

APPLICATION NO.	P15/V0940/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	7.7.2015
PARISH	CUMNOR
WARD MEMBER(S)	Dudley Hoddinott Judy Roberts
APPLICANT	Mr Mark Lawrence
SITE	86 Cumnor Hill, Cumnor, OX2 9HU
PROPOSAL	Re-development of site to provide three x 3-bedroom apartments and three x 2-bedroom apartments along with external private amenity space, car parking and refuse and bicycle storage. (Re-submission of P14/V2562/FUL)(as amended by drawings received 7 July 2015 showing increase width of parking spaces and amended location red edge plan and Additional information with regard to Highways Issues and Badger Survey).
AMENDMENTS	Red edge site plan amended upto highway edge and parking spaces widened
GRID REFERENCE	447699/205157
OFFICER	Shaun Wells

SUMMARY

- The application is for a new development of 6 apartments at 86 Cumnor Hill, Cumnor.
- The development would appear 2 storey to the front and 4 storeys to the rear, given the change in levels across the site
- The site is adjacent to a similar existing development of 6 apartments at 88 Cumnor Hill.
- Adequate amenity distances would be observed to neighbours and the general design of the building is considered acceptable in the context of the locality
- There is a badger sett in proximity to the site, and the Countryside Officer in consultation with Natural England is satisfied that this can be protected subject to suitable mitigation proposed.
- The proposal is considered to be a sustainable form of development, in general accordance with local and national planning policy, and is recommended for Approval subject to conditions.

1.0 INTRODUCTION

- 1.1 This application is for the erection of a building to provide 3 x 3 bed apartments and 3 x 2 bed apartments on land at 86 Cumnor Hill. The site was formally a single dwelling which has now been demolished and cleared.

2.0 PROPOSAL

- 2.1 The site extends to 0.116 hectares in area and is positioned on Cumnor Hill with views towards the woodlands to the North West (site plan appended). The site slopes down significantly from the front to the rear of the property, with a level difference of approximately 5 metres from front to back. There is an existing private driveway access off Breeches End providing access to no. 86 and no. 84 Cumnor Hill.

- 2.2 The site is bounded to the North East by a double storey large detached dwelling and garage and to the South West by Breeches End road and no. 88 Cumnor Hill, a 3 storey block of flats consisting of 6 no. flats (planning reference P05/V1691/RM) To the rear of the site, planning has been granted for a 72 bed care home, with associated parking, landscaping and access off Breeches End. (Planning reference P14/V0695/RM) which is currently under construction. The site is enclosed on the Cumnor Hill Road frontage by a timber fence and mature planting/hedge and at the rear by a low fence
- 2.3 The proposal is to erect a six unit apartment block, which would appear 2 storeys with raised lantern roof/glazing to the front and 4 storeys to the rear, given the fall in the site front to rear. To the front two storeys with a glazed lantern ceiling above would be visible. To the rear 4 storeys and the raised lantern glazed roof would be visible. Terraces would feature to the rear of the apartments.
- 2.4 The proposal would include 13 parking spaces, a screened bin store and bicycle storage. Extracts of the application drawings are **attached** at Appendix 1.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 Thames Water, Development Planning - No strong views
- 3.2 Drainage Engineer (Vale of White Horse District Council) - No strong views, requires standard drainage conditions
- 3.3 Highways Liaison Officer (Oxfordshire County Council) - No strong views, requires following conditions and informatives:
- HY3 – Visibility Splays (Access) – from Breeches End.
 - HY8 – Car Parking Spaces (Details not Shown), revised plan for 13 spaces to standards, before implementation.
 - HY11 – Turning Space in Accordance with Specified Plan.
 - HY20 – Bicycle Parking, 9x Sheffield Type stands @ 0.9m centres, covered and secure, before implementation.
 - MC29 – detailed Sustainable Drainage Scheme, before implementation.
 - Informative: Internal proposed new road gradient to accord with standards.
 - Informative: Salt Bins including a future maintenance provision.
 - Informative: Private Road Agreement to be entered into with OCC.
 - Residential Travel Plan, before occupation.
 - MC32 – Construction Traffic Management Plan, to OCC guidelines Guidance note attached.

3.4 Countryside Officer(South Oxfordshire & Vale of White Horse) –

There have been involved in extensive discussions regarding this site and the badger sett with the applicant, their advisers, Natural England and the local badger group. One of the considerations on this site is the continued cumulative impacts of local developments upon the badger sett which is centered on 84 Cumnor Hill. The development of the adjacent care home behind the houses at 82, 84 and 86 necessitated the closure of a number of active sett entrances on that site combined with a loss of foraging habitats in the immediate vicinity of the sett.

- 3.5 These works were carried out under a licence issued by Natural England and the

badger sett is still active despite the ongoing development and disturbance. Investigations of the cumulative impacts have shown that there is no link between the ownership of the care home and 86 Cumnor Hill, or between the owner of 86 and the owners of 84 and 82 (however, it is my understanding that the care home owners also currently own 82 Cumnor Hill and are using it as a site office).

