

South Oxfordshire District Council – Delegated Report

APPLICATION NO.	P24/S1651/FUL
SITE PROPOSAL	42 to 48 Queens Road Thame Demolition of 44 Queens Road and the outbuildings to Nos. 42. Proposed erection of 22 dwellings (including 8 affordable homes) with gardens, car parking, garages, bin stores, and new estate road access. Closure of access onto Queens Road serving 46 Queens Road and re-arranged access off new estate road. Provision of garden area to 46 Queens Road. Re-arranged access to 42 Queens Road off new estate road and erection of new garage for No. 42.
AMENDMENTS	
APPLICANT	W E Black Ltd
APPLICATION TYPE	FULL APPLICATION
REGISTERED	20.6.2024
TARGET DECISION DATE	19.9.2024
PARISH	THAME
WARD MEMBER(S)	Pieter-Paul Barker Kate Gregory David Bretherton
OFFICER	Sarah Chesshyre

1.0 INTRODUCTION AND PROPOSAL

- 1.1. The site is located to the east of the town of Thame, east of Queens Road. The site has an area of 1.05ha and comprises four dwellings and associated garden land. Numbers 46 and 48 front onto Queens Road, with number 44 located to the rear, and number 42 located further to rear in a substantial garden.
- 1.2. To the north and to the west, across Queens Road, the site abuts existing residential development. Playing fields associated with Lord Williams Upper School lie to the east, and the Thame Tennis and Bowls Club is located to the south.
- 1.3. Permission is sought for the erection of 22 new dwellings with associated access, landscaping, parking and other infrastructure. In order to facilitate the development it is proposed to demolish 44 Queens Road and existing outbuildings associated with 42 Queens Road. A new access from Queens Road is proposed, and the closure of the existing accesses, to provide rationalised access to the existing dwellings and to serve the new dwellings. The proposals also included the reconfiguration of the gardens to the existing dwellings and the erection of a new garage to 42 Queens Road.

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2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1.	Publicity	Site notices were displayed at the site on 16 July 2024. The application was also advertised in the local press.
2.2.	Statutory Consultee responses	
2.3.	Thame Town Council	Objection: <ul style="list-style-type: none"> • Density • Housing mix • Open space • Impact on amenity • Highway impacts
2.4.	Oxfordshire County Council	<u>Highway Authority</u> Objection: <ul style="list-style-type: none"> • Further information/amendments required to access • Stage 1 Road Safety Audit required • Financial contributions towards public transport to be secured through S106 agreement • Car parking in excess of maximum standards, visitor parking unacceptable • Further information required in relation to EV charging, cycle parking • S278 agreement required for site access works and public transport infrastructure <u>Lead Local Flood Authority</u> No comments <u>Education</u> No objection subject to financial contribution of £37,756 towards early years education and £129,960 towards secondary education to be secured by S106 legal agreement <u>Property – Education</u> No objection subject to conditions to secure details of boundaries between the site and Lord William’s School <u>Archaeology</u>

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		<p>No objection; proposals would not appear to have an invasive impact upon any know archaeological sites or features.</p> <p><u>Waste</u></p> <p>No objection subject to financial contribution of £2,241 towards the expansion of household waste and recycling centres to be secured by S106 agreement</p>
2.5.	Council – professional officer comments	
2.6.	Ecology officer	No objection subject to conditions to secure BNG
2.7.	Landscape officer	<p>Further information required:</p> <ul style="list-style-type: none"> • Boundary treatments and boundary vegetation • Landscape management • Conflict between retained trees and drainage strategy • Public open space • Inadequate rooting volumes for proposed trees • Servicing information (street lighting)
2.8.	Drainage officer	No objection subject to conditions securing a detailed sustainable drainage scheme, SuDS compliance report and a foul drainage scheme
2.9.	Forestry officer	<p>Further information and amendments required:</p> <ul style="list-style-type: none"> • Recommend removal of G4 and G6 and replacement planting for G4 • Recommend retention of second tree in G11 and works to remaining trees in group • Clarification required regarding construction machinery in relation to AMS and TPP • Detailed landscaping and planting plans required, which should coordinate with housing layouts, infrastructure, drainage, service routes, highway layouts, vision splays and street lighting
2.10.	Urban design officer	<p>Objection:</p> <ul style="list-style-type: none"> • Lack of contextual and constraints and opportunities analysis • Inappropriate response to site, including in respect of density

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		<ul style="list-style-type: none"> • Relationship between buildings • Lack of open space • Lack of information on boundary treatment • Detailed design of buildings and lack of character analysis • Affordable housing distribution and design • Design of car parking
2.11.	Contaminated land officer	No objection ; no sources of contaminated land that could impact the proposed development
2.12.	Air quality officer	Air quality assessment required
2.13.	Environmental protection officer	No comments
2.14.	Housing officer	Proposals do not meet housing need, recommendations for changes to mix, tenure and layout of affordable units; commuted sum of £60,675 required for 'part' unit
2.15.	Thames Water Development Control	No objection
2.16.	Public responses	
2.17.	Local residents	<p>Responses were received from 9 neighbours objecting to the proposals. In summary, the main issues raised were:</p> <ul style="list-style-type: none"> • Amount of housing not in keeping with surrounding area • Type of housing not in keeping with surrounding area • Proximity of affordable housing to existing housing • Too much affordable housing • Affordable housing will not be affordable • Distribution of affordable housing within site • Increased traffic on Queens Road • Highway safety • Safety and impact of access onto Queens Road • Estate roads inadequate in width • Impact on amenity of neighbouring dwellings and gardens • Loss of privacy • Noise pollution from affordable housing • Noise impacts • Noise and dust during construction

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		<ul style="list-style-type: none"> • Density should increase across the site from north to south • Out of keeping with grain and character of area • Excessive height of buildings in relation to single storey 62a, b and c Queens Road • Housing mix not SHMA compliant, over-provision of larger units • Impact on boundary between site and neighbouring properties • Access to neighbouring properties for maintenance from the site • Loss of trees • Lack of school capacity • Disturbance from construction <p>A response was received from 1 neighbour raising no concerns with the proposals</p>
2.18.	Lord Williams School	Concerns regarding impact of development on boundary with Lord Williams School and highway safety impacts of development, particularly in respect of students travelling to and from school
2.19.	East Thame Residents Association	<p>Objection for the following reasons:</p> <ul style="list-style-type: none"> • Density falls below requirements of SOLP and does not transition across the site • Impact on amenity of neighbouring properties • Inadequate amount and poor quality of public open space • Overprovision of larger units; houses contain more bedrooms than described • Lack of information regarding boundaries of site with adjoining properties including Lord Williams School

3.0 RELEVANT PLANNING HISTORY

3.1. Application Number	Description of development	Decision and date
P23/S1879/PEJ	Demolition of outbuildings to No. 42 Queens Road. Proposed erection of 16 dwellinghouses (including 6 affordable homes) with gardens, car parking, garages, bin stores, and new estate road access. Closure of access onto Queens Road serving 46 Queens Road and re-arranged	Advice provided (13/09/2023)

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access off new estate road. Provision of garden area to 46 Queens Road. Re-arranged access to 42 Queens Road off new estate road and erection of new garage for No. 42.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1. The site does not meet the criteria for Schedule 1 development as per The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The site is not in a sensitive area and does not meet the thresholds for any category of Schedule 2 development. The development therefore does not require screening for an Environmental Impact Assessment and an Environmental Statement is not required.

