

<b>APPLICATION NO.</b>	<a href="#">P17/S1884/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	26.5.2017
<b>PARISH</b>	LEWKNOR
<b>WARD MEMBER(S)</b>	Caroline Newton
<b>APPLICANT</b>	Buchanan (H) Ltd
<b>SITE</b>	Land west of Chalford Road Postcombe, OX9 7DS
<b>PROPOSAL</b>	Erection of eight detached and semi-detached dwellings with access, parking, amenity space and landscaping. (Contaminated land questionnaire received 7 June 2017 and amended site plans received 10 November 2017)
<b>OFFICER</b>	Lloyd Jones

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**1.0 INTRODUCTION**

- 1.1 This application was deferred from Planning Committee on 16 January 2018 to allow for the consideration of additional information in respect of drainage matters. This report has been updated to reflect the additional detail provided. The application site (which is shown on the OS extract **attached** as Appendix A) comprises 1.57 hectares of agricultural land at the southern edge of the village of Postcombe. The site has a frontage of 145 metres on to the A40. A mature hedgerow forms the boundary with the highway. Chalford Road runs to the east. Postcombe itself is a linear settlement, with residential development to the south and west. Elmtree Villa is positioned to the south east. A band of trees forms the northern boundary. The site is not located within any areas of special landscape designation.

**2.0 PROPOSAL**

- 2.1 This application seeks outline planning permission for 8 dwellings and apart from access and layout all other matters are reserved for subsequent approval. The application has been amended since the original submission, including a reduction in the number of dwellings from 9 to 8. This has resulted in an alteration to the layout and relationship of the dwellings with Elmtree Villa. The proposed site layout plan is **attached** as Appendix B.
- 2.2 Access is proposed off Chalford Road. The access road will run centrally through the site leading to a turning head towards the southern fringe of the site fronting the A40. A pedestrian access is proposed linking the site to the A40. An attenuation pond is proposed in the south western corner of the site.
- 2.3 The housing mix outlined in the application comprises:

3 bed	2
4 bed	4
5 bed	2
<b>TOTAL</b>	<b>8</b>

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Full responses can be found on the Council's website, but the following are summaries:

**Lewknor Parish Council**

Original Plans – Object for the following reasons:

1. Contrary to policies in the Local Plan 2011: G2, G4, C9, EP6, H6 and H7; and
2. Highways: Lewknor Parish Council does not believe that the access conforms with current legislation.

#### Current Plans

Lewknor Parish Council still objects on the grounds of the following planning policies in the Local Plan 2011:

G2: countryside and settlements will be protected from adverse developments.

G4: The need to protect the countryside for its own sake is an important consideration when assessing proposals for development.

C9: Any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value.

EP6: Developers will be required, wherever practicable, to demonstrate that the surface water management system on any development accords with sustainable drainage principles and has been designed as an integral part of the development layout.

The system should effectively mitigate any adverse effects from surface water run-off and flooding on people, property and the ecological value of the local environment.

Lewknor Parish Council has serious concerns about the issue of drainage. Postcombe has a persistent problem with flooding.

H6: planning permission should not normally be given for isolated development in the countryside, nor for new houses in small settlements with few facilities, or as additions to isolated groups of dwellings. In these locations further housing would spoil the quality of the countryside and the character of small settlements, and would be difficult and expensive to service. Locating new houses in remote rural locations also means that people have to use motorised transport to go to work, shops and schools. This would be contrary to Government advice to reduce the need for car journeys because of increasing concern over the level of CO2 emissions.

And re Highways: Lewknor Parish Council does not believe that the access conforms with current legislation

#### **Sydenham Parish Council**

##### Original Plans

Object for the following reasons:

1. Contrary to policies in the Local Plan 2011: G2, G4, C9, EP6, H6 and H7; and
2. Highways: does not believe that the access conforms with current legislation.
3. Nine houses is excessive.

##### Current Plans

No response received on current plans

## Highways Liaison Officer (Oxfordshire County Council)

### Original Plans

The Highway Authority has recommended a holding objection until the following has been addressed:

- A pedestrian crossing will need to be provided for the proposal in order for pedestrians from the development to cross the carriageway
- It is unclear as to the dimension of the proposed car parking spaces; for a standard car parking space, one which is not obstructed on either side this minimum internal dimension is required to be 2.5m wide by 5.00m in length. For a parking space which is obstructed on one side this minimum internal dimension is required to be 2.7m wide by 5.0m in length
- Parallel parking spaces are required to be 2.5m wide by 6.0m in length
- Visibility splays will need to be provided at the access/egress point for Plot 9 and boundary walling/vegetation appears to obstruct vision when egressing the parking area.

### Current Plans

No objection subject to conditions.

## Drainage Engineer (MONSON)

### Original Plans

No objection subject to conditions that address the following:

Foul Drainage - This means of drainage is stated to be 'unknown' on the application form. There is no mains drainage in Postcombe and a suitable means of on-site drainage and disposal will need to be detailed at an early stage.

