

Chinnor Parish Council

Minutes of the **Planning Committee** meeting held on **Monday 15th April 2024 7.30pm** in **Council Chambers** at the Chinnor Pavilion.

PRESENT: Cllr's Ashdown, Cooke, Dixon, Mackenzie, Sarai, Webb, and **Wright**.
Also Present: Cllrs Boyle and Edwards, D.Cllr Ali Gordon-Creed

Public Question Time – 4 members of public were present. Residents expressed their concern with regard to Planning Application P24/S0557/FUL at Oakley Road and the proposed new access into Timber Way and the loss of a mature hedgerow. It is believed that this will cause a safety issue on the highways. It was also noted that the application omitted to mention that there is a hedgerow at this location.

It is believed that the consultation has been extended and therefore CPC to request that District Councillors call this application to be heard at committee.

1. **Apologies for absence:** None received
Absent: Cllr Minter
2. **Declarations of Interest** – None
3. **Minutes of the last meeting IT WAS RESOLVED** that the minutes of the Planning Committee dated: 11th March 2024 were signed by the chair
4. **Planning applications to be considered:**

<u>Application Ref</u>	<u>Proposal</u>	<u>Address</u>	<u>Decision</u>
			The following decisions were <u>RESOLVED</u>
P24/S1067/LDP https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S1067/LDP	Two-storey front extension as detailed in planning permission reference P20/S0684/HH.	21 Greenwood Meadow Chinnor OX39 4JQ	No Objection but must ensure that parking is retained
P24/S1026/LDP https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S1026/LDP	Proposed single storey rear extension to existing dwelling.	28 Mill Lane Chinnor OX39 4QU	No Objection but Important that this should not impact on the 45degree rule
P24/S0968/PIP https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S0968/PIP	Erection of nine dwellings.	Land to rear of 79a & 81 Lower Icknield Way Chinnor	Objection Non-compliance with local plan Request to get this application called in to be heard at SODC planning committee See full objection below

P24/S0906/HH https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S0906/HH	Proposed 2-storey side extension, proposed single storey (replacement) porch, proposed single storey outbuilding.	18 Millers Turn Chinnor OX39 4JZ	No objection
P24/S0770/HH https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S0770/HH	Loft extension including roof extensions and dormer windows.	23 Wykeham Rise Chinnor OX39 4PS	No Objection
P24/S0545/O https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S0545/O	To install a modular building that can be used as a changing room with toilets. Installation of services (electric, water and septic tank) and upgrade car park area.	Old Kiln Lakes Chinnor OX39 4DB	No Objection
P24/S0643/FUL https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S0643/FUL	Demolition of 1 dwelling house and erection of 9 new dwelling houses on land to the rear of 79-83 Lower Icknield Way, Chinnor.	81 Lower Icknield Way Chinnor OX39 4EA	Objection – see separate report
P24/S1140/HH https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S1140/HH	Proposed single-storey rear extension to the existing house, replacing the existing conservatory. Single-storey rear extension to the existing garage, partial garage conversion and a new flat roof over the whole garage/utility/link element	48 Oakley Road, OX39 4HX	No Objection
P24/S1149/HH https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P24/S1149/HH	Single storey rear extension, with fenestration/roof alteration to the existing house	Lowfields 3 Manor Farm Barns Henton OX39 4AE	No Objection

5. Planning Decisions made by SODC Noted Approved

P24/S0737/HH	A new single storey rear extension and garage conversion with new bay window to replace garage door.	1 Wheatfield Chinnor OX39 4DQ
P24/S0428/N6C	Pop up food operators of various styles form gazebos, horse boxes and purpose built vans.	The Red Lion 1-3 High Street Chinnor OX39 4DL

P23/S3676/HH	Loft conversion with rear dormer.	39 The Avenue Chinnor OX39 4PD
P24/S0262/HH	Construction of side extension.	44 Lower Icknield Way Chinnor Oxon OX39 4EB
P23/S4043/HH	Erection of a two storey front, side and rear extension. Erection of storey and a half side extension. Internal reconfigurations as necessary.	Drovers Farm Henton OX39 4AP

6. Correspondence

6.1 To note planning Permission granted 79a Lower Icknield Way Change of use from C3 to C2 small children's home

<https://myeplanning2.oxfordshire.gov.uk/Planning/Display/R3.0155/23?cucid=7C4B37BB-B95F-43A7-8CB5-EBDF4FD8E492>

6.2 Planning Appeal Consultation-P23/S2340/HH at 6 Oakley Lane: noted

6.3 To Discuss and respond to email from SODC regarding an appeal that has been made P23/S0565/FUL It was agreed to respond with reason for not meeting the developer and TOE (Trust for Oxfordshire's Environment)– Full details can be seen below

6.4 To discuss and respond to email from OCC regarding Flood risk management funding. **IT WAS RESOLVED** to respond with a holding reply to state the ditches needs attention.