5.0 POLICY & GUIDANCE

5.1. Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 The Overall Strategy

STRAT2 South Oxfordshire Housing and Employment Requirements

STRAT4 Strategic Development

STRAT5 Residential Densities

TH1 The Strategy for Thame

H1 Delivering New Homes

H3 Housing in the Towns of Henley-on-Thames, Thame and Wallingford

H9 Affordable Housing

H11 Housing Mix

H16 Backland and Infill Development and Redevelopment

TRANS1b Supporting Strategic Transport Investment

TRANS2 Promoting Sustainable Transport and Accessibility

TRANS4 Transport Assessments, Transport Statements and Travel Plans

TRANS5 Consideration of Development Proposals

INF1 Infrastructure Provision

INF4 Water Resources

ENV2 Biodiversity – Designated Sites, Priority Habitats and Species

ENV3 Biodiversity

ENV5 Green Infrastructure in New Developments

ENV6 Historic Environment

EN9 Archaeology and Scheduled Monuments

ENV11 Pollution - Impact from Existing and/or Previous Land Uses on New Development (Potential Receptors of Pollution)

ENV12 Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Sources)

EP1 Air Quality

EP3 Waste Collection and Recycling

EP4 Flood Risk

DES1 Delivering High Quality Development

DES2 Enhancing Local Character

DES3 Design and Access Statements

DES4 Masterplans for Allocated Sites and Major Development

DES5 Outdoor Amenity Space

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DES6 Residential Amenity
DES7 Efficient Use of Resources
DES8 Promoting Sustainable Design
DES9 Renewable Energy
DES10 Carbon Reduction
CF5 Open Space, Sport and Recreation in New Residential Development

Emerging Joint Local Plan 2041

The Council is preparing a Joint Local Plan covering South Oxfordshire and Vale of White Horse, which when adopted will replace the existing local plan. Currently at the Regulation 19 stage, the draft Joint Local Plan has limited weight when making planning decisions. The starting point for decision taking will remain the policies in the current adopted plan.

5.2. Neighbourhood Plan

Thame Neighbourhood Plan was made on 18 July 2013, and is currently undergoing review. Following consultation on the draft plan which concluded on 25 July 2024, the draft plan has been submitted for independent examination. Given the stage of preparation, the Thame Neighbourhood Plan review can be given limited weight at this time.

The relevant policies in the draft Thame Neighbourhood Plan Review are:

GDH1 Housing development and allocations
GDH2 Housing type, tenure and mix
CPQ1 Design in response to local character
CPQ5 Sustainable design and construction
CPQ6 Street hierarchy
CPQ7 Parking in residential areas
SFO3 New Green Spaces
NEB1 Biodiversity
NEF1 Flood risk and sustainable drainage
GAAT1 Active Travel
GAPT1 Public Transport

5.3. Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022
South Oxfordshire Developer Contributions SPD

5.4. National Planning Policy Framework and Planning Practice Guidance

5.5. Other Relevant Legislation

Human Rights Act 1998
The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.
Equality Act 2010
In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1. The relevant planning considerations are the following:

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- **Principle of development**
- **Housing mix and affordable housing**
- **Design and character**
- **Residential amenity**
- **Access, highways and parking**
- **Ecology**
- **Flooding and drainage**
- **Energy efficiency and sustainability**
- **Contamination**
- **Air quality**
- **Infrastructure requirements**

6.2. **Principle of development**

Policy STRAT1 (The Overall Strategy) of the Local Plan establishes the overall spatial strategy for the District. The strategy focuses major new development in Science Vale including sustainable growth at Didcot Garden Town and Culham, and provides strategic allocations at Chalgrove, Culham, Berinsfield, Grenoble Road, Northfield, North of Bayswater Brook and Wheatley. It supports and seeks to enhance the roles of Henley-on-Thames, Thame and Wallingford by maintaining and improving the attractiveness of their town centres. The policy also makes it clear that outside the towns and villages, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment.

6.3. Policy H1 (Delivering New Homes) of the Local Plan sets out where residential development will be permitted. Part 3.iii) of Policy H1 outlines that this includes development within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed. Thame is identified as a town within the settlement hierarchy and the site is within the existing built-up area of the settlement. The development of housing on this site would therefore accord with the spatial strategy for the district and be supported in principle by Policy H1, subject to compliance with the criteria referred to, which are addressed in detail in the relevant sections below.

6.4. Further to the support lent by part 3.iii) of policy H1, the policy also lends support to the development of sites allocated in (or carried forward by) the Local Plan and relevant Neighbourhood Development Plan. Part 3 of the policy sets out where residential development on sites not allocated in the Development Plan will be permitted.

6.5. Part 1 of Policy H3 (Housing in the Towns of Henley-on-Thames, Thame and Wallingford) is of particular relevance to considering the application in relation to Thame Neighbourhood Plan Review. The policy sets a housing requirement of at least 3,873 homes to be collectively delivered through Neighbourhood Development Plans and Local Plan site allocations at Henley-on-Thames, Thame and Wallingford; and identifies specific requirements to be met in each of those towns. It sets out:

A minimum housing requirement of 3,873 homes will be collectively delivered in the towns of Henley-on-Thames, Thame and Wallingford as follows:

- i) Henley-on-Thames: at least 1,285 homes*
- ii) Thame: at least 1,518 homes*
- iii) Wallingford: at least 1,070 homes*

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- 6.6. Part 4 of Policy H3 requires neighbourhood plans to make adequate progress to meet the requirements of Parts 1 and 2 of Policy H3 within 12 months from the adoption of the Local Plan (10 December 2020). If a neighbourhood plan has not made adequate progress within 12 months, Part 4 provides the contingency that planning applications for housing in that market town will be supported provided that proposals comply with the remainder of the policies in the Development Plan. The Local Plan defines adequate progress as having reached submission stage and allocated sufficient housing sites.
- 6.7. The neighbourhood plan review for Thame was not submitted by the deadline set by the Local Plan. Therefore the contingency in Part 4 of Policy H3 applies to the town of Thame. This means that planning applications for housing in Thame should be supported provided that proposals comply with the remainder of the policies in the Development Plan.
- 6.8. Policy H1 (Delivering New Homes) states that residential development will be permitted at sites allocated or carried forward by this Plan and on sites that are allocated by Neighbourhood Development Plans. Where Neighbourhood Development Plans are not progressed in Larger Villages and market towns, planning applications will be considered against the housing delivery targets for the Towns and Larger Villages set out in the plan.
- 6.9. Therefore in addition to complying with Policy H1 3.iii), the residential development of the site would also provide housing to meet the housing requirement for Thame and thus would be supported by Part 4 of Policy H3, subject to compliance with the remainder of the policies in the development plan.
- 6.10. I have also had regard to draft Thame Neighbourhood Plan Policy GDH1 (Housing development and allocations), which states that land proposed for residential development should in whole, or in part, be contiguous with the existing building up area of Thame, with a preference for reuse of previously developed land within the built-up area. While the majority of the site is residential garden and therefore not considered previously developed land, the location of the site would otherwise be consistent with the expectations of this policy.
- 6.11. **Housing mix and affordable housing**
Policy H11 (Housing Mix) requires a mix of dwelling types and sizes to meet the needs of current and future households on all residential developments – this is having regard to the SHMA 2014 market housing mix.
- 6.12. I have had regard to Policy GDH2 of the Thame Neighbourhood Plan review, although note that this carries only limited weight currently. The policy requires that at least 65% of all new homes should comprise 1-3 bed properties. I also note that reference is made to providing more 5+bed homes in the supporting text to Policy GDH3; less weight would be attributed to this general support for larger units as it is in supporting text, rather than a specific requirement within the policy itself.
- 6.13. The planning statement describes that the proposals would provide the following:
- 2 x 1-bed dwellings (flats)
 - 6 x 2-bed dwellings (2 x flats, 4 x houses)
 - 8 x 3-bed dwellings (houses)
 - 6 x 4-bed dwellings (houses)
- However, based on the submitted floor plans a number of the dwellings would have more bedrooms than described in the planning statement. Specifically, plots 3-6, which are counted as 3-beds in the planning statement would provide a fourth room at first