Surface Water Drainage - The Glanville FRA of April 2017 is generally acceptable though the following will need to be ensured at detailed design stage:

- 1 The potential impact of higher groundwater levels than found in the recent site investigations on the infiltration system proposed.
- 2 Given that only the south-west part of the site demonstrated acceptable infiltration rates and the proposed pond here is adjacent to existing residential development, the design of this element is most important and protection of nearby property will need to be guaranteed in the design. Flood exceedance routing plans should be later submitted.

### Superseded Plans

Despite my previous comments requiring drainage details to be conditioned (which must show no additional flood risk resulting either to the site or any other properties/roads), given the number of comments received on potential drainage problems, I would recommend;

- a) Outline on-site foul drainage proposals should be submitted at this stage, particularly related to the means of discharge of treated effluent on the site ;
- b) Flood exceedance routing details, in the event of malfunction of any of the drainage systems proposed, should be submitted at this stage. This should not result in any additional flood risk resulting to the site or any properties / roads in the vicinity.

### Superseded Plans

The resident of 'Pippins', adjacent to the proposed pond, rang me yesterday, expressing his concerns at the current proposals.

With regard to my previous comments and Jake's response of 8 Jan below (and whilst I appreciate the outline stage of this):

#### 1 Foul Drainage

a) Given that there are apparently 'options available' apart from the sealed cesspools currently proposed, it would be useful if these could be put forward for consideration at this stage. The poor (shallow and deep) soakage test results encountered on the majority of the site (Appendix D in the Glanville Flood Risk Assessment), at a time (March 2017) when ground conditions would not have been at their worst in terms of permeability, does not auger well for the use of shallow drainage fields associated with septic tanks / treatment plants.

b) Further proposals indicating such alternatives including their potential location within the site, should be forwarded at this stage.

#### 2 Surface Water Drainage

a) The outline drainage proposals currently submitted (Appendix H in the FRA) entail the routing of all runoff within the site to the proposed infiltration pond at its west end. In terms of quantity and speed of flows, this far exceeds the current greenfield situation. There is no apparent guarantee of soakage in other parts of the site to mitigate such flows, given the poor soakage results referred to above. The onus on the infiltration pond to function adequately in order to prevent flooding to the surrounding area is therefore great.

b) Although the soakage test results for the western part of the site were the only ones which suggested viability in terms of soakage capability, even these results were not particularly good and ground conditions will undoubtedly be worse on future occasions.

c) Given the above, I would like to see proposals at this stage which would prevent any potential extreme flood flows affecting the adjacent property and preferably a restricted outfall arrangement from the site to cater for such.

d) The proposed bed level/ bank levels of the proposed pond in comparison the ground levels in 'Pippins' should be confirmed, given the proposal to infiltrate collected flows into the ground next to the property. The potential impact of such infiltration on 'Pippins' should be assessed.

### Current Plans

#### Foul Drainage

a) Six of the eight plots are now shown with drainage fields to serve the individual treatment plants, despite the fact that the soakage characteristics of most of the site have been found to not support the use of soakaways (Appendix D of the FRA).

b) Given this, drainage mounds may be required instead, as suggested in the Glanville email, and a typical detail of such (eg Diagram 2 in part H2 of the Building Regs) and their likely extent on the site, should be provided for information. Any requirement for pumping between the treatment units and the mounds should be confirmed, given that the latter will be above ground.

### Surface Water Drainage

- a) The infiltration pond details now indicate a potential overflow route into Lower Road in extreme conditions, which although unlikely, will potentially increase flows down Lower Road, which is not desirable.
- b) The eastern half of the proposed pond will be deeper than the 2.3 metre depth at which the deeper soakage test was undertaken in this part of the site (Appendix D in the FRA). Whilst the soakage results obtained at this depth were not particularly good, soakage at deeper levels may be worse, with the increased likelihood of groundwater being encountered at such depths. Poorer soakage may also result in wetter ground conditions than those encountered in March last year.
- c) As discussed, regular inspection and maintenance of the pond will be important in the future and a Suds Management and Maintenance Plan will be required at detailed stage.

### **County Archaeological Services (SODC)**

#### Original Plans

The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

#### Current Plans

The submitted amendments do not alter our original comments.

### **South Oxfordshire District of CPRE**

#### Original Plans

Object to the application on the following grounds:

1. The current & emerging local plans classify Postcombe as an “Other Village”. This application is contrary to current core strategy & local plan policies i.e. CSR1, CSS1, CSH1 and CSH4 regarding development in “other villages” and emerging local plan policies which state that in “other villages” “some development proposals may come forward over the Plan period in these villages, such as single dwellings, infilling and conversions from other uses”
2. Unsustainable regarding public transport.
3. Parking provision insufficient.

#### Current Plans

CPRE Oxfordshire South Oxfordshire District committee has reviewed the amended site plans and our original comments on the application & continued objection to the proposals remain unchanged; this application does not comply with the current local plan nor the emerging local plan concerning development in settlements such as Postcombe which are classified as “other villages”.

