

<b>APPLICATION NO.</b>	<a href="#">P14/S3816/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	2.12.2014
<b>PARISH</b>	CHALGROVE
<b>WARD MEMBER(S)</b>	David Turner
<b>APPLICANT</b>	Mr Christopher Nixey
<b>SITE</b>	Land off Mill Lane Chalgrove, OX44 7SL
<b>PROPOSAL</b>	Erection of five houses with associated parking and swales (as amplified by information received 19/01/15 and 25/02/15 clarifying flood risk mitigation and including flood risk assessment)
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	463147/196776
<b>OFFICER</b>	Katherine Quint

---

**1.0 INTRODUCTION**

1.1 The application has been referred to Planning Committee because the recommendation conflicts with the views of Chalgrove Parish Council who consider that *'while the principle of development on the site is acceptable, the swales (proposed flood mitigation) are not retainable or maintainable in the long-term, and therefore cannot be secured as a longterm flood risk solution'*.

1.2 The application site relates to a greenfield plot adjacent to Langley Hall and no. 63 Mill Lane, measuring 0.17ha. The front boundary is separated from the road by high hedging, and the rear of the site looks out across an area of agricultural land towards the main part of Chalgrove. Two mature trees are located close to the northern boundary of the site and have root protection areas within the site.

1.3 The site is located within an archaeologically sensitive area. It is also located within a low risk Flood Zone (1), but it is noted that Mill Lane in particular has a history of flooding.

1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

**2.0 PROPOSAL**

2.1 The applicant seeks outline planning permission for 5 dwellings, with associated flood mitigation, including partial raising of ground level across the site and provision of a roof drainage / swale system on each plot.

2.2 The scheme comprises 2 x 2-bed dwellings, 2 x 3-bed dwellings and 1 x 4-bed dwelling. One additional access point is proposed, providing 3 access points in total to serve the 5 dwellings, and 11 private, off-street parking spaces.

2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**3.1 Original proposal:**

**Chalgrove Parish Council** – Object. While the principle of development on the site is

acceptable, the swales are not considered to be retainable or maintainable in the long-term. The previous SUDs system was preferable.

**OCC (Archaeology)** - No archaeological constraints

**Monson** – Further information required, specifically:

- clarification of ground water levels on-site
- updated FRA to clarify how water will pass beneath the floor level of the houses and over the top of the piles (0.3m below)
- long-terms retention of roof drainage system and swales – to be secured by condition
- further drainage details required for the access and parking areas to demonstrate how water / flood water would be managed on-site, including flood-routing
- concern over raising levels along south side of site (adjacent to no. 63) – to be addressed
- further details required to ensure no water flows towards Mill Lane, including during the event of flooding

**Forestry Officer** - No strong views, subject to clarification of RPA by condition

**OCC (Highways)** - No strong views, subject to conditions

**Neighbour representations** – 23 objections received

Flood risk:

- Historic and ongoing flooding along Mill Lane, exacerbated by lack of maintenance of ditches and culvert, and no longterm solution being implemented.
- High risk of Flash Surface Water Flooding
- 5 dwellings instead of 2 will increase the run-off, without providing adequate flood mitigation
- The drainage infrastructure is insufficient to deal with the existing houses along Mill Lane (blocking, flooding, overflowing onto Mill Lane and nearby plots),
- The swales at the end of the gardens seem inadequate to manage roof water, and could be changed over time
- Flood risk to neighbouring occupants and future occupants
- Concern over how water on the parking areas / driveway will be dealt with, without running onto the highway

Design and layout:

- Indicative plans do not appear to be in keeping with surrounding area
- Proximity of dwellings 4 and 5 to no. 63, in terms of reduced privacy
- Agricultural right of way exists along the northern boundary of the site
- Increased density – housing and parking

3.2 **Further relevant representations following submission of further information, including updated flood risk assessment:**

**MONSON** – Further information requested from applicant, specifically:

- clarification of groundwater level in comparison to the proposed dwellings
- further information required regarding the drainage of the access / parking areas, in particular groundwater levels in relation to floor levels and flood routing in the event of flooding

**Neighbour representations** – 19 further objections received

Flood risk:

- Amendments do not address concerns originally raised
- Concern over measures to retain swales
- The updated FRA contradicts the Flood Risk assessment carried out in relation to the Neighbourhood Development Plan

Design:

- Risk to neighbouring properties through the use of piles

Highway safety:

- Increased vehicle movements along a road with no pathway and where there is a bottle neck on Mill Lane

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S1083/FUL](#) - Refused (01/07/2014)

Development of 2 new houses

[P13/S1029/FUL](#) - Withdrawn (16/07/2013)

Erection of two new houses (1x3 bed and 1x 4 bed) with associated garages and parking (as amended by plans and further information accompanying agents email dated 30 May 2013 & as amended by certificate B received 11 June 2013).

