

<b>APPLICATION NO.</b>	<a href="#">P14/S2562/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	8.8.2014
<b>PARISH</b>	CHALGROVE
<b>WARD MEMBER(S)</b>	Mr David Turner
<b>APPLICANT</b>	Mr John and Matthew Hornsby
<b>SITE</b>	1 Mill Lane, Chalgrove, OX44 7SL
<b>PROPOSAL</b>	Demolition of existing outbuildings. Erection of two detached dwellings with attached double garages. Erection of double detached garage within retained garden of 1 Mill Lane.(as amended by drawings submitted on the 16 <sup>th</sup> September 2014, and informed by a revised Flood Risk Assessment September 2014) And revised Appendix C of the Flood Risk Assessment received on 28 January, 2015 further amended on 3 March 2015 (14-1594.07.001 rev F)
<b>AMENDMENTS</b>	Revised drawings 14004-P01B, P04B,PO5B, P07B and P08 received 16 September, 2014
<b>GRID REFERENCE</b>	463187/197198
<b>OFFICER</b>	Kim Gould

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**1.0 INTRODUCTION**

- 1.1 This application was deferred at the meeting on 25 February for a Members' site visit to take place and was further deferred at the following meeting to allow consideration of an amended Flood Risk Assessment. A Members' site visit will take place before the Committee meeting. It has been referred to the committee because the recommendation conflicts with the views of the Parish Council.
- 1.2 The site comprises of no 1 Mill Lane which is a two storey detached dwelling in a large curtilage which extends to some 0.29 hectares. Within the site are a shed, two large work shops and established trees. The property has vehicular access at three points; two off Mill Lane and one off the High Street.
- 1.3 To the north of the site are numbers 2 and 4 High Street. To the south of the site are numbers 11 Mill Lane, and 9 – 21 Saw Close. To the west are 17-19 Grays Close and number 8 and 6 High Street. The Lamb Public House, which is a grade II listed building, lies to the east with numbers 4 and 6 Mill Lane.
- 1.4 The immediate locality is characterised by a variety of house types and styles. The properties to the east are predominantly detached dwellings whilst those to the south and west are smaller and of a higher density. There are a number of significant trees on the site and some substantial hedging which contributes to the visual amenity of the area particularly along Mill Lane. The site is located within an area susceptible for surface water flooding, and an area of archaeological constraint.
- 1.5 The site is identified on the map attached at Appendix1.

**2.0 PROPOSAL**

- 2.1 The application seeks full planning permission to retain the existing dwelling and to erect 2 no. detached two storey dwellings. The existing garage and workshop buildings

are to be removed. Plot 1 would be a 4 bedroom house of approximately 255sqm and plot 2 will be a 4 bedroom house of approximately 272sqm both with attached double garages. The application also includes the erection of a replacement double garage in the north-west corner of the retained dwelling.

- 2.2 The existing access in the north-west corner from Mill Lane will be retained and used to serve the existing dwelling. The existing access in the south-west corner from Mill Lane will be retained and used to serve plot 1 which will be set back from the road with a forecourt and turning head located to the front of the dwelling with a private garden to the rear. Plot 2 is located in the south-east corner of the site and will be accessed via the existing driveway from the High Street to the north.
- 2.3 A copy of the proposed plans is **attached** as Appendix 2. The application is accompanied by a Design and Access Statement, a Flood Risk Assessment and a Tree Survey Report which can be viewed on line at [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Chalgrove Parish Council**

Object due to the following reasons:

- Over development, risk of adding to future flood risk,
- Lack of SUDs provision, and;
- No mention of the underground drain that runs from the Memorial Garden across this site into the drain as shown on the plans

**MONSON** – (original and revised Flood Risk Assessment (FRA)).

**Foul drainage**  
No observations

**Surface water drainage**

The following conditions should be imposed on any permission:

- a) The existing culverted watercourse which passes through the site must be fully surveyed and cleared prior to development commencing.
- b) Surface water drainage details, which should include enhancements to the culverted watercourse, and a redesigned drainage system serving the development, should be submitted and approved prior to development commencing.