**Environmental Health - Contaminated Land** - Based on the information submitted there does not appear to be any potential sources of contaminated land that could impact the development site.

**Environmental Health – Noise and Odour** - Having looked at the plans I am surprised to see a cesspool being proposed as this is an old fashioned method of waste removal not generally used in modern times. Can I raise the question of why two properties cannot be served by one treatment plant and remove the cesspools from the plan. This would certainly resolve the issue of having to have it emptied regularly and shared septic tanks etc are not uncommon in the countryside.

In terms of noise and odour, a treatment plant is generally very quiet and the workings below ground so unlikely to be audible in neighbouring property, in terms of odour if they are working properly and maintained they do not generate odours. If they develop a fault, or a blockage then, like all sewerage systems, odours may occur. In rural areas there are many septic tanks and small treatment plants used for foul water disposal without issues arising.

**Waste Management Officer** - No objection

**Forestry Officer** - No objection subject to conditions

**Countryside Officer** - No objection subject to conditions

**Local Residents**

64 responses objecting to the application raising the following matters:

**Planning**

- Principle of development unacceptable.
- Not a sustainable form of development.
- Postcombe a small village with no amenities.
- Do not have facilities to sustain housing.
- Contravenes policy of allowing villages to encroach into open countryside.
- Contravenes policy of directing development to large villages.
- Location not justified.
- Very few services and Postcombe at lower end of hierarchy. Adopted policies support infill of 2-3 dwellings.
- Not an infill site.
- Set a precedent for future growth.
- Village size would increase by 10%.
- Contrary to adopted and emerging planning policy
- Not an appropriate development in terms of settlement hierarchy and sustainability of location.
- Only services are a Public House, garage with small shop.
- Bus services are infrequent, Primary school 2.4 miles away, doctor surgery 3.7 miles away and railway station 7.6 miles away.
- Future intentions for remainder of site that have been left undeveloped.
- Reference should be made to policy advice provided in a pre-application enquiry (Ref: P17/S2296/PEJ) relating to a housing scheme in Lewknor.
- Policy CSR1 identifies that for 'other villages' housing development should be limited to infill sites of up to 0.1ha equivalent to 2-3 houses.
- Proposal is contrary to the Council's spatial strategy and sustainability criteria.
- Postcombe has so few facilities – no park, no school, no village hall and no mains drainage.
- Proposal is 3 or 4 times the size permitted in CSR1 in an 'other village' and is not sustainable in Postcombe.

- Application at Salt Lane (P17/S2527/FUL) at Salt Lane in Postcombe which if permitted would increase the number of houses in Postcombe by 18%.
- Wrong development in wrong place.

### **The site**

- Harm character of the area.
- Permanent loss of agricultural greenfield and open site.
- Inappropriate design and layout.
- Scale of development unacceptable.
- Adverse impact on residential amenity.
- Poor living environment for future occupants.
- Loss of privacy.
- Noise from M40.
- 9 dwellings are excessive
- Green site maintains an important gap.
- Planning refused in 1989 and 1990 and same reasons apply today. Has been no material changes in circumstances. Inappropriate housing location, visual intrusions, foul drainage and highways.
- Layout of development is poorly designed and does not respect pattern of development.
- Should be retained as agricultural land.
- An important open gap.
- Ribbon development in open countryside.
- Impact on amenity from nearby cattle farm that is within 400 metres of the development.
- Impact on amenity of Elm Tree Villa.
- Impact on setting of Grade II Listed Poplars Farm.
- The new plans turned around Elm Tree Villa is better, but pond next to Pippins needs addressing.
- The amended plot 3 has been rotated so windows directly overlook Elm Tree Villa. Result in loss of privacy and direct overlooking of property.

### **Flooding/Drainage**

- Health and safety issues with pond.
- Local flooding issues.
- Evidence provided of flooding. Site has a 1 in 7.5 annual probability of flooding.
- No mains drainage.
- Exacerbate local flooding issues.
- No solution to foul drainage.
- Concerns over size and management of attenuation pond.
- Watercourses potentially running towards south western corner of site.
- Local residents have better knowledge regarding drainage issues.
- Reduction of number of houses by one will not reduce issues regarding flooding downstream.
- At meeting with Lewknor Parish Council it became clear that the Flood Risk Assessment was fundamentally flawed.
- Surface water proposals great concern and foul drainage proposals absent.
- Landowner at meeting confirmed he would undertake further drainage investigations.
- Use of 8 cesspools inappropriate.

- Significant environmental concerns relating to cesspools that need to be emptied every 6 to 8 weeks.
- For the 8 properties there would be in excess of one tanker on site every week.
- Increase in odour within radius of 200m and one cesspit is within a couple of meters of the boundary of our property.
- Cesspool should only be used as a viable drainage solution in exceptional circumstances.
- Drainage Engineer highlights unresolved problems with flood exceedance routing plans.
- Cesspools are physically huge and require extensive excavation. Vast amount of concrete will be used meaning less natural drainage capacity.
- For 8 properties cesspools will require emptying every 45 days with tankers visiting site 2.4 times a week.
- Cesspools give off powerful odours.
- From Building Regulations, cesspools must be 7m from any building and 2m from any boundary.
- Occupants have to pay £860 every 45 days or £7,000/year to empty cesspools.
- Cesspools are illegal in Scotland.