[P12/S2725/O](#) – Withdrawn (19/12/2012)

4 detached dwellings.

Residential development for :

New vehicle and pedestrian access.

Subdivision of the site into 4 plots.

A detached individual house with good size garden on each plot.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies:

CS1 – Presumption in favour of sustainable development

CSS1 – Overall strategy and distribution of development

CSR1 – Housing in villages

CSEN1 - Landscape

CSQ3 – Design

CSH3 – Affordable Housing

5.2 South Oxfordshire Local Plan policies:

C4 – Landscape setting of settlements

C9 – Loss of landscape features (trees)

D1 – Design

D2 – Vehicle and cycle parking

D3 – Plot coverage and garden areas

D4 – Privacy and overlooking

D10 – Waste facilities

H4 – Proposals for houses

EP6 – Surface water management

EP7 – Groundwater resources

T1 & T2 - Transport, parking and highway safety

5.3 South Oxfordshire Design Guide

5.4 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 In determining the application, the following key issues have been given consideration in assessing the development's impact on the surrounding area:

- Principle of residential development on the site
- Housing mix and housing land supply
- Flood risk and drainage
- Highways and parking
- Arboricultural considerations
- Design and layout

6.2.1 **Principle of residential development on the site**

The application site is located within Chalgrove which is classed as a 'larger village' in the South Oxfordshire Core Strategy, and covers an area of 0.17ha. In line with the requirements of policy CSR1 – Housing in villages, there are no limitations on the size of the application site as long as the development can be classed as infill. Infill 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.

6.2.2 The principle of residential development on the site would fill an existing gap in the frontage residential development along Mill Lane and would not constitute an extension to the built limits of the settlement. In light of the buildings at Langley Hall, which are set back quite a distance from the road, the proposal for residential development would not extend the built limit further than the limit established by the Langley Hall site, and it is noted that residential development forms the majority of dwellings in the immediate area.

6.2.3 While the proposal is being considered as an outline application, and certain elements need only be considered at reserved matters stage, the following points are assessed in greater detail under the headings:

6.3 Housing mix and housing land supply, 6.4 Flood risk and drainage, 6.5 Highways and parking, 6.6 Arboricultural considerations and 6.7 Design and layout.

6.3.1 **Housing mix and housing land supply**

Policy CSH3 requires 40% affordable housing to be sought on all sites where there is a net gain of three or more dwellings subject to the viability of provision on each site. Despite the recent legislative changes to the affordable housing threshold (November 2014), South Oxfordshire's Development Plan defines the affordable housing requirement as applying to schemes of 3 units and above, and demonstrates the need for this level of affordable housing across the district. As such, 2 affordable units are required, as indicated on site plan MLC4 P2A and in the Design and Access Statement, which complies with planning policy. Any decision will be subject to a s106 agreement securing the provision of 2 on-site units.

6.3.2 The South Oxfordshire Core Strategy was prepared to be in conformity with the National Planning Policy Framework (the Framework). In particular, policy CS1 Presumption in favour of sustainable development was added to reflect the content of the Framework paragraph 14. This policy is clear that proposals which accord with the policies in the Development Plan will be approved without delay, unless material considerations indicate otherwise.

6.3.3 There is currently no shortfall on the required five year supply of deliverable sites for housing in the rest of the district outside the boundary of Didcot. Having regard to

Paragraph 14 of the NPPF, in requiring the decision making process to respond positively to a shortfall in the housing land supply, there are no special circumstances where this application should be considered favourably in terms of any shortfall. Consequently the scheme should be assessed against policy and on its own merits, while recognising that Chalgrove is considered suitable for limited infill, and as set out in section 6.2, the principle of development is acceptable.

**6.4.1 Flood risk and drainage**

The site lies within the Environment Agency's Flood Zone 1 (low risk) associated with the Chalgrove Brook. There is a culverted ditch adjacent to the site, east of Mill Lane and an open ditch to the west of Mill Lane, which is culverted at places and is known to have flooded in past. The EA's Flood Modelling/Mapping does not account for such small watercourses, and as such a formal consultation response has not been provided.