**Conservation**

- No objection.
- The site is not within a Conservation Area, although there are some listed buildings in the vicinity. These are individual buildings located to the north-west, north-east and east of the site. I do not consider that two dwellings on this site would constitute harm to the setting of the nearby listed buildings.

**OCC (Archaeology)**

- 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.

**Forestry**

- There are no trees within this site that are the subject of a tree preservation order and the site is not within a conservation area. The applicant has submitted a tree survey with this application. The proposed development will require the removal of 10 trees. I have no objection to the removal of these trees as they are of insufficient arboricultural and amenity value to be seen as a constraint and their losses can be mitigated with replacements. The more important trees have shown to be retained and protected. If permission is granted a tree protection and landscaping condition are recommended.

**Neighbour  
Objections (12)**

**Character**

- Overloading the small area with buildings
- Too large
- Too many accesses from High Street, concerned about safety.
- Proposed garage to number 1 Mill Lane would overlook and obscure light to the far end of their property, reducing its amenity and value. Its distance from the main property lends to it being a granny annex that will further detract from their amenity.
- Concerns that the removal of trees would have a detrimental impact on the birds and wildlife that use the area.

**Flooding risk**

- Increased risk of flooding
- Flooding occurred in the winter of 2013/2014 around the site
- Concerned that further building would add pressure to the drainage and sewerage systems.
- Concerns about water run-off
- Increased flooding due to relatively new dwellings to the east of the site.

**Overlooking and loss of privacy**

- Trees shield views, but concerned that future occupiers may remove them. Would like to see caveat written into the deeds to ensure their retention for the foreseeable future as it would otherwise have detrimental impact on their privacy and property values.
- Plot 1 would look directly into bedrooms. The retention of T14 and T15 would help reduce this, but seek preservation orders or other effective conditions to ensure their longer term retention.
- Their property is located adjacent to the proposed project and they feel that they will be overlooked and lose their privacy, result in a loss of light and increased noise and disturbance.

- The proposal would overlook their home resulting in a loss of privacy, loss of light, and an increase in noise to what was a quiet area, and devalue their property.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 None relevant

#### 5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies

- CS1 - Presumption in favour of sustainable development
- CSQ2 - Sustainable design and construction
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy
- CSH4 - Meeting housing mix
- CSH3 - Affordable housing
- CSEN3 - Historic environment
- CSQ3 - Design

5.2 South Oxfordshire Local Plan 2011 policies;

- CON5 - The setting of listed buildings
- CON11-14 Archaeology
- D1 - Principles of good design
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor Amenity Area
- D4 - Reasonable level of privacy for occupiers
- D6 - Design Against Crime
- D10 - Waste management
- H4 - Housing Sites in Larger Villages.
- G2 - Protect District From Adverse Development
- T2 - Unloading, turning and parking for all highway users
- C9 - Landscape features

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

#### 6.0 PLANNING CONSIDERATIONS

6.1 The main considerations associated with this proposal are its impact on the:

1. Principle
2. Policy H4 criteria
3. Flooding
4. Conversion of garages to ancillary accommodation
5. Affordable housing provision.
6. Mix of units.
7. Sustainability credentials
8. Impact on setting of listed buildings
9. Trees