### Highways

- Increase in traffic on narrow rural road.
- Proposed access arrangements on to Chalford Road are dangerous.
- Increase risk of accidents.
- Speeding and drainage is an issue on local road network.
- Already experience increase in traffic when issues on M40.
- Previous decisions for access on to Chalford Road was not supported as highway deemed to be substandard.
- Traffic movements proposed do not stand up to scrutiny.

### Ecology

- Barn owls frequent the site.
- Various less common bird species such as fieldfare and red legged partridge observed at site.

### 2 neighbour responses supporting the development in principle:

- Support application as it will increase population and strengthen case for maintaining services and will benefit existing services.
- Development needs to be integrated.
- Incorporate derelict building on site and use as a community facility.
- If built to as high standard would not be a problem.
- Well thought out development.
- Controlled crossing across A40 would be a nice touch.

#### 4.0 **RELEVANT PLANNING HISTORY**

##### 4.1 [P90/N0492/O](#) - Refused (19/09/1990)

Housing scheme to provide a range of village houses in association with a foul drainage scheme. Provision of a village green.

##### [P88/N0820/O](#) - Withdrawn (02/04/1990)



A range of village homes for the large family to the elderly or starter homes for the young of the village. Plus garages or parking.

[P89/N0947](#) - Refused (21/02/1990)

Housing scheme to provide a range of homes including land for a housing association project. Foul drainage scheme to overcome existing sewage problems.

**5.0 POLICY & GUIDANCE**

**5.1 National Planning Policy Framework (NPPF)**

**5.2 National Planning Policy Framework Planning Practice Guidance (NPPG)**

CS1 - Presumption in favour of sustainable development

CSS1 – Overall Strategy

CSR1 - Housing in villages

CSB1 - Conservation and improvement of biodiversity

CSEN1 – Landscape Protection

CSC1 - Delivery and contingency

CS11 - Infrastructure provision

CSH2 - Housing density

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

**5.3 South Oxfordshire Local Plan 2011 (SOLP 2011) policies:**

A2 – Non agricultural development near existng agricultural bldg

C4 – Landscape setting of settlements

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D6 - Community safety

G2 - Protect district from adverse development

G3 - Development well served by facilities and transport

G4 - Protection of Countryside

G5 - Best use of land/buildings in built up areas

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

**5.4 Emerging South Oxfordshire Local Plan 2033**

The objective of the Local Plan is to support the settlement hierarchy, the growth and development of Didcot Garden Town, the delivery of new development in the heart of the district, the growth of market towns and the vitality of villages.

**5.5 Supplementary Planning Guidance/Documents**

**South Oxfordshire Design Guide 2016 (SODG 2016)**

**6.0 PLANNING CONSIDERATIONS**

6.1 The relevant planning considerations in the determination of this application are:

- The principle of the development, including:
  - how the development of the site fits with the council's spatial strategy,
  - the council's housing land supply position,

- Matters of detail / technical issues, including:
  - housing mix,
  - highway safety, traffic impact and parking
  - landscape impact,
  - trees and ecology,
  - design and layout,
  - neighbour amenity and amenity of future residents,
  - flood risk and surface / foul drainage,
  - agricultural land,
  - heritage impact,
  - environmental matters (contamination)

## 6.2 **The principle of the development**

### The Council's housing land supply position

- 6.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration, of notable importance, is the National Planning Policy Framework (NPPF).
- 6.4 To significantly boost the supply of housing, the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. This supply should include an additional buffer of 5% to ensure choice and competition in the market for land. Alternatively, where there has been persistent under delivery of housing, the buffer should increase to 20% to provide a realistic prospect of achieving the planned supply.
- 6.5 The most recent evidence base that informs the council's housing requirements is the 2014 Strategic Housing Market Assessment (SHMA). To meet the identified housing need for the district, the SHMA mid-point is 755 homes per annum. This is a sizable uplift from the requirement for 547 homes per annum set out in the SOCS.
- 6.6 Based on the evidence in the SHMA and past delivery, the council has a housing land supply in the region of 4.1 years (including the 20% buffer for under delivery). The council cannot therefore currently demonstrate a five-year supply of deliverable housing sites. The council cannot demonstrate a five year supply of deliverable housing sites.
- 6.7 Para.49 of the NPPF specifies that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Para.14 adds that where relevant policies are out of date, *planning permission should be granted unless*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the Framework indicate development should be restricted.*
- 6.8 This means that the policies for the supply of housing in the SOCS are given significantly less weight. Applications for housing should now be considered in the context of the presumption in favour of sustainable development and should be permitted unless there is planning harm that outweighs the benefit of providing new housing.