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floor, which at 7sqm is only marginally under the minimum size for a single bedroom required by the Nationally Described Space Standards (NSS). Notwithstanding that market units of this size are not required to meet NSS, clearly these rooms would be capable of being used as bedrooms, and therefore plots 3-6 are considered to be 4-bed units. Similarly, plots 17-22, which are counted as 4-beds in the planning statement, all provide a habitable room at second floor measuring approximately 11.5sqm. These rooms all benefit from both dormer windows and rooflights, so are also capable of being used as bedrooms. Therefore plots 17-22 are considered to be 5-bed units.

6.14. Therefore, the housing mix proposed is as follows:

- 2 x 1-bed dwellings (flats)
- 6 x 2-bed dwellings (2 x flats, 4 x houses)
- 4 x 3-bed dwellings (houses)
- 4 x 4-bed dwellings (houses)
- 6 x 5-bed dwellings (houses)

The below table sets out the proposed market housing mix compared to a SHMA-compliant mix:

Size	SHMA	Proposed
1 bed	0.75	0
2 bed	3.52	0
3 bed	5.72	4
4+ bed	3.19	10

6.15. As demonstrated in the above table, there would be a significant overprovision of larger (4- and 5-bed) units compared to a SHMA-compliant mix. There would also be an under-provision of 3-bed units compared to a SHMA-compliant mix, which conflicts with the recommendation in the supporting text to TNP Policy GDH2 that the delivery of 3-bed homes is prioritised. The proposed housing mix would also only provide 55% 1-3 beds and would therefore be contrary to the requirement in Policy GDH3 of the draft Thame Neighbourhood Plan review for at least 65% of new dwellings to comprise 1-3 beds.

6.16. I have had regard to the recommendations of the Joint Housing Needs Assessment prepared as part of the preparation of the emerging Joint Local Plan, as this is based on more up to date data than the Oxfordshire SHMA, although it is noted that the recommendations do not provide a split between market and affordable units, and also that the JLP has not been adopted. The below table sets out the proposed overall housing mix in relation to the recommended mix in the JLP Housing Needs Assessment:

Size	JLP JHNA mix (combined market and affordable)	Proposed mix (combined market and affordable)
1 bed	1.03	2
2 bed	4.07	6
3 bed	10.67	4
4+ bed	6.18	10

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Compared to the recommendations of the JHNA for the JLP, there would be an under-provision of 3-bed units predominantly in favour of 4+ bed units, although also with a slight overprovision of 1- and 2-bed units.

- 6.17. I have also had regard to recent housing delivery as summarised in the Council’s Authority Monitoring Reports. The results are summarised below:

	Delivery compared to SHMA recommendations	
AMR period	Market	Combined
2021-22	More 1 beds, fewer 3- and 4-beds	More 2 beds, fewer 3-beds
2020-21	More 1 beds, fewer 3- and 4-beds	More 1 beds, fewer 3-beds
2019-20	More 1 beds, fewer 3-beds	More 2- and 4-beds, fewer 3-beds
2018-19	More 1 beds, fewer 3-beds	More 2- and 4-beds, fewer 3-beds

- 6.18. As can be seen above, there has consistently been under-delivery of 3-bed units, which as noted are specifically recommended to be prioritised in the Thame Neighbourhood Plan.
- 6.19. Overall it is considered that the mix of unit sizes proposed for market housing would fail to provide a balanced that would meet the needs of current and future households and would be contrary to policies H9 and H11 of the South Oxfordshire Local Plan and policy HD2 of the Thame Neighbourhood Plan, noting that at this time the latter carries limited weight.
- 6.20. Policy H9 (Affordable Housing) requires development proposals to provide 40% affordable housing with a suitable housing mix, type and tenure. Policy GDH3 of the draft Thame Neighbourhood Plan review makes specific provisions for the mix of tenures (65% rented tenures, 35% affordable home ownership) and the discount to First Homes. As noted this carries only limited weight currently.
- 6.21. Policy H9 also states that affordable housing should be provided on site; should be mixed with the market housing; and should be indistinguishable in appearance from market housing and distributed evenly across the site. Policy DES1 (Delivering High Quality Development) requires that the design of schemes does not differentiate between the design quality of market and affordable housing or the adjacent public realm. This is reiterated in the Developer Contributions SPD, which states that on schemes of 30 dwellings or less, affordable housing should be in clusters of no more than 4 units.
- 6.22. Policy GDH2 of the draft Thame Neighbourhood Plan also requires developments of 10 or more homes to provide 40% affordable housing; requires a tenure split of 65% rented tenures and 35% affordable routes to home ownership; and indicates an expected discount of 50% for first homes and between 10-25% for shared ownership homes. All affordable homes are expected to be designed to be tenure-blind.
- 6.23. The application proposes the delivery of 22 units, including the demolition of an existing unit resulting in net gain of 21 units. For a development of 21 units, 40% affordable housing would equate to 8.4 homes. Where the affordable percentage results in a part unit, a commuted sum is south on the part residential unit. The

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expectation would be for 8 units to be delivered on site with a commuted payable for the part (0.4) unit of £60,675.

- 6.24. The applicant has indicated that the following units would be provided as affordable housing:

Plot	Unit size	Type	Tenure
7	1-bed (1b2p)	Flat	Social rent
8	2-bed (2b3p)	Flat	Social rent
9	1-bed (1b2p)	Flat	Social rent
10	2-bed (2b3p)	Flat	Affordable rent
11	2-bed (2b4p)	House	Affordable rent
12	2-bed (2b4p)	House	First homes
13	2-bed (2b4p)	House	First homes
14	2-bed (2b4p)	House	Shared ownership

- 6.25. The Council's Housing Team have advised that to meet local need, all 2-bed units would be provided as 2-bed, 4-person units; the 2-bed flats proposed would be 2-bed, 3-person units. The Housing Team also advised that to meet local need, one 3-bed house would be provided for social rent, and that 2-bed units and larger should ideally be provided as houses rather than flats. The affordable housing proposed within the development would not accord with these requirements.
- 6.26. The 8 proposed affordable units would also all be located together in the northern part of the site, which is contrary to the requirement in the Developer Contributions SPD that affordable housing should be clustered in groups of no more than 4 units.
- 6.27. Having regard the development as a whole, the proposed affordable units would also be clearly distinguishable from the market units. The market housing would all be large, detached or semi-detached units, none of which would be flats, with on-plot car parking, large gardens, and in most cases an attached garage. The affordable units would have a cramped appearance relative to that of the market units, and there is a clear distinction in the provision of car parking and outdoor amenity space. While it is acknowledged that there is a greater demand for smaller affordable units, there is nonetheless an expectation as set out in relation to Policy H11 above, that a mix of sizes is provided across tenures in order to create a balanced community, including within market housing.
- 6.28. The proposed affordable housing would also be clearly distinguishable from market housing and would not be evenly distributed across the site. As such the proposals would conflict with Policies H9 and DES1 of the South Oxfordshire Local Plan and the South Oxfordshire Development Contributions SPD. Notwithstanding that the details of affordable housing proposed are not acceptable, in the absence of a completed S106 legal agreement an additional reason for refusal would need to be attached to the decision notice as on-site affordable housing and the commuted sum for a part unit would not be secured.
- 6.29. **Design and character**
Policy DES1 (Delivering High Quality Development) requires proposals to use land efficiently whilst respecting the existing landscape character. There is a range of criteria that proposals must be designed to meet, including being sustainable and resilient to climate change, enhancing biodiversity, and providing a clear and permeable hierarchy of streets, routes and spaces.