6.5 To discuss and respond to email from Berrick Salome PC with regard to drainage & flooding issues. **IT WAS RESOLVED** that we should respond and express an interest

6.6 To discuss and respond to email from resident with regard to decision made on planning application P24/S0557/FUL at 25A Oakley Road. It was noted that Clerk informed the SODC planning officer that since the No objection decision had been submitted a concern had been raised with regard to the loss of hedgerow. It is believed that the consultation period has been extended for this application. CPC to request that this application is put to SODC committee.

6.7 To discuss and agree a new road name for 3 new properties off Lower Icknield Way near Hernes Oak P21/S4478/FUL

IT WAS RESOLVED to name the close Appletree Grove

6.8 To discuss and respond to email from resident with regard to organising a petition to reduce the height of the speed humps on Lower Icknield Way. Following a discussion **IT WAS RESOLVED** that no further action would be taken with this request resident encouraged to correspond directly with OCC.

- 7. Neighbourhood Plan Review** Due to regulations in the NPPF it was agreed to wait for the new joint local plan in order that the review can align. However, it was agreed that work on the infrastructure plan and biodiversity plan should commence

8. Thames Water

9. Other Planning Matters – Transport/Parking/Traffic

9.1 The Risborough community bus service to Chinnor will commence week commencing 8th May. Cllr Mackenzie has agreed to amalgamate the 2 timetables serving Risborough. Posters and timetables to be distributed

9.2 To consider the refurbishment of the bus stop sign at the High Street near to the Red Lion Public House as recommended by OCC. **IT WAS RESOLVED** that CPC should ensure that the heritage sign would be protected from removal in the future. Promote to see if a resident can help with the repainting of the sign.

10. Date of Next Meeting – 13th May 2024

Chair.....Date.....

Report for point 6.3

- Given the site gave a negative bio-diversity impact, this is considered a failure of the policy. The “where possible” relates to getting as close to 10% as possible, so for example +5% may be acceptable depending on circumstances. A negative, or even a small positive impact, do not fit this.
- The developers did not contact the Parish Council at any point before the decision to discuss bio-diversity. Any attempt to contact afterwards should have no bearing on the decision made.
- Given the refusal on various points, and for the reasons shared previously, the Council does not deem it productive to engage in conversations on bio-diversity with this developer on this refused application and is focusing on its wider-policy. The Parish wishes to work with various organisations and groups (for example, at Old Kiln Lakes and the various chalk streams) to ensure future developments can provide the required net bio-diversity gain in the Parish. That does not impact the decision made on this specific application.
- The refusal point around bio-diversity also refused on the SODC Local Plan Policy ENV 3. Even if there is an argument around the Neighbourhood Plan policy (which we do not believe), that doesn’t impact the failure to meet the SODC Local Plan policy, so the general refusal point would still hold.
- There are still three other refusal points – even if there is a way to make this application meet the bio-diversity requirements (again, at the time of refusal there was no contact with the Parish about meeting this target and there was a negative impact, so it clearly failed the policy, and SODC agreed), the other points still hold and the application would still be refused. It would not change the decision outcome.
- The Chinnor NP was passed by SODC the previous month, they should have been fully aware of the details of the policies – indeed if one was used by SODC as part of the refusal process then this doubly applies! In this case we believe the policy has been applied correctly – a negative (or even minimally positive) net impact clearly fails the policy, even with the words “where possible”. The lack of engagement with the Parish Council until after the refusal despite warnings in the pre-application report and clear policies around this fact back this up.

P24/S0968/PIP

Application for Permission in Principle Development
Land to the rear of 79a & 81 Lower Icknield Way

Summary of Chinnor Parish Council’s Objection and Representations to Planning Application P24/S0968/PIP

On behalf of Chinnor Parish Council, I set out below the Council’s objection and representations to Planning Application **P24/S0968/PIP** for ‘Permission in Principle Development.

Previous applications for this site.