How the development of the site fits with the council's spatial strategy

- 6.9 Although the policies for the supply of housing in the SOCS have less weight in the decision making process, I consider that weight should still be attributed to the over-arching spatial strategy in the SOCS. The spatial strategy in the SOCS seeks to focus development in locations which are, or can be, made accessible and is consistent with the core planning principle of the NPPF. This is particularly important given that South Oxfordshire is a predominantly rural district.
- 6.10 Policy CSS1 of the SOCS sets out the overall distribution strategy for the district. This strategy:
- (i) focuses major new development in Didcot;
  - (ii) supports the roles of Henley, Thame and Wallingford by regenerating town centres and providing new housing, services, employment and infrastructure;
  - (iii) supports larger villages as local service centres;
  - (iv) supports other villages by allowing for limited amounts of housing;
  - (v) outside of the above areas, any change needs to relate to very specific needs.
- 6.11 Postcombe is identified as an 'other village' within the SOCS. Policy CSS1 of the SOCS sets out the overall distribution strategy for the district. This distribution strategy is followed through in Policy CSR1 which addresses housing in other villages and that infill development will be allowed on sites up to 0.1ha (2-3 houses).
- 6.12 The application site falls beyond the built-up limits of the village. It is bounded by residential development to the west and does not comprise a small gap in an otherwise built-up frontage. It does not therefore represent an infill development. It is also not a site allocated for housing. The development therefore conflicts with the development plan, insofar as it does not meet with the policy CSR1 criteria against which proposals for development beyond the built-up limits of other villages are assessed. This conflict with the spatial strategy is a matter to be weighed up in the planning balance against the benefits of providing much needed new homes.

The level of compliance with the emerging Local Plan (2033)

- 6.13 The emerging local plan identifies that new housing development will be permitted at Strategic Allocations, smaller sites allocated or carried forward in this plan and on sites that are allocated by Neighbourhood Development Plans. The application site does not form part of a strategic allocation and a site carried forward. As it stands, I consider that limited weight can be given to the conflict with the emerging Local Plan.

Neighbourhood Plan Process

- 6.14 Lewknor has not prepared a Neighbourhood Plan and no weight can therefore be applied to any emerging Neighbourhood Plan.

Conclusion on the principle of residential development

- 6.15 Overall, the main issue to be taken into account in the determination of this application is still whether any harm that would arise from the development would be so significant and demonstrable that it would outweigh the benefits of the increase in housing. The

impacts of the development and their relative significance are discussed below and the planning balance is weighed up in section 7.0 of this report.

### **Matters of detail / technical issues**

#### **Housing mix**

- 6.16 Due to the quantum of development proposed and the overall size of the dwellings, no affordable housing is required.
- 6.17 In terms of the market mix, the market housing mix from the SHMA and the application proposal are summarised in the table below.

<b>Market homes</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>
SHMA	6%	27%	43%	24%
Application proposal	0%	0%	25%	75%

In respect of market housing, the NPPF seeks to deliver a wide choice of high quality homes, highlighting the needs to plan for a mix of housing based on current and future needs. Policy CSH4 of the SOCS reflects this requirement. The application proposes a mix of 3, 4 and 5 bed properties.

- 6.18 Overall, the mix of homes would deliver a reasonable choice, in accordance with SOCS policy CSH4.

#### **Highway Safety, Traffic Impact and Parking**

- 6.19 With respect to highway safety matters, the advice set out in the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Policies D1, D2, T1 and T2 of the South Oxfordshire Local Plan (SOLP) also require an appropriate parking layout and that there would be no adverse impact on highway safety.
- 6.20 A number of representations have been received regarding the proposed access off Chalford Road and the increase in traffic generation resulting from the proposed development. Vehicular access is proposed off Chalford Road and it is proposed to provide a pedestrian link to the existing public footpath adjacent to the A40 to the south.
- 6.21 A Transport Statement (TS) has been submitted in support of the application, which related to the original development of 9 units. For this quantum of development, it set out that the level of traffic generated would be modest, with only 5 two-way vehicle tips during the AM peak hour and 4 during the PM peak hour. As a result it was identified that there would be a minimal impact on the Chalford Road/A40 London Road junction.
- 6.22 The County Council Highway Officer has reviewed the TS and the amended plans. No issues are raised in respect of the findings of the TS. A number of conditions are recommended including the provision of a pedestrian crossing facility across the A40. Accordingly, I consider that the proposal is acceptable on highway grounds.
- 6.23 Overall, the NPPF makes it clear that developments should only be refused on transport grounds where the residual cumulative impacts are severe. Safe and suitable access can be provided to the site. I therefore consider that the proposed development would be acceptable in highway terms, subject to appropriate highway conditions.