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- 6.30. Policy DES2 (Enhancing Local Character) requires all new development to reflect the positive features that make up the character of the local area and should physically and visually enhance and complement the surroundings. A comprehensive character assessment of the local character should be prepared in support of any planning application. The design should respond positively to the site and its surroundings whilst any existing features on the site should be incorporated.
- 6.31. Policy DES3 (Design and Access Statements) includes a requirement for constraints and opportunities plans amongst other things. Policy DES4 (Masterplans) requires masterplans to be submitted for major development sites, which must meet a range of criteria, including legible structure to the design, be based on principles of natural surveillance with overlooked open spaces and careful siting of community facilities.
- 6.32. Policy CPQ1 of the draft Thame Neighbourhood Plan review sets out detailed design criteria which would be applied to new development, and also requires proposals to demonstrate how they have been informed by and respond to qualities identified in the Thame Neighbourhood Plan Design Code and Character Area Study. Policy CPQ6 requires that proposals for major development are based around a permeable street network, and sets out specific requirements for street design with reference to the OCC Street Design Guide and South Oxfordshire Joint Design Guide.
- 6.33. Proposals should demonstrate that the layout makes an efficient use of the site and achieves an appropriate density, having regard to Policy STRAT5, which states that sites well related to existing towns and villages served by public transport or with good accessibility by foot or bicycle to the town centres of Didcot, Henley, Thame and Wallingford should be capable of accommodating development at higher densities. It is expected that these sites will accommodate densities of more than 45 dph (net) unless there is a clear conflict with delivering a high quality design or other clearly justified planning reasons for a lower density.
- 6.34. Layout and density
- The proposals for 23 dwellings (including the retained no.42) would achieve a density of 27dph. This would fall well below 45dph, but consideration also needs to be given to the existing context of the site and other constraints, as explored below.
- 6.35. The application is not supported by detailed contextual analysis or a constraints and opportunities plan. The surrounding context of existing residential development is relatively varied, with larger detached dwellings in generous plots to the north of the site, and a tighter grain of smaller semi-detached and terraced dwellings to the south and west.
- 6.36. The application proposes predominantly larger detached and semi-detached dwellings in large plots, with generous car parking and garages. No detailed design rationale has been provided to explain how contextual and constraints and opportunities analysis has informed this design choice.
- 6.37. Many of the plots are very wide and have gardens which well-exceed minimum requirements, for example the garden of plot 22 would measure 270 sqm. Several of the plots also provide car parking in excess of Oxfordshire County Council's adopted car parking standards, which allow for a maximum of 1 space for 1- and 2-bed dwellings, and a maximum of 2 spaces for 3+ bed dwellings. Several of the larger plots would provide 3 car parking spaces. The adopted standards are maximum standards. In light of the sustainable location of the site, the need to make efficient use of land,

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and the good access to Thame town centre by walking and cycling, the development should be designed to reduce car parking and encourage a modal shift.

6.38. Having regard to the overprovision of larger units compared to a SHMA-compliant mix, and the provision of private gardens and car parking in excess of adopted standards, the proposals could not be considered to make an efficient use of the site.

6.39. While the overall layout would mostly provide a clear hierarchy of routes through the site, the relationship and orientation of a number of plots would result in a lack of distinction between public and private realm. There would also not be a clear sense of the backs and fronts of properties. Specifically, plots 5 and 6 and 15 and 16 would have an awkward and cramped relationship with the surrounding plots.

6.40. Detailed design

There is a lack of detailed character analysis of the surrounding area to explain the design rationale for buildings, and the choice of materials, boundaries, landscaping and other detailed design elements. It has not been demonstrated that the development has been informed by and responds to qualities in the Thame Neighbourhood Plan Design Code and Character Area Study, although it is noted that the policy CPQ1 of the TNP currently carries limited weight.

6.41. As noted above in relation to affordable housing, the proposed layout and detailed design of dwellings would be such that there would be a clear distinction between market and affordable units.

6.42. Trees, green infrastructure and public realm

Policy ENV1 of the SOLP requires that development protects and where possible enhances trees, hedgerows and field boundaries. Policy ENV5 states that proposals will be expected to contribute towards the provision of additional green infrastructure and protect or enhance existing green infrastructure. Policy DES1 requires that all new development secures a high quality public realm and Policy DES2 requires that new development should reflect the positive features that make up the character of the local area and should physically and visually enhance and complement the surroundings.

6.43. There are extensive trees across the application site. None of the trees are subject to a tree preservation order and the trees are not located in a conservation area. The application proposes the removal of a total 18 individual trees, 9 groups of trees and 3 hedges.

6.44. The Council's forestry officer has advised that the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan are satisfactory in respect of issues of retained trees on and adjacent to the site during development.

6.45. The forestry officer has made various recommendations for amendments to the proposed works to trees. It is recommended that G4 and G6 (groups of Leyland cypress) on the southern boundary are removed and replaced with new screening, as is proposed to similar groups of Leyland cypress on the eastern boundary (G7 and G9). It is also recommended that an additional tree is retained within G11 adjacent to plots 7-10, and crown and lateral reduction to the retained trees within this group, because this would allow the retention of the best trees in the group while maintaining an acceptable relationship with the dwellings at plots 7-10 and the associated amenity space.

