SOCG.
- 5.31 The appeal proposals will meet an identified need for specialist older persons accommodation, in Chinnor and the wider district, thus justifying the need for such development which is also supported by policy H13 of the Local Plan. The need and acceptability of the principle of development justifies the proposals as acceptable in this location.
- 5.32 It is agreed, as set out under the principle of development, that the site is in a sustainable location, being within suitable walking distance to several bus stops, open space and nearby services and facilities. This is agreed in the HSOCG between the Appellant and the Local Highways Authority.

Effect on highway and pedestrian safety

- 5.33 As set out in the agreed HSOCG, 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.
- 5.34 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 accompanies the original submission of 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.
- 5.35 Given the above, the proposals comply with Policy TRANS5 part 1) i) and ii), as well as Paragraph 110 b) of the NPPF.
- 5.36 The proposals also accord with the Council's parking standards [CD1.10 and CD1.12], providing a total of 85 parking spaces with 4 accessible bays provided throughout the site. In addition, a total of 56 cycle spaces it 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).

- 5.37 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.
- 5.38 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.
- 5.39 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.
- 5.40 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 wholly 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.
- 5.41 Overall, as reflected in the HSOCG, there are no issues of highway or pedestrian safety that would prohibit the proposals coming forward.

Effect on drainage: foul and surface water

- 5.42 The Lead Local Flood Authority and Thames Water Development Control have not raised 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. However, 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.

5.43 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 either on site or elsewhere as a result of the proposals.

Effect on biodiversity

5.44 The Council's Countryside Officer raised no objection to the scheme, requiring conditions to be attached to the decision to secure and maintain a mitigation and enhancement strategy proposed as part of the appeal scheme.

5.45 It is agreed between both parties that 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.

Effect on local services and facilities including healthcare; education and shops/supermarket

5.46 The proposed development will be of positive benefit to local services, particularly shops and supermarkets that will be supported by additional residents in the village using such facilities.

5.47 The proposals will not have any implications for education given the end users of the site.

5.48 In terms of healthcare, the Berkshire Clinical Commissioning Group (that covers this part of Oxfordshire) were consulted during the application process and confirmed that they had no objections to the proposals and that local healthcare has capacity to accommodate the proposals

Effect on nearby occupiers' living conditions, with particular regard to privacy; noise and disturbance

5.49 It is agreed between both parties that the development does not result in a significant adverse impact 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 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 dismissed appeal, nor a matter that was raised by the 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 as part of the subject appeal. In that regard, Policy DES6 is met.

Whether the location of the affordable housing is suitably integrated

- 5.50 Both parties agree that the affordable housing is suitably located on site with the clusters of affordable housing being less than 15 in each block. The affordable blocks as with all the blocks of development proposed are set within their own landscape envelope to ensure that there is suitable separation between each and integration between private and affordable accommodation is appropriate.
- 5.51 The affordable housing will be designed at reserved matters stage to ensure they are indistinguishable with the market dwellings proposed.

Need for housing proposed

- 5.52 There is a critical need for specialist housing for older people nationally and evidenced need for older persons age restricted/sheltered housing in South Oxfordshire. This is also justified by evidence contained in the Council's SHMA [CD2.1].
- 5.53 It is agreed that if the appeal proposals are allowed this will contribute to addressing the need for older persons accommodation in the district and meeting a significant shortfall of retirement affordable housing.

Benefits

- 5.54 Overall, the provision of specialist housing for older people is a very significant benefit given the Council's recognised need. Further, the provision of affordable housing represents a very significant benefit of the proposals.
- 5.55 It is also agreed that a development of this nature would create economic and social benefits through the generation of jobs during the construction period, both directly and indirectly. It is also accepted that new residents would consume goods and services at local businesses, thereby increasing

economic activity in the locality. This benefit should be given at least moderate weight in the planning balance.

5.56 The agreed benefits between both parties are summarised in the table below.

Dimension of sustainable development	Contributing Factors	Scale of impact/public benefit	Explanation
Social	Delivering specialist Older persons accommodation	Significant Benefit	The proposals will deliver an amount of specialist older persons 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 policy guidance.
	Delivering a policy compliant 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 agreed

			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;</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

			<p>quality landscaping, helping to achieve a healthy, inclusive and safe community for the future occupiers of the site.</p>
	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	<p>The proposals aim to deliver a sustainable and energy efficient scheme through utilising energy efficient measure during both construction and</p>

			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.
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The Planning Balance

5.57 It is agreed that the appeal proposals should be determined in accordance with development plan, which in this case comprises the SOLP and CRNP.

5.58 It is agreed Paragraph 202 of the NPPF is clear that where proposals lead to less than substantial harm, which is agreed to be in the case in this instance, any harm should be weighed against the public benefits of the proposal. In this case, the heritage impacts are outweighed by the benefits of the proposal such that paragraph 202 does not provide a clear reason to refuse development.

Summary

5.59 Since the submission of this appeal, all issues of dispute between the Council and the Appellant that form the reasons for refusal have been resolved and agreement reached to the extent that if the scheme in its negotiated form were before the Council for decision, officers recommendation would be one of approval.

Signed: [Redacted]	Signed: [Redacted]
Name: [Redacted]	Name: [Redacted]
On behalf of: [Redacted]	On behalf of: [Redacted]
Date: 5 April 2022	Date: 5 th April 2022

6 MATTERS OF DISPUTE

- 6.1 The matters of dispute between both parties are set out in detail within the HNSOCCG (paragraphs 3.1 and 3.2).
- 6.2 The parties agree that the development proposal conforms with the development plan when read as a whole and permission should be granted without delay, in accordance with paragraph 11(c) of the NPPF. If the Inspector accepts that proposition, the parties agree that the 5 year housing position is academic. If, however, the Inspector finds that there is conflict with the development plan as a whole, the Appellant asserts that the Council is unable to demonstrate a 5 year housing land supply and at best can only demonstrate 4.13 year land supply against the housing need reflected in the development plan, with a shortfall of 1,002 homes. The Appellant therefore says that the proposal should be considered in the context of the tilted balance from paragraph 11(d)(ii) of the NPPF. The Council disagrees. The Council does not consider it to be necessary or proportionate for this matter to be explored further in evidence for the purposes of this Inquiry.

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