Landscape Impact

- 6.24 The text accompanying policy CSEN1 of the SOCS explains that there will be some further development on the edge of our settlements and that we will take account of and seek to reduce the impact of development on the environment. Policy C4 of the SOLP advises that development that would damage the attractive landscape setting of settlements will not be permitted.
- 6.25 The site is not covered by any landscape designations, however the Chilterns Area of Outstanding Natural Beauty (AONB) lies 2.5km to the south east of the site.
- 6.26 This is a site that is well contained by the existing development to the west, an existing hedgerow along the frontage of the A40 and Chalford Road, as well as a wooded area to the north. An existing public right of way lies to the east, which would afford views into the site.
- 6.27 The development of this site to provide 8 dwellings would have an urbanising effect and would inevitably cause some erosion of the rural landscape of the area. However, I consider that these impacts would be localised in nature. The proposal would result in the loss of an agricultural field and its replacement with housing and associated infrastructure would have a limited adverse effect on the rural quality of this landscape. In my opinion this is a suitable site for a housing development and would not result in any significant harm to the landscape setting of Postcombe.
- 6.28 Whilst the development of this open agricultural field for residential development would have an urbanising effect I am of the view that the effects would be localised in nature and in time would be mitigated by a comprehensive landscaping scheme. The proposal would not harm the setting of the AONB to the south. However, the proposed residential development of this greenfield site together with the associated infrastructure would inevitably have an adverse effect on the rural quality of this landscape. Accordingly, the proposal would result in some landscape harm. This is a matter that must be put into the planning balance to weigh against the proposal. Further commentary will be provided on this at Section 7.0 of this report.

Trees and Ecology

- 6.29 Policy C9 of the SOLP seeks to retain landscape features that make an important contribution to local area. An Arboricultural Impact Assessment has been submitted. The Forestry Officer identifies that the proposed development is positioned a sufficient distance from the trees to avoid any damage being caused, therefore subject to suitable tree protection measures being taken he would not have any objections to the proposal.
- 6.30 With regards to ecology, policy C6 of the SOLP and policy CSB1 of the Core Strategy seek to avoid a net loss of biodiversity will be avoided and opportunities to achieve a net gain across the district will be actively sought. Policy C8 of the SOLP expects that development should not have an adverse effect on protected species, while policy C9 seeks to prevent the loss of important wildlife habitat features. This is echoed in paragraph 109 of the NPPF.
- 6.31 An ecology report has been submitted that finds that the majority of the site is of low ecological value. The Countryside Officer has commented that the proposal would not have any significant impacts on important habitats or species, and that the introduction of landscape planting and a balancing pond to the site, compensates against the loss of

habitat caused by the operational development and loss of hedgerow to facilitate access.

- 6.32 At the time of writing the report, evidence has been submitted that a Barn Owl was seen hunting on the application site. Further advice has been sought from the Council's Countryside Officer who confirmed that Barn Owls have a huge home range (up to 6000ha) and the application site likely forms a tiny part of this area. Barn Owls are schedule 1 birds of prey under the Wildlife and Countryside Act 1981 and are protected from disturbance if nesting (not roosting), in addition to the standard protection under the act. The Countryside Officer is of the view that as no nest or roost sites would be impacted by the proposal, the refusal of the application on this basis could not be substantiated due to the abundance of other hunting habitat nearby.
- 6.33 Given the above, there is no evidence to suggest that there are any ecological constraints that would preclude residential development. The proposal would deliver a net benefit for wildlife, which could be secured via appropriately worded condition.

#### Design and layout

- 6.34 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 6.35 The NPPF goes on to advise that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 61).
- 6.36 The design policies of the SOCS (particularly CSQ3) and SOLP policies (particularly D1-D4) echo these requirements.
- 6.37 The application is in outline only, however, the application is seeking approval of layout. The reduction in the number of units to 8 has resulted in a development that appears as a low density towards the south eastern periphery of Postcombe. The proposal also incorporates green corridors at the entrance to the development off Chalford Road, as well as along the frontage of the A40. A pedestrian link is proposed at the head of the turning head that will connect the site to the A40. The layout illustrates that all the plots will have a frontage on to the access road with an appropriate set back that provides a degree of spaciousness. Details of appearance and scale are to be considered at a reserved matters stage. The submitted Planning, Design and Access Statement details that the dwellings will be limited to 2 storey.
- 6.38 In conclusion, I am satisfied that the layout is acceptable and provides a mix of homes and adequate green space, meeting the NPPF objectives.

#### Neighbour amenity

- 6.39 Policy D4 of the SOLP requires new development to secure an appropriate level of privacy for existing residents.
- 6.40 The nearest residential property to the site is Elmtree Villa. The layout has been amended to seek to address the concerns raised, as the flank elevation of plot 3 would

have been sited 6.5 metres off the boundary with this property. The revised scheme illustrates that plot 3 has been rotated, so that the rear elevation would be sited 27m off the boundary and 55.3m off the rear elevation of this property. Given the separation distances maintained between plots 1 to 3 and Elmtree Villa, I do not consider that there would be any material harm to the living conditions of this property through any overbearing impact, loss of outlook or privacy.