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- 6.46. Notwithstanding the above recommendations, detailed landscape and planting schemes are requested to ensure that the indicative landscaping scheme shown on the submitted plans can be implemented and successfully established in the long term. Details of how proposed tree planting and landscaping would be coordinated with drainage and service routes, vision splays and street lighting have not been provided. As such, there is insufficient information to demonstrate that retained and proposed trees could be accommodated within the development.
- 6.47. While the application proposes the retention of a number of trees within the site, the arboricultural information submitted does not appear to take account of the proposed drainage strategy. While a detailed drainage scheme would be secured by condition were the proposals found to be acceptable, it has not been demonstrated that the proposed development responds appropriately to existing constraints and opportunities, including retained trees.
- 6.48. The application does not contain detailed information about boundary treatments, although were the proposals otherwise acceptable this information could have been sought by condition.
- 6.49. In summary, it is considered that the proposals are not appropriately informed by contextual analysis and constraints and opportunities analysis, and that as a result the proposed development does not represent an appropriate response to the site, in respect of density and the need to use the site efficiently; layout; green infrastructure; and servicing requirements. As such, the proposals are considered to conflict with policies DES1, DES2, DES3, DES4, ENV1 and ENV5 of the South Oxfordshire Local Plan, the Joint Design Guide, and Policy CPQ1 of the Thame Neighbourhood Plan, noting this carries limited weight currently.
- 6.50. Open space
- Policy CF5 also requires that new development provides or contributes towards inclusive and accessible open space and play facilities.
- 6.51. Policy SFO3 of the draft Thame Neighbourhood Plan requires the provision of green space in line with SODC standards and provides a range of design criteria for open space.
- 6.52. The development would be required to provide 0.07 hectares (700sqm) of public open space, and a further 0.01 hectares (100sqm) of children's play space in the form of a Local Area for Play (LAP), which should be designed in accordance with the Developer Contributions SPD and Joint Design Guide.
- 6.53. The submitted plans indicate that areas of open space would be provided adjacent to Plot 16 and the retained dwelling at 42 Queens Road. The 'Open Space Detail' plan indicates that the area adjacent to Plot 16 would provide a LAP with an area of 140sqm. However, this is not considered an appropriate location for public open space as it would be perceived as highway verge and private property frontage serving Plot 16. There is also a requirement in the Development Contributions SPD for a 5m offset between a LAP and dwellings. The quality of the design of a LAP should include space for natural play, including changes in level, natural features such as boulders, logs or small dips and planting with a range of textures, scents and colours. The proposals do not satisfy these requirements.

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- 6.54. The area indicated as open space would measure approximately 260sqm, so would fall well below the required 700sqm. Furthermore, the area proposed would also be unsuitable for public open space, due to also appearing to be highway verge or private property frontage. It would also not be well overlooked, and the relationship of a close boarded fence enclosing the rear garden of 42 Queens Road to an area of public realm would not be acceptable.
- 6.55. The proposals would fail to provide sufficient public open space to serve the development and would conflict with Policy CF5 of the South Oxfordshire Local Plan, the Joint Design Guide and the South Oxfordshire Developer Contribution SPD.
- 6.56. **Residential amenity**
Policy DES6 (Residential Amenity) requires that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses, in relation to loss of privacy, daylight or sunlight; dominance or visual intrusion; noise or vibration; smell, dust, heat, odour, gases or other emissions; pollution, contamination or the use of/or storage of hazardous substances; and external lighting.
- 6.57. The Joint Design Guide requires that new dwellings comply with the following separation distances:
- Back to back 21m
 - Back to side 12m
 - Front to front 10m
 - Back to boundary 10m
- 6.58. I am satisfied that the relationship of the proposed dwellings to one another, and to existing buildings and trees, would be such that they would benefit from an acceptable quality of amenity in terms of daylight, outlook and privacy.
- 6.59. The proposed new dwellings would all comply with the above separation distances in relation to one another and the relationships between proposed dwellings would be acceptable in terms of privacy and daylight. The proposed new dwellings would also comply with these separation distances in relation to existing surrounding dwellings.
- 6.60. Plots 1 and 2 would be sited a sufficient distance from the existing dwellings at 46, 48 and 50 Queens Road so as not to result in any unacceptable loss of outlook or daylight or impact of overbearing. It is noted that plots 1 and 2 would have no windows serving habitable rooms at first floor in the elevation overlooking the garden of 50 Queens Road. This would be acceptable in respect of impacts of overlooking or perceived overlooking, and would also not compromise the living conditions of the proposed new dwellings.
- 6.61. In assessing the impact of the development on nos.62a, 62b, and 62c I visited these properties and viewed the site from both the dwellings and their gardens.
- 6.62. Plot 11 would be sited approximately 2 metres from the boundary with the dwelling at 62a Queens Road, which is a bungalow with a habitable room in the roof. Plot 11 would not have any windows in the elevation facing no.62a so there would be no impacts of overlooking or loss of privacy. Any views from the first floor front windows of plot 11 would be oblique and would not result in unacceptable impacts of overlooking. My visit confirmed that any windows in the south elevation of the property either serve non-habitable rooms, or in the case of the eastern-most window is a secondary window serving a living room which also has large windows in the east elevation. This secondary window is already overshadowed to a degree by the boundary fence between the garden of no.62a and the application site. The proposed dwelling at plot

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11 would result in a greater degree of overshadowing of this window due to being two storeys, however, given the primary windows which serve this room would be unaffected, I am satisfied that the daylight and outlook of this room would not be harmfully impacted.

- 6.63. The proposed dwellings would also be sufficiently separated from 62b and 62c Queens Road so as to avoid any impacts of overlooking, or loss of outlook, privacy or daylight.
- 6.64. While in relation to 62a, 62b and 62c Queens Road, the proposals would introduce built development in closer proximity to these dwellings and their private gardens than the existing situation, having regard to the existing levels, the siting of the proposed buildings, and their separation from the existing dwellings by areas of private garden, the relationship that would result from the proposed development would be typical of suburban location and would not harmfully reduce the amenity of the existing dwellings. It would be important to ensure the finished ground floor levels of the proposed dwellings were no higher than the finished floor levels of the neighbouring dwellings in order to protect the privacy of the neighbouring properties.
- 6.65. It is acknowledged that the proposed development would also introduce a greater degree of activity to the development site than exists currently due to the intensification of use. However, the proposed development would be residential and therefore not incompatible as an adjacent use. Furthermore, the boundaries of 62a, 62b and 62c would all abut private areas, with the exception of the parking and turning area serving plot 11, which is adjacent to the boundary between the site and no.62c, which in turn abuts the part of 62a which has no habitable rooms. It is therefore considered that the proposed development would not be harmful to the amenity of existing dwellings in respect of noise and disturbance.
- 6.66. Policy DES6 requires that private outdoor amenity space or shared outdoor amenity space should be provided for all new dwellings. Specific requirements for garden sizes are set out in the Joint Design Guide as follows:
- 1 bed dwellings – at least 40sqm
 - 2 bed dwellings – at least 50 sqm
 - 3 bed dwellings – at least 100 sqm
 - Apartment buildings – at least 40 sqm of communal shared space
- 6.67. All houses would be provided with gardens that meet or exceed the above standards in terms of area, which would also be of an acceptable quality in terms of sunlight, privacy and useable space. The proposed flats would be provided with an area of shared amenity space measuring approximately 220sqm.
- 6.68. The proposals are therefore considered to comply with Policy DES6 of the South Oxfordshire Local Plan.
- 6.69. **Access, highways and parking**
Policy TRANS2 (Promoting Sustainable Transport and Accessibility) seeks to ensure new development is designed to encourage walking and cycling; promotes and supports improvements to the transport network and ensures the needs of all users, including those with impaired mobility, are planned for. Policy TRANS5 (Consideration of Development Proposals) requires development to provide adequate and safe access for all highway users, including pedestrians and cyclists.
- 6.70. Policy GDH1 of the draft Thame Neighbourhood Plan review states that sites should be able to connect into the existing network of walking and cycling routes, and either

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be within walking distance of a bus service or provide scope to route new or extended bus services through the development site. It also requires that sites should provide good access to services and facilities, and that vehicular access to the site from the highway must be achievable and acceptable to the Highway Authority.

- 6.71. Policy CPQ7 of the draft Thame Neighbourhood Plan requires that development is designed to reduce informal parking that reduces the quality of the street environment and that innovative and flexible parking arrangements are encouraged in accordance with specified principles.

