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| APPLICATION NO. | P14/V0421/FUL |
| APPLICATION TYPE | FULL APPLICATION |
| REGISTERED | 24.02.2015 |
| PARISH | NORTH HINKSEY |
| WARD MEMBER(S) | Debby Hallet; Emily Smith |
| APPLICANT | Mr C Hayles |
| SITE | 13 Cumnor Hill, Oxford, OX2 9EU |
| PROPOSAL | Demolition of existing dwelling and annex. Erection of two buildings containing nine flats. Improvements of existing access and provision of nine parking spaces |
| AMENDMENTS | |
| GRID REFERENCE | - |
| OFFICER | Martin Deans |

SUMMARY

The main issues are:

- The principle of the proposed development in this location in relation to planning policy context is considered to be acceptable.
- The impact on the character and appearance of the area, which is considered to be acceptable.
- There is no harm to neighbours arising from overlooking, loss of light and over-dominance.
- The submitted surface water drainage strategy is considered to be acceptable.
- The proposed access and parking arrangements are considered to be suitable given the access to non-car modes of transport.

The application is recommended for approval.

1.0 INTRODUCTION

- 1.1 The application site lies at the corner of Cumnor Hill and Hurst Rise Road and is approximately 0.175 hectare in area. The site currently contains a detached house with a detached garage and annex, with a road access from Cumnor Hill. A site location plan is **attached** in appendix 1.
- 1.2 The site is rectangular in shape and rises up from the north-east to the south-west, following the rise in both Cumnor Hill and Hurst Rise Road. The site boundaries are demarcated by hedgerows of mixed type and species, generally between three and four metres in height, with trees growing at various points
- 1.3 The site lies within a residential suburb. To the west is no.15 Cumnor Hill, a detached house set back approximately 50 metres from Cumnor Hill. To the south is no.2 Hurst Rise Road, a single storey dwelling. To the east, on the opposite corner of Hurst Rise Road, is no.11 Cumnor Hill, a two storey house, which is set back approximately 35 metres from Cumnor Hill. On the opposite side of Cumnor Hill are detached houses no.6 and no.6A Cumnor Hill.
- 1.4 The application comes to committee because of objections from North Hinksey Parish Council and from local households.

2.0 **PROPOSAL**

2.1 In August 2014 planning permission was refused for the redevelopment of the site to provide 14 apartments (ref P13/V1860/FUL). This new proposal is to demolish the existing house and garage/annex and to replace them with two buildings containing nine apartments. The principal new building would be of traditional design with three elements. The main element would be two storeys with rooms in the roof. The two subsidiary elements would be one-and-a-half storeys. The second building would be considerably smaller, with one flat at ground floor and a second flat in the roof. Plans are **attached** at appendix 2.

2.2 The existing vehicular access would be retained to serve a parking area for nine cars. The existing hedgerow around the site would be retained, except for pedestrian access points for residents and for refuse collection. Bin and cycle stores are also proposed.

2.3 The application is supported by a planning statement, a design and access statement, a foul and surface water drainage report, and a tree and hedgerow protection report.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

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| Parish Council | Objection for the reasons attached at appendix 3. |
| Neighbours | <p>41 letters of objection have been received. The concerns raised may be summarised as follows:</p> <p>Design</p> <ul style="list-style-type: none"> • The proposed building is out of keeping with the character of the area by reason of height, mass and density <p>Highways and parking</p> <ul style="list-style-type: none"> • The level of parking is inadequate and will contribute to local on-street parking congestion • Access for refuse collections from Hurst Rise Road will add to congestion <p>Drainage</p> <ul style="list-style-type: none"> • Impact on existing surface water drainage. • The drainage study is not credible <p>Amenity</p> <ul style="list-style-type: none"> • Overlooking of neighbours • Over-dominance of neighbours due to height • Existing planting will not survive |

| | |
|-------------------------------------|--|
| | <ul style="list-style-type: none"> • Loss of trees and wildlife • Noise nuisance from occupants <p>Other</p> <ul style="list-style-type: none"> • The development is motivated by greed (this is not a material planning consideration) |
| Oxfordshire County Council Highways | No objection subject to conditions |
| Thames Water | No objection. |
| Drainage Engineer | No objection, subject to implementation of submitted drainage strategy |
| Tree Officer | No objection, subject to conditions. |
| Waste Management Team | No objection, subject to contributions. |
| Architects' Panel | Support the scale, density and layout of the proposal. Had concerns about size of larger dormer windows and detail of some windows. |

4.0 RELEVANT PLANNING HISTORY

4.1 P13/V1860/FUL – Redevelopment to provide 14 apartments with underground car park. Refusal 15/08/2014.

5.0 POLICY & GUIDANCE

5.1 Vale of White Horse District Council Local Plan 2011

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

DC1 - Design

DC5 - Access

DC6 - Landscaping

DC7 - Waste Collection and Recycling

DC9 - The Impact of Development on Neighbouring Uses

5.2 The emerging Local Plan 2031, Part 1, Core Policies

The draft local plan part 1 is not currently adopted policy. As per paragraph 216 of the NPPF, at present it is officers' opinion that the emerging Local Plan housing policies carry limited weight for decision making. The relevant policies are as follows:-