- 6.41 Turning to the properties to the north, the nearest plot will be plot 6 that will be sited a minimum of 30 metres off the rear elevation of the dwelling known as Pippins. Given the separation distances maintained I am of the opinion that the proposal would not materially harm the living conditions of the occupants of this property. Further to this an attenuation pond is proposed adjacent to the Pippins, but I consider that due to the nature of this part of the proposal, it would not have an adverse impact on neighbour amenity. Such attenuation areas are a common feature found in many modern developments.
- 6.42 In respect of the amenity for future occupants concern has been raised regarding the proximity of a recently approved agricultural building (P16/S2979/AG) at Kingston Blount Farms that is site to the north east of the proposed access. The supporting information with that application sets out that it will be used to store hay and straw, machinery, implements, fertilisers and feedstuffs leaving the existing buildings to house the cattle and sheep. Plot 1 would be sited within 120 metres of this complex of farm buildings. Given the size and scale of the enterprise, as well as the proximity of existing residential development being sited within 400 metres of these buildings, I am of the opinion that the proposal would not materially impact on the living conditions of future occupiers or prejudice the operation of the agricultural enterprise.

Flood risk and surface / foul drainage

- 6.43 A number of representations have been received relating to localised flooding. The application site is within Flood Zone 1 (least probability of flooding) and as such, there are no objections to the development in relation to flood risk.
- 6.44 In respect of surface water, the Council's Drainage Consultant originally advised that the Flood Risk Assessment is generally acceptable. However, at the detailed design stage the following will be required:
- 1 The potential impact of higher groundwater levels than found in the recent site investigations on the infiltration system proposed.
  - 2 Given that only the south-west part of the site demonstrated acceptable infiltration rates and the proposed pond here is adjacent to existing residential development, the design of this element is most important and protection of nearby property will need to be guaranteed in the design. Flood exceedance routing plans should be later submitted.
- 6.45 Notwithstanding the above position, given the nature of the concerns regarding drainage issues raised by the Parish Council and neighbours, further advice was sought from the Council's Drainage Consultant. The advice received was that an outline of foul drainage proposals as well as flood exceedance routing details should be provided. This information was submitted and the indicative plans illustrated the use of cesspools for the 8 dwellings proposed. The Council's Drainage Consultant advised that the use of cesspools is very much a last resort, and that the environmental impact should be considered. In respect of the flood exceedance plan, flood flows would run from the proposed pond to the west of the site apparently towards the adjacent house

(the Pippins). It was advised that no existing or proposed houses should be adversely impacted by the proposals. These concerns were subsequently relayed to the applicant.

- 6.46 The applicant produced an alternative strategy. This included for 6 of the dwellings, the provision of individual package treatment plants with drainage fields as secondary treatment, prior to the disposal of treated effluent to the ground via infiltration. Due to the size of the gardens of two of the plots would still require cesspools. The supporting information confirmed that the site investigation carried out did not include percolation tests of the locations of the proposed drainage fields. However, it is highlighted that if this proves to be poor, drainage mounds could be used.
- 6.47 With regards surface water, the applicant has confirmed that a maximum water depth of 1 metre has been designed to meet the storage requirements, so the basin will be set at 103.00m AOD. The applicant's Engineer points out that the water level in the basin will only reach the maximum design level during an extreme rainfall event, as it has been designed to accommodate a 1 in 100 year event plus a 40% allowance for climate change. In relation to the impact on the adjacent property (the Pippins) the basin at its closest point would be 10.0 metres. Due to the ground floor level of the Pippins being above the base and maximum water levels in the basin, the applicant's Engineer considers that it will not be affected by infiltration. Furthermore, it is highlighted that as the western end of the site is elevated above Box Tree Lane any breach of the pond would result in overland flow to Box Tree Lane and northwards to Lower Road. To further minimise any potential impact on the Pippins a low bund could be constructed.
- 6.48 The Council's Drainage Consultant reviewed the supporting detail referenced above and is of the view that as drainage mounds may have to be utilised further details on their position and extent should be provided by the applicant. This has been requested and an update will be provided to members. In relation to surface water drainage the Council's Drainage Consultant identifies that the potential overflow route into Lower Road in extreme condition, although unlikely is not desirable. With regards the eastern half of the pond, it will be deeper than the 2.3 metre depth at which the soakage test was undertaken. The soakage tests were not particularly good and soakage at deeper levels may be worse. This has been raised with the applicant and members will be updated accordingly.

#### Agricultural land

- 6.49 Paragraph 112 of NPPF advises that local planning authorities should take into account the economic and other benefits of the best and most versatile land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in Grades 3b, 4 and 5 in preference to higher quality land. Paragraph 109 of the NPPF puts the protection and enhancement of soils as a priority in the conservation and enhancement of the natural environment.
- 6.50 The proposal would result in the loss of Grade 2 Agricultural land, and this weighs against the proposal.

#### Impact on Heritage assets

- 6.51 Policy CON13 of the SOLP requires appropriate archaeological investigation for developments that affect sites of archaeological importance. The County Archaeologist has no objection to the proposal and is of the view that the proposal would not have an invasive impact upon any known archaeological sites. Further to this the proposal



would not impact on the setting of any designated heritage assets.