6.72. Accessibility and sustainability

The site sits within the established built-up area of Thame. As noted above the categorisation of Thame as a Town by Policy STRAT1 (Overall Strategy) recognises that it functions as a local service centre, and provides a wide range of existing facilities including local shops, schools, leisure facilities, doctors surgeries, as well as benefitting from public transport connections to nearby towns and good access to Haddenham and Thame Parkway railway station. As such the site is considered a sustainable location in accessibility terms.

- 6.73. The application site is well located for public transport access as it is passed by bus route 121 which provides an hourly service Monday-Saturday to Thame Town Centre and Haddenham & Thame Parkway train station. The closest bus stop is located around 150 metres from the site. The route is supported with S106 contributions from developments in the Thame and Haddenham areas. There is an established per-dwelling contribution rate in Thame of £1,326. For this site the contribution for public transport services required would be £29,172 which is required to contribute towards the continuation of this service to enable new residents access to public transport and reduce the proportion of car journeys generated by the development.

- 6.74. The bus stop towards Thame Town Centre on Kings Road is not marked. A contribution of £751 for public transport infrastructure is required to provide a bus stop pole, flag and timetable case. This would ensure roadside information about the service can be provided. These financial contributions would be required to be secured through a S106 agreement.

- 6.75. A Residential Travel Information Pack would be required for the development to be provided to residents prior to occupation. Were the proposals otherwise acceptable this could be secured by condition.

6.76. Access, road layout and highway safety

The proposals include the creation of a new access from Queen's Road to serve the development as well as the existing dwellings. A 2 metre wide footway is proposed along the site access as far as plot 6, beyond which it is proposed that the remainder of the site has a shared surface varying in width between 5.5 and 6 metres. This does not accord with OCC adoption criteria, so if the proposals were otherwise found acceptable a private street agreement would be required for the development.

- 6.77. The Highway Authority have objected to the application and raised concerns regarding the proposed access. They have stated that for road safety reasons, the new access should provide a minimum carriageway width of 5.5 metres within 15 metres of the junction, however the proposed access road has a width of 4.8 metres. The swept vehicle tracking submitted also shows that a refuse vehicle using the access would overhang the pedestrian footway. No tactile crossing for pedestrians has been

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provided across the access. The Highway Authority have also advised that the visibility splays proposed would not be acceptable in the absence of a speed survey demonstrating actual vehicle speeds on Queen's Road.

- 6.78. The Highway Authority have also advised that a Stage 1 Road Safety Audit and designer's response are required prior to determining the application. In addition, no long sections of the site access have been submitted, which are required to demonstrate DDA compliance.
- 6.79. As submitted the proposed access would not be acceptable in highway safety terms; amendments to the road widths and further information (speed surveys, Stage 1 RSA, long sections) are required to demonstrate that the proposed development would provide safe access to the site.
- 6.80. Traffic impacts
- The Highway Authority have accepted the trip generation rates and while a significant increase in trips would result from the development, no objection has been raised in respect of impacts on the highway network. Were the proposals otherwise acceptable, a Construction Traffic Management Plan could be secured by condition.
- 6.81. Car parking and cycle parking
- The majority of dwellings would be provided with on-plot parking. Car parking spaces to serve the retained dwellings 46 and 48 Queens Road would be provided to the rear of these dwellings in a small parking court with parking for plot 1, and frontage parking would be provided for plots 7-14; 3 visitor parking spaces would also be provided within these areas.
- 6.82. Overall a total of 49 car parking spaces would be provided, which would exceed the maximum provision allowed by the adopted parking standards by 1. However, plots 20, 21, and 22 would provide 3 car parking spaces, which exceeds the maximum 2 of spaces permitted by the adopted car parking standards. Furthermore, plots 3, 4 and 17 provide spaces to the front of garages which would measure approximately 8.5 metres and therefore are likely to be used for parking 2 cars (in addition to the on-plot garage), which would result in these plots also exceeding the maximum standard of 2 spaces. The use of these spaces for 2 vehicles would also likely result in parked cars overhanging the pedestrian footway in front of plots 2 and 3.
- 6.83. Concerns are also raised in respect of the design of the visitor parking bays, which as noted would be located in a parking court or in frontage parking amongst designated spaces. These spaces are therefore unlikely to remain available as visitor parking and would result in indiscriminate car parking throughout the site, which is contrary to adopted car parking standards.
- 6.84. It is proposed to provide each of the dwellings with an electric vehicle charging point. The location of the charging point for plot 1 is unacceptable due to it being separate from the parking space it serves by a footpath, however were the proposals otherwise acceptable further details of electric vehicle charging points could be secured by condition to address this matter.
- 6.85. It is proposed to provide cycle parking within garages or sheds in rear gardens. A cycle store would be provided to serve plots 7-10 and 12-13. However, details of the number of spaces that would be accommodated have not been provided for either type of

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provision. Were the proposals otherwise acceptable, this could be secured by condition.

- 6.86. In summary, as submitted the proposals fail to demonstrate that the proposed access would be safe for all users, with particular detriment to pedestrians. The proposed car parking provision and its design would exceed maximum adopted standards, would result in parking that is likely to impede non-car users and would fail to encourage walking and cycling. As such, the proposals are considered contrary to Policies TRANS2 and TRANS5 of the South Oxfordshire Local Plan.
- 6.87. **Ecology**
Policy ENV2 of the SOLP seeks to protect important ecological receptors (designated sites, protected species, priority habitats, etc.). Where adverse impacts on important ecological receptors are likely, development must meet the criteria outlined under the policy to be acceptable.
- 6.88. Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. Net loss of biodiversity will not be supported.
- 6.89. Policy NEB1 of the draft Thame Neighbourhood Plan requires a minimum biodiversity net gain of 10%, which will preferably be provided on-site. The policy requires that swift and bat boxes are incorporated into all new buildings.
- 6.90. The application is supported by an ecological impact assessment (EclA) and a biodiversity net gain (BNG) assessment, with associated metric.
- 6.91. There are no statutory or locally designated sites for nature conservation interest close to the site. Impacts on designated sites are not considered likely as a result of the proposed development.
- 6.92. The habitats within the application site are not considered to be notable ecological constraints, being associated with gardens. Some of the boundary hedgerows are likely to be priority habitat, but as they form part of private residential curtilage those hedgerows could be removed without any consent or approval from the LPA under The Habitat Regulations 1997. As such, a flexible application of Policy ENV2 is warranted. There is notable scope to secure compensatory hedge planting in the development, as indicated on the proposed site plan.
- 6.93. An ornamental pond (with fountain) previously existed onsite, but now has been removed. This has been taken into account in the supporting BNG assessment, discussed below.
- 6.94. The Council's ecologist is satisfied that impacts on notable or protected species are unlikely or readily avoidable. Recommendations are made in the EclA for sensitive working methods and the provision of ecological enhancements within the development, compliance with which could be secured by condition were the proposals otherwise acceptable.
- 6.95. This application is subject to mandatory BNG, within the meaning of Schedule 7A of the TCPA 1990. If planning permission is granted, it will be subject to the (pre-commencement) general biodiversity gain condition. This condition requires the submission and approval of a Biodiversity Gain Plan, demonstrating how a 10% uplift in biodiversity value can be achieved for the development, prior to any works

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commencing. Much of the detail regarding habitat creation and future management is reserved for the discharge of condition stage.