1 – Presumption in favour of sustainable development

23 – Housing density

33 – Promoting sustainable transport and accessibility

35 – Promoting public transport, cycling and walking

37 – Design and local distinctiveness

5.3 Supplementary Planning Guidance (SPG)

- Design Guide – March 2015

The following sections of the Design Guide are relevant to this application:-

Building Design Apartments

- *Scale and massing (DG69)*
- *Frontage (DG70)*
- *Entrances (DG71)*
- *Amenity (DG73)*
- *Refuse and recycling (DG73)*
- *Parking (DG75)*

Buildings in Rural and Lower Density Areas

- *Scale form and massing (DG79)*
- *Facades and elevations (DG80)*
- *Boundary treatments (DG82)*
- *Parking (DG82)*

5.4 National Planning Policy Framework (NPPF) – March 2012

5.5 Planning Practice Guidance (NPPG) – March 2014

5.6 Other Relevant Legislation

- Written statement by Secretary of State on sustainable drainage systems (18 Dec 2014)
- Written statement by the Secretary of State on car parking (25 March 2015)
- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation
- Section 17 of the Crime and Disorder Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006
- The Conservation of Habitats and Species Regulations 2010
- Localism Act (including New Homes Bonus)

5.7 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.8 Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

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

1. The legal and national policy context
2. Locational credentials
3. Design and layout
4. Residential amenity
5. Surface and foul water drainage
6. Traffic, parking and highway safety

6.2 The legal and national policy context

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. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of

the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.3 Locational Credentials

The NPPF requires the need to travel to be minimised and the use of sustainable transport modes to be maximised (paragraph 34). The site lies on a bus route with a regular service into Oxford, which has bus and rail links to other parts of the country. Cycling into Oxford is also relatively easy. The site lies approximately 350m from the West Way shopping centre, which is a relatively easy walking distance. Thus the site is located where occupants have significant opportunities to make use of alternatives to the car. In terms of the Vale district as a whole it is a highly sustainable location.

6.4 The local planning authority currently does not have a five year supply of housing land. By reason of paragraph 49 of the NPPF the relevant housing supply policies of the adopted local plan are deemed to have little weight and paragraph 14 of the NPPF is engaged. This states that, where relevant local plan policies are out-of-date, an application should be granted planning permission unless the adverse impacts would significantly and demonstrably outweigh the benefits, or the application contravenes specific policies for protection contained in the NPPF (eg the site is in an Area of Outstanding National Beauty (AONB) or green belt).

6.5 Design and layout

Policy DC1 of the adopted local plan requires all new development to achieve a high standard of design and to support those attributes that positively contribute to the character and appearance of the locality. Principles DG69, 70, 79 and 80 are relevant from the adopted design guide, and require the scale, massing and form of a new building to be sympathetic to the character of the locality.

6.6 The applicants approach is to design two buildings containing flats with the scale, form and layout of a large, extended house and associated domestic outbuilding in the rear garden. The rationale for this approach is that the dominant built form on Cumnor Hill is large detached houses, two storeys in scale, set within landscaped plots. Many of the houses have domestic outbuildings such as garages.

6.7 The main building in the proposal has three elements, a principal core element and two lower elements. The applicants argue this represents a large house that has been extended with two lower elements. The principal element has a ridge approximately 9.5m high and eaves approximately 5.5m high. The lower elements have ridges approximately 8.5 m high and eaves approximately four metres high. The main span of the principal element is approximately 7.5m, while its width is approximately twelve metres. The two lower elements are between eleven and twelve metres in length. Officers consider that these dimensions are all within a range that might reasonably be expected for a large detached house with subordinate extensions.

6.8 The second building would have a ridge approximately seven metres high and an eaves approximately 2.5m high. Its main dimensions are a width of approximately eleven metres and a depth of approximately seven metres. These dimensions are also within the range of heights that would be reasonably expected for the outbuilding of a large house.

6.9 In terms of its position on the plot, the new principal building would be set between three and four metres from the west boundary and between four and five metres from the east boundary. This allows for the retention of all of the existing boundary planting, which is a mixture of evergreen and deciduous hedge and tree. On the east and north

boundaries this hedge and tree planting is generally approximately five metres in height.