6.4.2 While the site is not located within a high risk Flood Zone, Mill Lane has been subject to flooding in the past and therefore policy EP6 of the SOLP and section 10 of the NPPF continue to be relevant to any assessment of development on the site. In light of this, the scheme would have to demonstrate that a) the building and its foundations would not interrupt the natural flow of water across the site, b) the development would not cause increased water to run off the site onto the highway or neighbouring plots, c) would not put future occupants of the site at risk in the event of flooding.

6.4.3 In relation to the site, the following flood risk areas have been highlighted by the drainage officer. Following receipt of further information and an updated flood Risk Assessment the applicant has responded to each area and an assessment has been made by the planning officer as follows:

i) Surface water from the fields west of the site, draining towards Mill Lane  
The field to the west of the site is at a slightly higher level than the application site, resulting in surface water naturally draining in the direction of Mill Lane. The applicant proposes to marginally raise certain areas of the site, bringing in additional soil to increase the water storage capacity on-site. The increase is minimal in the sense that the height of the dwellings will not be significantly raised, but the area to the east of the site (bordering Mill Lane) will have increased capacity for water storage. Further to this the shallow 'bowl effect' along the boundary will serve to prevent run-off from the site onto Mill Lane.

ii) Suitable management of rainwater (following introduction of impermeable structures)  
Rainwater currently falls onto a grassed surface – the introduction of built structures on the site will result in rainwater falling on a non-permeable surface, displacing water elsewhere on the site. The applicant has designed into the scheme a roof drainage system which re-routes water along raised guttering to a swale at the rear of each plot. The capacity equates to the area the size of the footprints of the proposed dwellings. This method is designed to slow the drainage of water, prevent it running across the site towards Mill Lane, and hold it until there is ground capacity for it to drain away. The long-term retention of these measures is crucial to effective flood risk mitigation on the site, and can be secured by condition.

iii) Continuation of flow of ground water across site / under built structures  
Ground water currently flows through the site (from the fields to the west of the application site towards Mill Lane). The introduction of buildings on-site risks creating a barrier to the natural flow of water, and creating a build-up of water where it cannot pass the structures above or below ground. The dwellings sit on a concrete base,

which is not deeply submerged, on top of mini piles. The use of piles, rather than a box foundation, would allow ground water to continue to flow through the site and under the dwellings without interruption. Concern has been raised by the Drainage Officer regarding the depth of the base, which could still create a partial barrier at ground level to a depth of 0.3m. The applicant has provided information to show that the slight raising of the site would result in a greater buffer between the ground level and the January 2014 flood level. The maximum height of ground water would continue to be able to flow beneath the buildings, and surface water would remain unchanged from existing, given the measures designed into the scheme.

iv) Permeable surfaces used across parking and access areas

All the parking areas and access points are to be finished in a permeable material to ensure water does not collect in these areas, and is not displaced. The parking area for dwelling 1 is set to the rear of the site, and given the slightly higher ground levels of the track and adjoining site, water would remain at the rear of the plot, away from the January 2014 flood area (indicated by dotted line on Site plan DWG MLC4 P2A). The parking and access areas serving numbers 2-5 are to the front of the site, and while the ground level has been raised slightly (to increase storage capacity), the site level continues to be lower than Mill Lane to ensure the water does not drain off-site. Similarly, this is the case for the parking areas bordering no. 63. The applicant recognises that these areas are within the January 2014 flood area, but given this is an extreme circumstance, the measures presented are designed to mitigate the risk in the majority of prolonged periods of wet weather. Further information is required by condition to demonstrate that the parking and access areas include measures to effectively re-route water away in extreme flooding conditions.

v) Prevention of water being displaced onto Mill Lane / neighbouring sites

The areas of hardsurfacing designed into the development are limited to the dwellings themselves (mitigated by the roof drainage systems); parking and access areas are to be finished in permeable, gravel surfacing only, and all other landscaped areas remain unchanged. A slight increase in boundary ground level to the north and east of the site is proposed to ensure water does not drain onto Mill Lane or the neighbouring site.

vi) Future and neighbouring occupants of the site not to be put at risk in the event of flooding

Although it is not reasonable to require the applicant to address historic flood issues outside the site, the development should not in any way increase the flood risk or worsen the existing situation. The points above set out the measures to be implemented to prevent water draining onto Mill Lane and neighbouring sites. The floor levels of the proposed dwellings are raised above ground level, and also above the January 2014 flood level to ensure that in a worst case scenario / extreme flood event, occupants would not be at risk, and reasonable measures have been taken to prevent the dwellings from flooding.