- 6.96. At the application stage, the LPA is broadly assessing whether the baseline habitats have been assessed robustly and accounted for properly in the statutory biodiversity metric, whether the Biodiversity Gain Hierarchy has been followed, whether the development is likely to be phased, and whether any habitat creation or enhancement requires a planning obligation.
- 6.97. It is concluded that the scheme, without offsite purchase/allocation of units, would lead to a c.61% net loss of biodiversity. Offsite purchase of biodiversity units would be confirmed through the discharge of the general biodiversity gain condition, involving the approval of the Biodiversity Gain Plan. The amount of onsite net loss could be mitigated by reducing the number of units proposed and providing areas of biodiverse landscaping to be managed.
- 6.98. The Council's ecologist is satisfied that the metric assessment has accounted for the baseline habitat value of the site prior to degrading activities. This includes the loss of areas of vegetated garden, removed ornamental pond and removed trees in the process of decommissioning the hobby railway. Regarding the Biodiversity Gain Hierarchy, it is noted that medium distinctiveness habitats, such as individual trees, have mostly been removed within the gardens already. The ecologist is generally satisfied that impacts on other medium distinctiveness habitats, noting points made above with regards to hedgerows, are permissible under the Biodiversity Gain Hierarchy and opportunities for habitat creation onsite are limited.
- 6.99. It is proposed to deliver species-rich native hedgerow (c.108m) and enhance retained hedgerow (c.27m) onsite. These hedgerow proposals, technically, are tantamount to significant onsite enhancements. To comply with paragraph 9 of Schedule 7A of the TCPA, it is recommended that these significant onsite enhancements are secured with a S106 legal agreement.
- 6.100. However, these hedgerows would form part of private gardens and the use of a binding planning obligation to features within private gardens is considered to be unreasonable. The hedgerow would therefore be discounted from the biodiversity metric at discharge of condition stage, and offsite hedgerow units would need to be purchased in addition to those referred to above, including the 10% uplift required for hedgerows.
- 6.101. Therefore, were the proposals acceptable, compliance with the recommendations in the EclA and measures to secure a 10% biodiversity net gain could be secured by condition. Subject to such conditions, the proposals would comply with Policies ENV2 and ENV3 of the South Oxfordshire Local Plan and Schedule 7A of the Town and Country Planning Act 1990.
- 6.102. **Flooding and drainage**
Policy EP4 (Flood Risk) requires proposals to minimise the risks and impact of flooding through directing development to areas with the lowest probability of flooding; ensuring that all new development addresses the effective management of all sources of flood risk; ensuring that development does not increase the risk of flooding elsewhere and ensuring wider environmental benefits of development in relation to flood risk.
- 6.103. In accordance with paragraph 167 of the NPPF, which requires that all plans should apply a sequential, risk-based approach to the location of development taking into account all sources of flood risk, policy EP4 also states that the suitability of

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development proposed in Flood Zones will be strictly assessed using the 'Sequential Test' and where necessary the exceptions test. Paragraph 168 of the NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, and that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

- 6.104. The 'Flood Risk and Coastal Change' PPG clarifies that the aim of the sequential approach is to avoid, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. It goes on to clarify that, when carrying out the sequential test, the presence of flood risk management infrastructure should be ignored (paragraph 024). This approach was confirmed in the Mead/Redrow High Court Judgement.
- 6.105. The application site is located wholly in flood zone 1, so is at low risk of fluvial flooding. However, areas of the site are at medium risk of surface water flooding. It is therefore necessary to apply the sequential test to the development.
- 6.106. The application is accompanied by a Flood Risk Assessment, which observes that parts of the site are at medium risk of surface water flooding. However, the FRA then goes on to conclude incorrectly that the site is at low risk from all potential sources of flooding. The sequential test has not been carried out in relation to the proposed development. As such, the proposals have not demonstrated that they would be directing development to areas at lowest risk of flooding, and the proposals would conflict with policy EP4 of the South Oxfordshire Local Plan and paragraph 167 of the NPPF.
- 6.107. Policy INF4 (Water Resources) states that all development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development. Applicants will be required to demonstrate that there is adequate capacity both on and off site to serve the development and that it would not lead to problems for existing users. When there is a capacity constraint and improvements to off-site infrastructure are not programmed, the developer should set out how the infrastructure improvements will be completed prior to occupation of the development.
- 6.108. Thames Water have confirmed that they do not have any objection to the development in respect of surface or foul water capacity and that the water network could accommodate the development. Were the proposals otherwise acceptable, a foul drainage scheme could be secured by condition.
- 6.109. **Energy efficiency and sustainability**
Policy DES8 (Promoting Sustainable Design) and Policy DES9 (Renewable and Low Carbon Energy) seek to mitigate the impact of any development proposals on the environment.
- 6.110. Policy DES10 (Carbon Reduction) requires proposals for new dwellings to achieve at least a 40% reduction in carbon emissions compared to a code 2013 Building Regulations compliant base case. In June 2022, the Government implemented an interim uplift to Part L of the Building Regulations, updating the Building Regulations 2013. The updated Building Regulations are titled the Building Regulations 2021. Homes built to the interim standard will be expected to produce 31% less CO2 emissions compared to current standards set out in the 2013 Building Regulations. To reflect this update to Part L of the Building Regulations, for housing, a reduction in carbon emissions of at least 9% compared with the 2021 Building Regulations is

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accepted. This reduction should be achieved through a fabric first approach to designing the new buildings supported by energy efficiency measures and low carbon technologies.

- 6.111. Policy CPQ5 (Sustainable Design and Construction) of the draft Thames Neighbourhood Plan lends support to developments that meet a high level of sustainable design and construction.
- 6.112. The application is supported by an energy statement which explains that the development seeks to apply a 'fabric-first' approach by incorporating sustainable design measures. Heating would be provided using Air Source South Oxfordshire District Council – Delegated Report 35 Heat Pumps and dwellings would be provided with electric vehicle charging points. This approach is supported.
- 6.113. The Energy Statement includes SAP calculations for all proposed dwellings, which demonstrate that the required reductions in carbon emissions would be achieved for all buildings. Were the proposals otherwise acceptable, compliance with the energy statement and the submission of verification reports to demonstrate the measures in the energy statement had been implemented could be secured by condition. Subject to such conditions, the proposed development would comply with policies DES8, DES9 and DES10 of the South Oxfordshire Local Plan.
- 6.114. **Environmental protection**
The application is accompanied by a Contaminated Land Questionnaire. No potential sources for land contamination have been identified that could present a risk to the development. The council's environmental protection officer accepts these findings and does not have any concerns regarding land contamination. The proposals would therefore be acceptable in this respect and compliant with policy ENV11 of the South Oxfordshire Local Plan.
- 6.115. The Council's air quality officer has requested an air quality assessment is submitted. However, the site is not located within an air quality management area and given the scale of development proposed it is not considered to be proportionate to require that an AQA is submitted. Were the proposals otherwise acceptable, conditions would secure the provision of electric vehicle charging points, and compliance with the submitted energy statement which would secure the provision of AHSPs, and subject to such conditions the proposals would not be considered to have any unacceptable air quality impacts and would comply with policy EP1 of the South Oxfordshire Local Plan 2035.
- 6.116. Concerns have been raised by neighbours about the impact of noise and dust during construction. Were the proposals otherwise acceptable, a Construction Environment Management Plan could be secured by condition to ensure compliance with Policies DES6 and ENV12 of the South Oxfordshire Local Plan 2035.
- 6.117. **Infrastructure requirements**
- 6.118. On-site infrastructure to be secured under a legal agreement

If the application progressed positively, on-site infrastructure could be secured through a Section 106 legal agreement. This would include affordable housing and the long-term maintenance and management of open space, play area and drainage.