The applicant in his covering letter seeks to gain Permission in Principle Development for 9 dwellings on a site to the front and rear of 79s, 81 and 83 Lower Icknield Way Chinnor. He is disingenuous in his application by not stating that there is a further full application under consultation for this site P24/S0643/FUL.

APRIL 2023

An application made in 2023 was refused by South Oxfordshire District Council's Planning Committee on 13 December 2023 and for which it is understood that there is an appeal in progress. This makes three active applications for this site and the Parish Council would question the legality of this situation as it is both confusing and concerning to the Council and its residents.

As can be seen from the Location and Boundary Plan the full extent of likely further development can be seen edged in blue and has been the subject of several previous applications all of which have been refused.

Permission in Principle

The applicant quotes that 'The town and Country Planning (Permission in Principle) amendment Order 2017 dictates that a decision on whether to grant PIP shall be made in accordance with the relevant policies in the Local Plan, unless material considerations, such as those in the National Planning Policy Framework (NPPF) and the national guidance, indicate otherwise.

He goes on to state that The Planning Practice Guidance addresses the scope of a decision at Stage1 on whether to grant 'permission in principle' is limited to location, land use and amount of development.

However, Para 12 of NPPF states that where a planning application conflicts with an up-to-date development plan (Neighbourhood plans form an integral part of development plans) permission for PIP should not normally be granted.

A Neighbourhood Plan takes precedence over a Local Plan in determining planning permission for local development. Para 198 of NPPF (2012) states that where a planning application conflicts with an in-force Neighbourhood Plan planning permission should not normally be granted.

NPPF, para. 14 states the adverse impact of allowing development that conflicts with a NP is likely to significantly and demonstrably outweigh the benefits, provided all of the following applies:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

Given the Chinnor Neighbourhood Plan became "made" in November 2023, less than five years ago, and it contains relevant policies to meet its identified housing requirements, **on the basis of current planning legislation this application should be refused.**

Turning to the detail of the application:

Site Content

The applicant states that this site lies within Chinnor's Neighbourhood Plan which it does. However, this site is **not designated** as a development site within the Neighbourhood Plan.

Policy H1 of the current SODC local Plan states that Residential development will be permitted on sites allocated in the local plan **and which are allocated in the NP.**

This application should therefore be refused as it is not allocated in the current NP.

Housing needs

The applicant also states that that the development would contribute towards addressing the specialist housing needs as set out in Para 4.8 of the NP. However, this paragraph contains the results of a survey carried out some years ago and the data is not reflected as policies in the NP.

The development is a mix of 'market value' housing and does not meet Chinnor's housing needs as detailed in Policies CH H2, CH H3 and CH H5.

This application should be refused as the proposals for housing on this site do not meet the requirements of Chinnor's Housing Needs as detailed in the NP and does not take into account the nature and extent of Chinnor's housing shortfall.

Infill

The applicant goes on to state that development will also be permissible where it amounts to infilling. However, in December 2023 SODC Planning Committee considered the previous planning application for this site P23/S0565/FUL and resolved that:

'The proposed development would not be in accordance with the Chinnor NP in that it is not on a site allocated in the plan and it does not constitute 'infill' development.

The proposed development would be inappropriate 'backland' development

It was further resolved that:

The proposed development would therefore be contrary to Policies CH H1, CH H6 and CH H7 of the Chinnor Neighbourhood Plan Review II 2023 and Policy H16 of the SOLP 2035.

The Council considers that this latest proposed application for Permission in Principle has no impact on the decision by SODC Planning Committee on 13 December 2023.

This application should therefore be refused.

In summary Chinnor Parish Council objects to this application for Permission in Principle for development for the following reasons:

In accord with Para 14 of the NPPF the Council considers that:

1. The adverse impact of giving permission to this application for 'PIP' development is that as it conflicts with the Policies of Chinnor's Neighbourhood Plan it is likely to significantly and demonstrably outweigh the benefits of such a development.
2. Since Chinnor's NP became part of the SODC development plan in 2023 and the neighbourhood plan contains policies and allocations to meet its identified housing requirement there is no requirement or need for this development
3. This proposed development is not on an allocated site within the Neighbourhood Plan and does not classify as infill development.
4. Concerns have been raised that this proposed development would provide a gateway for future development which currently lies beyond the Council's Designated development boundary.

Chinnor Parish Council objects to this application for Permission in Principle development which should be **REFUSED**