Environmental matters (contaminated land, noise and odour)

- 6.52 With regards to contamination, the council's contaminated land officer has considered the details that were submitted with the application and has no objection to the development.
- 6.53 In respect of noise from the M40 and safeguarding the living conditions for future occupants, this is a matter that could be dealt with via condition.
- 6.54 As described above, the proposed drainage strategy for the site had included cesspools for each of the 8 dwellings. However, for the reasons documented an alternative strategy has been devised, and 2 of the dwellings would have cesspools. Technical input from Environmental Health has been sought who consider that the provision of cesspools for 2 of the properties would not give rise to any significant increases in noise from vehicles collecting effluent or odour emanating from the cesspools. The proposal will therefore not have a detrimental impact on the amenity of neighbouring properties or the amenity of future occupants.

6.55 Infrastructure requirements

On-site infrastructure to be secured under a legal agreement

On-site infrastructure can be secured through a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended).

In accordance with the council's S106 Planning Obligations Supplementary Planning Document, the following would be required towards on-site infrastructure:

- Management and maintenance of the attenuation pond.

I consider that the above obligation accords with policy CS11 of the SOCS, which requires new development to be supported by appropriate on site infrastructure and services. They accord with the relevant tests in the NPPF as they are necessary to make the development acceptable in planning terms, are directly related to the development and are fair and reasonably related in scale and kind to the development.

6.56 Off-site contributions pooled under the Community Infrastructure Levy

The council adopted a Community Infrastructure Levy (CIL) on 1 April 2016. With the exception of the affordable housing, any new build floor space is CIL liable at a rate of £150 per square metre. The floor area would be calculated at reserved matters stage, when the details of the development are provided. The money collected through CIL can be pooled with contributions from other development sites to fund a range of off-site infrastructure to support growth, including schools, transport, community, leisure and health facilities.

**7.0 PLANNING BALANCE AND CONCLUSION**

- 7.1 In this case there are material considerations that indicate that the application should be decided other than in accordance with the development plan. The Council cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out of dates. As a result, this is a material consideration that can justify a departure from the development plan and the grant of planning permission.

- 7.2 Where policies for the supply of housing are out of date, paragraph 14 of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In order to assess whether a proposal constitutes sustainable development it must satisfy the three dimensions, which include the economic, social and environmental planning roles.
- 7.3 In respect of the economic dimension, the Government has made clear its views that house building plays an important role in promoting economic growth. In economic terms, the proposal would provide construction jobs and local investment during construction, as well as longer term expenditure in the local economy. I am therefore of the view that moderate weight should be afforded to these benefits.
- 7.4 With regards the social dimension, the proposal would support the delivery of housing. Within the District there is a significant need for new homes and the proposal would help meet this need. I therefore give substantial weight to this social benefit.
- 7.5 In terms of the environmental dimension, whilst the proposed development would intrude into open agricultural land, the scale and particular location of the proposal are such that its impact is likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be further mitigated by appropriate landscaping. Nevertheless, there would be a landscape impact which would constitute harm in terms of the environmental sustainability of the proposal. The proposals would also result in the loss of some Grade 2 (BMV) land. However, in the context of the site's modest size, I have attached only a limited degree of weight to this matter.
- 7.6 The proposed impact on designated heritage assets would be negligible and such impacts can be mitigated. With regards to biodiversity, the proposal would not have a detrimental impact on any ecological interests at the site or wider area.
- 7.7 In respect of accessibility, the site is located within Postcombe where it is accepted that there a limited number of services and facilities. The nearest Primary School is in Aston Rowant, 3km to the south east. As part of the proposal a pedestrian crossing point across the A40 is proposed. Safe and suitable access can be provided to the site.
- 7.8 Overall, I am satisfied that there are no adverse impacts, which, either individually or together are of a sufficient weight to indicate that the proposal should be refused. Placing all of the relevant material considerations in the balance, I am of the view that on balance the adverse landscape impact and the limited accessibility of the site to locale services would not significantly and demonstrably outweigh the benefits that include the provision of much needed housing to significantly boost the supply as stipulated in the NPPF. I therefore consider that the proposal constitutes a sustainable form of development.

8.0 **RECOMMENDATION**

8.1 **To delegate authority to grant planning permission to the Head of Planning subject to:**

- i) **The prior completion of a Section 106 agreement to secure the future maintenance and management of the attenuation pond; and**
- ii) **The following conditions:**
  - 1. **Commencement – outline.**
  - 2. **Approved plans.**

3. Maximum number of dwellings.
4. Levels (details required).
5. Ridge height (two storeys).
6. Sustainable drainage scheme.
7. Drainage details (Foul water).
8. Noise attenuation.
9. Refuse and recycling.
10. External lighting.
11. Tree protection.
12. Cycle parking.
13. Construction traffic management.
14. Landscaping.
15. Sample materials.
16. Vision splay details.
17. New estate roads.
18. Estate accesses, driveways and turning areas.
19. New vehicular access.
20. Roads and footpaths.
21. Off site highway works.
22. Biodiversity mitigation and enhancement strategy.

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