**1. Principle**

- 6.2 Policy CSR1 of the SOCS allows infill housing development in the larger villages such as Chalgrove. Infill development is defined as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. In your officers' opinion, this site is closely surrounded by development and in the case of plot 1, would fill a gap in the otherwise built up frontage. As such, this proposal is acceptable in principle subject to the criteria of saved policy H4 of the SOLP.
- 6.3 Policy H4 of the SOLP allows residential development within the larger villages provided that the following criteria are met.
- 6.4 **(i) An important open space of public, environmental or ecological value is not lost.** Whilst the trees and hedges on the site do provide habitats for wildlife, the space is not an important space of public, environmental or ecological value.
- 6.5 **(ii) The design, height, scale and materials of the proposed development are in keeping with its surroundings.** The proposed dwellings on Plot 1 and 2 are four bedroom properties located in reasonably large plots. Whilst they are larger than the surrounding properties, particularly those to the south and west they have a greater relationship with the larger properties in Mill Lane and the public house. The proposed materials are facing brickwork and timber boarding and plain tiles for the dwellings. The use of wood is present in some of the older surrounding buildings and therefore it would not be out of character. The proposed double garages for 1 Mill Lane and plot 2 have pitched roofs and would not appear incongruous in the street scene. Their massing and design would reinforce local distinctiveness within the area. The general articulation of the building form of the development and the breaking down of the massing into individual components reduces the bulk of the buildings.
- 6.6 **(iii) The character of the area is not adversely affected**  
The site lies within a predominantly residential area comprising two storey dwellings of varied design and size. Two new dwellings would therefore not be out of keeping with the established character of the area. The proposed materials and style of building would reflect some of those in the locality. Whilst the proposal would result in a loss of some trees, a proposed landscaping scheme would retain the semi rural soft landscaped character in this area. Both dwellings will be set at the level of the existing dwelling to respect the existing topography of the site. Plot 1 is designed in a traditional form to suit the street scene while plot 2 has adopted a "barn" aesthetic to bring variety to the development and to reflect buildings which are found elsewhere in Chalgrove. Given the scale and massing of the proposed dwellings a condition to remove permitted development rights for extensions and outbuildings is recommended to ensure that future extensions and outbuildings do not harm the character of the area.
- 6.7 **(iv) There are no overriding amenity, environmental or highway objections**  
Each dwelling will have a double garage and a turning area within its curtilage including no 1 Mill Lane. The proposal does not create any new accesses and uses those that exist. Plot 2 will share an access with 1 and 2 Mill Lane. The access is considered wide enough to allow for the two way movement of vehicles to these properties. Plot 1 uses an existing access. It is considered that the use of this access for a residential property is suitable in highway terms, given the good visibility and its width. Within 1 Mill Lane, Plot 1 and Plot 2 there is sufficient circulation space for vehicles to enter and exit the sites in a forward gear. Refuse and recycling can be

accommodated in standard bins store on the respective driveways, and wheeled out for collection. Garden sizes for the two new dwellings exceed the Council's minimum standards. A number of objections have been received from the neighbouring residential occupiers about privacy, overlooking, loss of daylight and sunlight and increased noise and disturbance. The overall form and massing of the buildings have been designed to be respectful to the context of the site and how it relates to the neighbouring properties. Plot 2 has first floor windows facing the rear of nos. 19 and 17 Grays Close. A distance of some 27metres would exist between the windows in the rear elevation of these properties and the new dwelling. This exceeds Design Guide advice which seeks a minimum distance of 25m between facing habitable rooms. There are no first floor windows in the south elevation facing properties in Saw Close and the southern gable of plot 2 would be some 4m off the joint boundary. Plot 1 has a first floor window facing north which is conditioned to be obscure glazed and fixed shut to avoid any overlooking to no 1 Mill Lane. There are no south facing first floor windows. Concerns have also been raised about the potential loss of value to properties. Property values that affect individuals are not material planning considerations and therefore cannot be considered as part of this application. Some of the neighbours have requested the use or retention of trees to improve their privacy. It is not reasonable to impose planning conditions given that the proposal would not result in a loss of privacy. As required in the NPPF all conditions should be necessary to allow planning permission of a proposal.

- 6.8 **(v) If the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement.** In this particular case, plot 2 would be located to the rear of no 4 High Street and 6 High Street. However, plot 2 would have its own access from High Street and although the access road would run adjacent to no 4 High Street, the driveway would only serve one property and therefore would not result in noise and disturbance or lack of privacy for the occupiers of no 4 High Street in your officers' opinion.

## **2.Flooding**

- 6.9 The main concern of the residents is the potential increased risk of flooding as a result of the proposal from the additional surface water run off. The site and surrounding area was flooded during the high rainfall and flooding of December to February 2013-2014. The site lies within flood zone 1 which is defined as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any one year. A flood risk assessment (FRA) was originally submitted with this planning application. Discussions since September 2014 between Monson, the Council's drainage consultant and the drainage consultant for the applicant have resulted in six revisions of the original Flood Risk Assessment report being produced. Additional surveys of the existing drainage in systems both on and off the site and further ground investigations have been carried out during this time and comments received on the drainage implications of the proposal from various parties addressed in the revisions received.
- 6.10 Monson now confirms the acceptability of the drainage proposals in Infrastruct's latest Flood Risk Assessment which was submitted on 3 March, 2015 ref 14-1594.07.001 rev F as a basis for the surface water drainage of the development proposal here. This is subject to further details being submitted in the form of a recommended surface water drainage condition. The FRA describes the cause of recent flooding on the site as surface water flowing from the flooded High Street on to the site and surcharging the buried culvert system and the local sewer network rather than a more general flooding issue on the site. The FRA concludes that such site flooding can be dealt with by clearing and improving the culvert. A condition is