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- 6.119. In accordance with the council's S106 Planning Obligations Supplementary Planning Document, financial contributions would also be required towards street naming and numbering, recycling bins, and a monitoring fee.
- 6.120. As outlined by Oxfordshire County Council, site-specific highway contributions and obligations, contributions towards early years and secondary school education capacity, and contributions towards expanding household waste recycling capacity would also be secured under a S106 legal agreement.
- 6.121. In the absence of a completed S106 legal agreement, the application fails to secure infrastructure necessary to off-set the impacts of the development. As such, it is necessary for this matter to be attached as a reason for refusal.
- 6.122. Contributions pooled under the Community Infrastructure Levy

The council adopted a Community Infrastructure (CIL) on 1 April 2016. A revised CIL charging schedule was adopted in January 2023. The money collected can be pooled with contributions from other development sites to fund a wide range of off-site infrastructure to support growth, including schools, transport, community, leisure and health facilities.

- 6.123. If the application were to progress positively, the development would be liable to pay CIL. Thame Parish Council would receive 25 percent of this money because they have a made neighbourhood plan. CIL money could be spent on infrastructure projects that are priorities for the community or could contribute towards strategic infrastructure.
- 6.124. **Other matters**
Comments have been received from OCC Property and from Lord William's School regarding the impact of the proposed development on the boundary between the school and the site. Currently, there is a Leyland cypress hedge along the eastern boundary of the site where it abuts the school's playing fields, which is proposed to be removed. Replacement planting is proposed along the length of this boundary, although specific details of species has not been provided with the application. Details of boundary treatments have also not been provided with the application. Were the proposals otherwise considered acceptable, further details of landscaping including tree planting and details of boundary treatments could be secured by condition. Condition wording could refer specifically to requirements along the eastern boundary to ensure the school's requirements with regard to safeguarding and security were addressed through any subsequent details.
- 6.125. Comments received from neighbours regarding boundaries with the site and access between properties for maintenance are a civil matter and not a material planning consideration.

7.0 CONCLUSION

- 7.1. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires where regard is to be had to the Development Plan that applications for planning permission must be determined in accordance with the Plan unless material considerations indicate otherwise.
- 7.2. In this case the most relevant parts of the Development Plan are the adopted South Oxfordshire Local Plan 2035. The NPPF, the South Oxfordshire Joint Design Guide

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and South Oxfordshire Developer Contributions SPD are material considerations when making planning decisions.

- 7.3. The application has been assessed on its merits, against the development plan and the NPPF in relation to sustainable development. The development would provide the social benefit of 21 (net) dwellings in a sustainable location that would accord with the spatial strategy for the location of residential development. I give this great weight.
- 7.4. However, while the site is a suitable location for residential development in principle, parts of the site are at medium risk of surface water flooding, and it has not been demonstrated that there are no reasonably available alternative sites appropriate for the proposed development in areas with a lower risk of flooding. There is therefore conflict with the development plan policies and the NPPF which seek to minimise the risk of flooding through directing development to areas with the lowest probability of flooding. The development would therefore result in environmental and social harm through locating housing in an area that does not have the lowest probability of flooding. I give this great weight.
- 7.5. Residential building plays a role in promoting economic growth, and more specifically the development would provide construction jobs and some local expenditure during the construction phase. Once occupied the development would generate local expenditure. These are not benefits that are unique to the site, but given the suitability of the location of the site in the council's housing strategy, and the acknowledgement of the role of new development in the towns to support their role as service centres, I give this some weight.
- 7.6. There are a number of conflicts with the development plan in respect of housing mix and affordable housing; design, open space and green infrastructure; and highways and access. The mix of housing proposed would fail to meet the needs of future households. The proposed affordable housing would also fail to meet identified needs and would be distinguishable from market housing and concentrated in one part of the development. The development would not be an appropriate response to the site constraints and surrounding context in respect of layout and character, and trees, and would fail to make an efficient use of the site. The development would also fail to provide adequate public open space. There is insufficient information to demonstrate that safe and useable access would be provided that meets the needs of all users including pedestrians and cyclists, and there is insufficient information to demonstrate that there would not be unacceptable impacts on highway safety. Cumulatively these factors represent considerable harm, which I also give great weight.
- 7.7. Great weight is attached to the identified development plan policy conflicts, which weigh heavily in the planning balance. Notwithstanding that the social benefit of providing 21 (net) dwellings would attract great weight, balancing all of the material considerations assessed in the report, I do not find that there are material considerations that indicate the application should be determined other than in accordance with the development plan. I therefore conclude the significant harm identified would not be outweighed by the benefit of the delivery of housing. Balancing all the matters assessed I am of the view that the development is unacceptable and should be refused.

8.0 RECOMMENDATION

That planning permission is refused for the following reasons:

1. Housing mix (market and affordable)

The mix of dwelling sizes proposed in both market and affordable housing sectors would not meet identified local need, and would be contrary to policies H9 and H11 of the South Oxfordshire Local Plan 2035.

2. Affordable housing design

Due to the site layout and the design of the proposed affordable units, including in respect of car parking and outdoor amenity provision, the affordable units would be clearly indistinguishable from market housing, and would not be distributed through the site, and as such the proposed development would fail to create mixed and balanced communities contrary to policies H9 and DES1 of the South Oxfordshire Local Plan 2035.

3. Layout, density and green infrastructure

The proposed development is not considered to be an appropriate response to the site character, constraints and context and would fail to make efficient use of the site; would be out of keeping with the surrounding grain and character of development; and would fail to retain and provide appropriate green infrastructure necessary to ensure a high quality development, contrary to policies DES1, DES2, DES3, DES4, ENV1 and ENV5 of the South Oxfordshire Local Plan and the Joint Design Guide.

4. Public open space

The proposals would fail to provide sufficient public open space to serve the development and would conflict with Policy CF5 of the South Oxfordshire Local Plan, the Joint Design Guide and the South Oxfordshire Developer Contribution SPD.

5 Highway safety (access and car parking)

The proposed access to serve the site, and the amount and layout of car parking, would fail to provide an environment that would be safe for all users, with particular detriment to pedestrians, and would fail to encourage walking and cycling and be detrimental to highway safety, contrary to policies TRANS2 and TRANS5 of the South Oxfordshire Local Plan 2035.

6. Surface water flood risk – sequential test

The site is at medium risk of surface water flooding, but has not been subject to the sequential test, so fails to demonstrate that there are no alternative sites in areas with a lower risk of flooding. As such the proposal could not be considered to direct development to areas with the lowest probability of flooding and would be contrary to Policy EP4 of the South Oxfordshire Local Plan 2035 and paragraph 168 of the NPPF.

7. Affordable housing (no S106)

In the absence of a completed S106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the District. As such, the development would

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be contrary to the National Planning Policy Framework and policies H9 and H11 of the South Oxfordshire Local Plan 2035.

8. Infrastructure (no S106)

In the absence of a completed S106 legal agreement, the proposal fails to secure infrastructure necessary to meet the needs of the development. As such, the development would be contrary to the National Planning Policy Framework and policies INF1 and CF5 of the South Oxfordshire Local Plan 2035.

Delegated Authority Sign-Off Officer