

APPLICATION NO.	P15/S1795/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	28.5.2015
PARISH	CHALGROVE
WARD MEMBER(S)	David Turner
APPLICANT	Mr John and Matthew Hornsby
SITE	1 Mill Lane, Chalgrove, OX44 7SL
PROPOSAL	Demolition of existing outbuildings. Erection of a detached dwelling with detached double garage.
AMENDMENTS	None
GRID REFERENCE	463169/187202
OFFICER	Kim Gould

1.0 **INTRODUCTION**

- 1.1 This application has been referred to the Planning Committee at the request of Councillor David Turner.
- 1.2 Planning permission for two dwellings on this site was refused following consideration of the scheme at planning committee on 8 April 2015 under planning ref P14/S2562/FUL.
- 1.3 The site comprises 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 workshops and established trees. The property has vehicular access at three points; two off Mill Lane and one off the High Street.
- 1.4 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 nos 4 and 6 Mill Lane.
- 1.5 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 to surface water flooding, and an area of archaeological constraint.
- 1.6 The site is identified on the map **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 This application seeks full planning permission to demolish the existing outbuildings on the site, to retain the existing dwelling and to erect a single detached dwelling with a detached double garage towards the eastern end of the site.
- 2.2 The existing garage and workshop buildings have a combined footprint of 190sqm. The proposed new dwelling would have a footprint of 118.5sqm and would be a detached 4 bed dwelling with a detached double garage.

- 2.3 The existing two access points from Mill Lane will be retained and used to serve the existing dwelling. The proposed dwelling would be located to the south-east corner of the site and will be accessed via an existing driveway from High Street to the north. The proposed new dwelling has been designed with the principal orientation to the east and west and with the garage at right angles to form a forecourt.
- 2.4 A copy of the proposed plans are **attached** at Appendix 2. The application is accompanied by a Design and Access Statement and a Flood Risk Assessment which can be viewed on line at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Chalgrove Parish Council - No objection
- 3.2 OCC (Archaeology)- No objection
- 3.3 Forestry Officer – No objection
- 3.4 Conservation Officer - No objection
- 3.5 Drainage Engineer (MONSON) - No objection subject to conditions.
- 3.6 OCC (Highways)- No objection subject to conditions.
- 3.7 Neighbour Object (11) Summary of objections:
- Unneighbourly access
 - Overdevelopment of the site
 - Increased risk in flooding
 - Loss of personal privacy
 - Inaccurate current flood maps
 - Tandem development
 - Unneighbourly
 - Suds
 - Need for sequential testing
 - Contrary to Human Rights Act 1998.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P14/S2562/FUL](#) - Refused (08/04/2015)
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 accompanying email from Agent dated 16 September 2014 and as amended by revised flood risk assessment received 4 March 2014)
- [P02/N0254](#) - Approved (17/05/2002)
Remove existing lean-to at rear, add part single storey and two-storey extension. (As amended by Drawing No. HORNSBY/0402/1 Rev A accompanying Agent's letter dated 23 April 2002).
- [P95/N0436](#) - Approved (10/10/1995)
Formation of new vehicular access.
- [P91/N0533](#) - Approved (18/11/1991)

Rear two storey extension.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy policies

- CSEN3 - Historic environment
- CSQ2 - Sustainable design and construction
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

- C9 - Loss of landscape features
- CON11 - Protection of archaeological remains
- CON12 - Archaeological field evaluation
- CON13 - Archaeological investigation recording & publication
- CON14 - Building record survey
- CON5 - Setting of listed building
- 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
- H4 - Housing sites in towns and larger villages outside Green Belt
- T2 - Unloading, turning and parking for all highway users

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:

- Principle
- Policy H4 criteria
- Flooding
- Impact on the setting of the listed building
- Addressing the reasons for refusal of planning ref P14/25S2562/FUL

6.2 Principle

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 sites within settlements where the site is closely surrounded by buildings. In your officers; opinion, the site is closely surrounded by development. As such, this proposal is acceptable in principle subject to the criteria of saved policy H4 of the SOLP.

6.3 **Policy H4**

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.** The site is a residential curtilage. 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 dwelling is a 4 bed property located in a relatively large plot. The dwelling is rectilinear in form with “barn” like detailing including central full height glazing and conservation rooflights. It has been designed in a traditional form more akin to the historic core of the settlement. The external walls will be finished in a combination of timber boarding and red facing brickwork with the roof covered in red-multi clay tiles. The neighbouring buildings to the north, east and south are characterised by two storey detached and semi-detached brick dwellings with traditional pitched plain tiled roofs. As such, the proposed dwelling would be in keeping with the established development in the locality.

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. The new dwelling 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. There would not be any loss of trees and the new dwelling would be set at the level of the existing dwelling to respect the existing topography of the site. Given the scale and massing of the proposed dwelling, a condition to remove permitted development rights for extensions and outbuildings is recommended to protect the character of the area.

6.7 **(iv) There are no overriding amenity, environmental or highway objections. Access.**

The new dwelling would have a double garage and turning area within its curtilage. The proposal does not involve the creation of a new access. The access off Mill Lane is to be used. Although this has not been used significantly recently, it is an existing access and could be used at any time to serve the existing workshops on the site or to access 1 Mill Lane. No objection in highway terms has been raised by the Highway Authority.