- 6.4.4 While Mill Lane and the eastern edge of the application site has been subject to flooding in recent years, the development has responded to this risk accordingly; in increasing ground levels and floor levels, designing water storage into the site, and minimising hardsurfacing on the site. The measures are sufficient to demonstrate that:
- a) the building and its foundations would not interrupt the natural flow of water across the site,
  - b) the development would not cause increased water to run off the site onto the highway or neighbouring plots, and
  - c) would not put future or neighbouring occupants of the site at risk in the event of flooding.
- On this basis the flood risk can be suitable managed, and the application is recommended for approval.

6.5 **Highways and parking**

The South Oxfordshire Local Plan – Appendix 5 sets out the car parking standards for residential developments. The scheme comprises 2 x 2-bed dwellings (2 spaces required each), 2 x 3-bed dwellings (2 spaces required each) and 1 x 4-bed dwelling (2+ spaces required). The scheme provides 11 spaces in total, set out in line with the policy, and as off-street, private spaces within the curtilage of each property. The parking provision complies with the parking standards.

The Highways Liaison Team have not raised concerns to the scheme but emphasis that no surface water should drain onto the highway (addressed in section 6.3).

The following conditions are required on highways grounds:

- Parking spaces and turning areas
- Visibility splays

6.6 **Arboricultural considerations**

The site layout has sited the dwellings outside of the root protection area (RPA) of the mature Ash. However, given the maturity of the tree, the RPA is likely to extent further into the site than plotted, and no raising of ground should take place within the root protection area. This elements can however be successfully managed by condition:

- No raising of ground levels within the RPA
- Tree protections (detailed)

Subject to further clarifications by condition and appropriate tree protection measures being taken throughout construction, there is no justifiable arboricultural reason to object to the application in your officer's view.

6.7 **Design and layout**

The application has been submitted as an outline application, and therefore design in terms of the outward appearance, external features and detailing is considered at a later stage, as reserved matters. With regard to the principle of the scheme, the scale, density, footprint and layout of the dwellings are consistent with dwellings in the immediate area.

Policy CSQ2 of the Core strategy seeks to ensure that all new development demonstrates high standards in the conservation and efficient use of energy, water and materials. The sustainability statement proposes that the houses are to be built to achieve a Code for Sustainable Homes Level 4 standard and a condition could be attached to any planning permission to cover this point.

7.0 **CONCLUSION**

7.1 Your officers recommend that planning permission is granted because the proposed development is considered to be acceptable for the following reasons:

The principle of residential development is acceptable on the site, and the development accords with policies CS1, CSS1 and CSR1 of the South Oxfordshire Core Strategy, and saved policies H4 of the South Oxfordshire Local Plan. The outline proposal does not raise amenity, environmental or highway issues.

The structure design, flood risk measures and partial raising of ground levels across the site sufficiently respond to the flood risk associated with the site, and the development would not put future or neighbouring occupants of the site at risk in the event of flooding.

The provision of two affordable units on site complies with policy CSH3 of the South Oxfordshire Core Strategy and the size and mix of dwellings responds positively to the housing needs of the district.

The scale, density, footprint and layout of the dwellings are consistent with dwellings in the immediate area and do not detract from the character and appearance of the residential area.

Subject to conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2008).

8.0 **RECOMMENDATION**

8.1 **To grant outline planning permission, subject to:**

**A: The completion of an appropriate legal agreement with South Oxfordshire District Council prior to 12 June 2015 to secure the on-site provision of two affordable housing units, and subject to the following conditions:**

- 1 : Commencement - outline planning permission.
- 2 : Approval of reserved matters prior to commencement (all).
- 3 : Sustainable design - Code Level 4.
- 4 : Parking and manoeuvring areas provided.
- 5 : Visibility splays.
- 6 : Tree protection (detailed).
- 7 : Landscaping (access/hard standings/fencing/walls).
- 8 : Built in accordance with the flood risk assessment.
- 9 : Roof drainage systems and swales built in accordance with plans, and maintained as such thereafter.
- 10 : Details of parking and access areas and use of permeable materials.

**NB: In the event the S106 Agreement is not concluded to the satisfaction of the Local Planning Authority by 12 June 2015, that delegated authority be given to the Head of Planning to refuse planning permission, or if discussions are ongoing, to agree a reasonable extension of time for the S.106 to be signed.**

**Delegated refusal reason in the event the S106 agreement is not concluded - the proposed development would fail to secure 2 on-site affordable units.**

**Author:** Katherine Quint  
**Contact No:** 01235 - 540546  
**Email:** [planning@southandvale.gov.uk](mailto:planning@southandvale.gov.uk)