- 6.10 The retention of this existing planting is a significant factor for the appearance of the proposed parking area. The proposed parking area to the front of the building will be largely screened from view by the retained planting. Consequently, officers consider the impact of this parking area on the character of the area will be acceptable.
- 6.11 The application has been assessed by the architects' advisory panel. The panel consider that the scale and layout of the proposal is acceptable. The panel had concerns regarding the size of some of the proposed dormer windows, which were considered to be too large for a house. Amended drawings have been submitted to reduce the size of the larger dormer windows so that they are of a size consistent with a house. Changes to some other windows have also been made to achieve a consistent approach.
- 6.12 With these design changes made it is considered that the proposal does demonstrate a scale, form and design that could be reasonably expected of a large, extended house in the Cumnor Hill area. The amount of amenity space exceeds the council's adopted standards for apartments of 15 sq.m. per bedroom. Officers therefore consider that, in this regard, it does not represent an over-development of the site. Consequently the proposal is not considered to harm the character or appearance of the area.
- 6.13 **Neighbours' amenity**
Adopted local plan policy DC9 seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment. Protecting amenity is a core principle of the NPPF. In terms of potential impact on neighbours officers consider it is the larger of the two buildings where this needs to be assessed.
- 6.14 In this regard the neighbours most affected at no.15 Cumnor Hill to the west, no.11 Cumnor Hill to the east, across Hurst Rise Road, and no.2 Hurst Rise Road to the south. With regard to no.15 Cumnor Hill, there is substantial planting on the boundary, including a row of evergreen trees approximately ten metres high. This screening means that there would be no harm through overlooking.
- 6.15 With regard to no.11 Cumnor Hill, the proposed first floor window on the east wall of the main building will be screened by the retained hedgerow. The first floor windows on the east elevation of the lower element will be approximately 20m from the boundary with no.11. Consequently there should not be any harm through overlooking.
- 6.16 With regard to no.2 Hurst Rise Road the closest element to this building will be the proposed smaller building. There are no windows in the south elevation of this building, which faces no.2. The proposed building will lie approximately 2.5 m from the boundary and will be set down into the ground by approximately 900mm. Given this, the impact on the neighbour at no.2 Hurst Rise Road is considered to be acceptable.
- 6.17 **Surface and Foul Drainage**
The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). The application has been supported by a foul and surface water drainage strategy based on site survey. Objectors have drawn into question the validity of the surface water drainage study. Various trial pits were dug on the site in June 2013 and also in January 2014 following a period of very wet weather. None of these revealed ground water. It is

accepted that the geology of the area, largely clay, would prevent a soakaway system, so the strategy proposes underground crate storage for surface water, with controlled release at the greenfield rate.

6.18 The methodology of the drainage strategy follows accepted national standards. The council's drainage engineer has carefully considered the submitted strategy. It has been produced by an experienced local drainage consultancy and there is nothing on the document to suggest the assessment has not been carried out professionally. The drainage engineer has no objection subject to its implementation.

6.19 **Traffic, Parking and Highway Safety**

Adopted local plan policy DC5 requires safe access for developments and that the road network can accommodate the traffic arising from the development safely. The NPPF (Paragraph 32) requires plans and decision to take account of whether:-

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Paragraph 32 of the NPPF goes on to state: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

6.20 The proposal includes nine parking spaces on site which would be unallocated to allow for flexible use by any resident and visitors. The applicants argue that the site is in a location where there is easy access to non-car modes of travel. They also point to a recent appeal decision at a nearby site, 26-28 Westminster Way, Botley, where an appeal inspector accepted a provision of eight parking spaces for a development of nine apartments (ref P14/V1273/O)

6.21 The county highways officer has carefully assessed the arguments. He is mindful of the advice in paragraph 32 of the NPPF. In light of the access to alternative modes of transport that are available, the county highways officer has no objections to the application.

7.0 **CONCLUSION**

7.1 In view of the council's housing land supply shortfall, the presumption in favour of sustainable development applies and 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 Framework taken as a whole”* (NPPF paragraph 14). The proposal is considered to be acceptable in terms of its scale, layout, form, massing and design, and will not harm the character or appearance of the area. It will not cause harm to neighbours through either overlooking, loss of light, or over-dominance. Access and parking issues are also considered to be acceptable.

7.2 The proposed development would have economic benefits through providing employment during construction and support for local shops and services. It would have social benefits through the provision of smaller units of housing to help meet the range of housing identified in the councils Strategic Housing Market Area Assessment (SHMAA). In terms of environmental issues, the proposal will retain much of the existing boundary planting around the site. The effect is considered to be neutral.

7.3 Consequently, officers consider the proposal to amount to sustainable development. In

this regard there is considered to be no significant or demonstrable harm arising from the proposal that would be sufficient to counter the presumption in favour of granting planning permission.

8.0 **RECOMMENDATION**

It is recommended that planning permission is granted subject to the following conditions:

- 1. Time Limit.**
- 2. Approved plans.**
- 3. Submission of material samples.**
- 4. Slab levels to be submitted and approved.**
- 5. Landscaping scheme to be implemented as per landscape scheme.**
- 6. Tree protection to be submitted and agreed.**
- 7. Surface water drainage scheme as submitted.**
- 8. Foul water drainage strategy as submitted.**
- 9. Access to be provided as shown on plans.**
- 10. Parking laid out as shown on plans.**
- 11. No drainage to highway.**
- 12. Cycle parking as shown on plans.**
- 13. Refuse storage as shown on plans.**

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