6.8 **Amenity**

Refuse and recycling can be accommodated in standard bin stores on the driveway and wheeled out for collection. The garden size for the dwelling exceeds the Council's minimum standards of 100sqm for a 4 bedroom dwelling.

6.9 **Neighbour impact**

The refused scheme included the following reason for refusal which related to impact on neighbour's amenity.

“That having regards to the orientation of no 1 Mill Lane which has its principal elevation facing south and includes full length French windows at first floor, the development will result in overlooking into the private rear garden of plot 1. In addition, the first floor windows of no 4 High Street will look directly into the private rear garden of plot 2 resulting in an unsatisfactory level of amenity for the future

occupiers of the two new dwellings. This would be contrary to policies D4 and H4 of the South Oxfordshire Local Plan”.

- 6.10 This planning application relates to a single dwelling only and does not involve the development of plot 1. Therefore the issue of overlooking from no 1 Mill Lane is no longer relevant. There will be overlooking from the first floor windows of no 4 into the private rear garden of the new dwelling. However, this overlooking would be no different to that which already exists. For example between numbers 6 and 8 High Street and between semi-detached properties in the immediate locality of the site. Any purchaser of the new dwelling would be aware that there were first floor windows looking into the rear garden. It is your officers’ opinion that a refusal reason based on overlooking only would not be upheld at appeal.
- 6.11 **(i) 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, the new dwelling would be located to the rear of numbers 4 and 6 High Street. The dwelling would have its own access from High Street which runs adjacent to the side of no 4 High Street. The occupiers of this property have raised objections to this proposal on the grounds that the access is unneighbourly. However, this is an existing access where cars can park and or access the site already. It will serve one dwelling only so is unlikely to result in excessive noise and disturbance.
- 6.12 **Flooding**
The main concern of residents is the potential increased risk of flooding as a result of the proposed development. 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 has been submitted with this application and the Council’s drainage consultants have raised no objection to the proposal subject to a condition requiring details of surface water drainage to be submitted prior to the commencement of development.
- 6.13 The Chalgrove Flood Group are of the opinion that the village has been incorrectly zoned by the Environment Agency and that the site should be sited within flood zone 2 or 3. Officers are aware that the Environment Agency has been considering whether to carry out investigations to determine whether the village flood zones should be re-modelled for many years but no progress has been made to date. (It is planned in two years’ time) The Chalgrove Flood Group have therefore instructed a drainage consultant to carry out flood modelling of the area and it is anticipated that this will be complete by the end of July. However, this information will then have to be forwarded to the Environment Agency for their ratification and there is no guarantee that they will agree or adopt this information or whether it will change the zoning of the area. Your officers are advised that this process is likely to take several weeks.
- 6.14 Your officers are aware that many residents in Chalgrove are extremely concerned that any additional building in the village has the potential to increase surface run off and contribute to the flooding in the village.
- 6.15 In considering this scenario, it is important to note that the Government encourages Local Planning Authorities to determine planning applications without delay and in accordance with the current Development Plan policies and guidance. In relation to this proposal, there are no objections to the proposal in principle and there are no objections from the Council’s drainage consultants on drainage or flooding grounds.

As such, there are no planning reasons to refuse this planning application in your officers' opinion.

- 6.16 In relation to specific points raised by residents, the Council's drainage consultant has made the following comments:

"The proposed Suds system, which is subject to a condition to ensure that its design will not result in any additional flood risk, will be designed to a standard which is in excess of the soakaway systems to which most of the properties in Chalgrove discharge. If ground water rises any soakage means of drainage may not function efficiently while such a situation prevails. In this case the shallow depth and compensating length and width of the Suds design is designed to avoid such an event.

The Suds system will be over-designed (see above) to ensure that it works effectively. Rather than the FRA being 'superficial' more work was done on this (6 revisions of the report and off-site survey work) than most others I am aware of for a development of 1 / 2 houses which are not in the floodplain. The results of the modelling exercise currently being undertaken, if approved by the EA, will conclude whether the site is (theoretically) within the fluvial floodplain or not, which will change the development potential of the site, rather than proving that a Suds system will work.

The reinstatement of the large culvert across the site, together with linking new drainage in the east of the site, are specifically intended to drain the adjacent properties in Grays Close, which flooded last year due to flood water overflowing from the High Street. Given the size of the culvert and the form of new drainage proposed to link into this, any flood water resulting from a similar event will be able to drain away after the event through a restricted outfall into Mill Lane– rather than lie in the adjacent gardens, as occurred last year."

- 6.17 What is more, whereas the refused scheme involved an increase in built form of some 251 sqm, this planning application involves 72sqm less built form on the site than at present due to the demolition of the existing outbuildings and workshop. As there is a reduction in built form on the site, a reason for refusal based on the potential for increased flood risk is not sustainable in my view.

Impact on the setting of the listed building

- 6.18 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. 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

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. This planning application is materially different to the planning application which was refused by Committee in April under planning ref P14/S2562/FUL and the reasons for refusal of that planning permission do not apply here.

8.0 RECOMMENDATION

That planning permission is granted subject to the following conditions:

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**
- 3. Parking area to be SUDS compliant.**
- 4. Turning area and car parking.**
- 5. No surface water drainage to highway.**
- 6. No garage conversion into accommodation.**
- 7. Surface water drainage works (details required).**

Author: Kim Gould
Contact No: 07717 225184
Email: Planning@southandvale.gov.uk

This page is intentionally left blank