



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	UPLANDS AREA PLANNING SUB-COMMITTEE – MONDAY 12 FEBRUARY 2024.
Subject	OUTLINE PLANNING APPLICATION 23/01504/OUT
Wards affected	Ascott and Shipton
Accountable member	Cllr Julian Cooper, Chair of Uplands Area Planning Sub-Committee Email: julian.cooper@westoxon.gov.uk
Report Author	Joan Desmond, Principal Planner (Development Management) Email: democratic.services@westoxon.gov.uk
Purpose	To consider the additional technical note submitted on Flood Risk & Drainage and to confirm whether refusal reason 3 on flood risk attached to application 23/01504/OUT should still be pursued at the forth coming Appeal Inquiry.
Annexes	Annex A - TECHNICAL NOTE: FLOOD RISK & DRAINAGE
Recommendation(s)	That the Sub-Committee resolves to: <ol style="list-style-type: none">I. Agree not to pursue refusal reason 3 on flood risk grounds at the Appeal Inquiry.
Corporate priorities	N/A
Key Decision	N/A
Exempt	NO
Consultees/ Consultation	Shared Lead Flood Risk Management Officer, Development Management

1. EXECUTIVE SUMMARY

- 1.1** Outline planning permission for the development of up to 40 residential dwellings was refused in August 2023 (Ref: 23/01504/OUT). The application was refused on 4 grounds including an additional reason (3) imposed by Members on flood risk grounds.
- 1.2** An appeal has been lodged against the refusal and is subject of a Public Inquiry commencing in February 2024 (Appeal reference APP/D3125/W/23/333208). The appellant has indicated that they will be seeking a partial application for costs at the Appeal Inquiry as it is considered that this matter could be addressed by condition.
- 1.3** In seeking to avoid the partial application for costs, the appellant has submitted a Technical Note on Flood Risk and Drainage which provides further information in relation to groundwater flood risk and surface water drainage.
- 1.4** The Council's Shared Lead Flood Risk Management Officer has considered the Technical Note and has indicated that drainage matters could be resolved via condition.

2. BACKGROUND

- 2.1** Members may recall that outline planning permission with all matters reserved (except for access) for the development of up to 40 residential dwellings (C3 use), including 50% affordable housing, with vehicular access from London Lane. Provision of associated public open space, alongside landscaping, drainage infrastructure, and associated works was refused at the meeting of the Uplands Area Planning Sub-Committee in August 2023 (Ref: 23/01504/OUT).
- 2.2** The application was refused on 4 grounds including an additional reason (3) imposed by Members based on flood risk grounds. Refusal reason 3 states as follows:
- 2.3** 'The proposed development would fail to adequately manage flood risk resulting from the many springs surrounding the village and existing poor surface water drainage resulting in an increased risk of flooding in conflict with Policies OS2, OS3, H2, EH7, EH8 and BCI of the adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF.'

3. PUBLIC INQUIRY APPEAL

- 1.1** An appeal has been lodged against the refusal of outline planning permission which is subject of a Public Inquiry commencing in February 2024. The appellant has indicated that they will be seeking a partial application for costs at the Appeal Inquiry as it is considered that matters relating to flood risk and drainage could be addressed by condition.
- 1.2** In seeking to avoid the partial application for costs, the appellant has submitted a Technical Note on Flood Risk and Drainage which provides further information in relation to groundwater flood risk and surface water drainage. The note focuses on providing a detailed assessment of flood risk resulting from the springs surrounding the village and demonstrating robust strategies for the disposal of surface water run-off from the development that would not increase flood risk. The Technical Note concludes that there is no evidence that the development would fail to adequately manage flood risk resulting from

the springs surrounding the village and existing poor surface water drainage. It concludes that the site would be properly drained and there would in fact be a betterment for the local community. It identifies that there are four options available for the disposal of surface water run-off from the proposed development that are all technically feasible, deliverable within the land available, and would reduce not increase flood risk overall, thereby providing betterment to the existing situation. All options would be capable of being addressed via the approval of reserved matters and secured by planning condition.

- 1.3 The Council's Shared Lead Flood Risk Management Officer has considered the Technical Note and has indicated that whilst drainage problems are recognised in the area, the submitted Technical Note has indicated a number of possible options to deal with drainage matters and this issue could be address via an appropriately worded condition. The detailed comments of the Flood Risk Management Officer will be reported to Members at Committee.

2. ALTERNATIVE OPTIONS

- 2.1 To continue to pursue refusal reason 3 at the forth coming Appeal Inquiry.

3. FINANCIAL IMPLICATIONS

- 3.1 The decision not to pursue refusal reason 3 at the Appeal Inquiry is likely to avoid the risk of a partial application for costs at the Appeal Inquiry.

4. LEGAL IMPLICATIONS

- 4.1 N/A

5. RISK ASSESSMENT

- 5.1 The decision to not pursue refusal reason 3 at the Appeal Inquiry is likely to avoid the risk of a partial application for costs at the Appeal Inquiry.

6. EQUALITIES IMPACT

- 6.1 The report raises no specific equality implications for any specific group/protected characteristic.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 7.1 The Technical Note concludes that there is no evidence that the development would fail to adequately manage flood risk resulting from the springs surrounding the village and existing poor surface water drainage.

8. BACKGROUND PAPERS

- 8.1 None

(END)