recommended which requires the culvert to be cleared, its route reinstated and an inspection chamber installed to enable easier future maintenance of it. In addition, a condition is recommended which requires surface water drainage details to be submitted which would include soakaway systems with additional capacity to take extreme groundwater levels into account. Floor levels are also proposed to be raised by 200mm to account for any residual flood risk in a very worst case scenario.

6.11 **3.Use of the garage as ancillary accommodation**

A neighbour has raised concerns regarding the potential use of the garages for ancillary annexe accommodation, and its impact upon the character of the area. Permitted development rights are to be removed for the addition or alteration of outbuildings. Consequently, alterations to the garage to accommodate a first floor would require planning permission. As such, it would not be necessary to condition the use of the garage as ancillary.

6.12 **4. Affordable housing provision.**

Policy CSH3 of SOCS seeks to achieve a 40% provision of affordable housing on all sites where there is a net gain of three or more dwellings. In this case there is a net gain of two dwellings and the scheme is below the threshold. As such there is no requirement to provide affordable housing in this instance

6.13 **5. Mix of units.**

Policy CSH4 of the SOCS requires an acceptable housing mix to ensure a provision of housing in line with the districts needs. The proposal provides 2 detached four bedroom dwellings. A mix of units would be desirable, but given the scale of the development and its constraints, it is not considered necessary to require a mix in this instance and a variety of house sizes on this site may appear out of keeping.

6.14 **6.Sustainability credentials**

Policy CSQ2 of the Core Strategy requires new dwelling to achieve at least Code 4 of the Code for Sustainable Homes. This has been conditioned accordingly.

6.15 **7.Impact upon the setting of Listed Buildings**

The site is not located within a conservation area, but there are listed buildings in the vicinity. The closest and most relevant are The Lamb Public House and no 37a High Street which are both Grade II Listed Buildings. The proposals would not directly affect the setting of 37a High Street as it is located to the rear of number 2 and 4 High Street. Plot 1 would be seen from The Lamb Public House but would not materially affect its setting. The proposal is in keeping with the wider street scene, and is of a scale and massing that would not distract from their established character and setting. The Council's Conservation Officer has no objections to the proposal. Samples of roof and wall materials are requested, including the staining of the weatherboarding to ensure that the proposal does not harm the setting of these listed buildings.

6.16 **8 .Trees**

Trees and hedges form an important part of the character of this area, and whilst the trees are not protected, this character is sought to be retained. There is no objection to the removal of the proposed 10 trees as the more important trees are to be retained and protected. In the interest of maintaining the character of the area, conditions for a landscaping scheme and tree protection have been conditioned.

7.0 **CONCLUSION**

7.1 Your officers recommend that planning permission is granted because the principle of residential development is acceptable on this site. The submitted details show that the

proposal will not be unneighbourly and will appear in keeping with the established character of the area. The flooding which has occurred in close proximity to the site earlier this year can be addressed by drainage improvements. As such the proposal accords with the Development Plan policies.

**8.0 RECOMMENDATION**

**8.1 To grant planning permission subject to the following conditions:**

- 1 : Commencement three years - full planning permission.**
- 2 : Approved plans.**
- 3 : Sample materials required (walls and roof).**
- 4 : Obscure glazed windows.**
- 5 : Flush fitting rooflights.**
- 6 : Landscaping Scheme (trees and shrubs, and boundary treatment only).**
- 7 : Tree protection (general).**
- 8 : Withdrawal of permitted development (part 1 class A) - no extensions etc.**
- 9 : Withdrawal of permitted development (part 1 class E) - no buildings etc.**
- 10 : Code level 4.**
- 11 : UNIQUE - surface water drainage.**
- 12 : UNIQUE – flooding.**

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