- 3.6 Currently there are no development proposals for 82 or 84 Cumnor Hill however, it is my understanding that 84 (the main sett area) is currently in the process of being sold and the intentions of the prospective new owners are to maintain a family home on the site and the badger sett. As far as the cumulative impacts of current, proposed and future development is concerned, as there is no ownership link between the current application and other adjacent sites it is only possible to consider the current application on its merits. Further impacts on the sett should proposals for 82 come forward in due course would have to consider the cumulative impacts of that proposal on the badger sett and local population. In this case it was considered whether or not the application together with the proposed mitigation are capable of being granted a development licence to disturb badgers by Natural England.
- 3.7 In coming to their conclusion the Countryside Officer had discussions and correspondence with Sue Crutchley at Natural England and the applicant's ecological advisers. As a result of these discussions the mitigation strategy has now been amended (updated report dated July 2015 plus drawing C151.15) and it is the view of the Countryside Officer that the amendments to the strategy should now ensure that the required mitigation is capable of gaining a licence from Natural England. There are no sett entrances in the grounds of 86 Cumnor Hill however, the proximity of sett entrances in the garden of 84 leave the possibility that badger tunnels may extend under the application site.
- 3.8 As a result of this the mitigation strategy proposes to (under licence) close these tunnels so that there is no chance of direct impacts on badgers inhabiting the sett. A number of other mitigation proposals have been put forward in the amended report which are designed to minimise the level of disturbance to the sett, time the works to avoid the most sensitive periods of the year and provide continued access to foraging ground to the south and west of the site. The mitigation proposals reflect the content of the discussions held with Natural England. In order to ensure that the developer complies with the mitigation recommendations and conducts the works under an appropriate licence I recommend that the following conditions are attached to the planning permission:
- 3.9 **CONDITION 1:** The following works including removal of foundations, excavation for new foundations or piling shall not in any circumstances commence unless the Local Planning Authority has been provided with either: a) a licence issued by Natural England pursuant to the Protection of Badgers Act 1992 authorising the specified activity to go ahead; or b) a statement in writing from the project ecologist to the effect that it does not consider that the specified activity will require a licence. **REASON:** To protect the important species on the site, in accordance with the requirements of the NPPF.

CONDITION 2: The development hereby permitted shall be implemented in accordance with the Outline Mitigation Strategy contained in chapter 5 of the Badger Survey and Mitigation Strategy produced by Ecoconsult dated July 2015 (unless subsequently varied by a badger licence) submitted with the application in all respects. Any variation shall be agreed in writing by the Local Planning Authority before such change is made. **REASON:** To protect the important species on the site, in accordance with the requirements of the NPPF.

3.10 Oxfordshire Badger Group-

Objects on the grounds that it will impact negatively on the last main badger sett on Cumnor Hill. The mitigation provided by the developer is inadequate, as it does not compensate for the loss of foraging and the closure of setts. There is no wildlife corridor but instead the badgers are expected to use a culvert located under the north west boundary. There is no guarantee this will be successful. This development will lead to the further erosion of what was an active 23 hole sett in 2014 but is now much reduced due to loss of habitat and extensive building work immediately behind the site. Local plan (2011, 7.26 recognises the serious damage on wildlife habitats through land take and disturbance) Any further development in the area could be seen as a welfare issue for a protected species. A private pumping station, car access and car parking are situated alongside the main sett thus causing potential noise and disturbance. This area should have been kept as a wildlife corridor but because of the overdevelopment of the site, there is no room to provide space for the badgers.

3.11 Cumnor Parish Council – No objections. Second email received 26th June 2015 however stating Badger Group had been in touch with the Parish Council. The Parish were concerned with inadequate information initially submitted with application with regard to Badger Sett in proximity to site and suggested application be withdrawn.

3.12 One neighbour/individual supports the proposals. One individual has no strong views (in process of purchasing 84 Cumnor Hill) but states that there is no provision for bin storage for 84 Cumnor Hill.

5 neighbours/individuals object. Concerns in summary are:

- Traffic/highway safety
- Style and character of building not inkeeping with locality
- Overdevelopment, loss of gardens/green space
- Destruction of wildlife corridors/impact on badger sett
- Flood Risk

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/V1548/DIS](#) - Approved (14/08/2015)

Discharge condition 11 (cycle storage) of planning permission P12/V1819/O.

Outline application for the erection of a 72 bed residential care home and 4 units for staff accommodation with associated parking, landscaping and access.

[P15/V0907/D](#) - Approved (12/05/2015)

Prior notification for demolition of the existing dwelling.

[P14/V1793/DIS](#) - Approved (27/01/2015)

Application for discharge of conditions 6 & 7 of planning permission P12/V1819/O (as amplified by additional drainage information received 8 January 2015)

[P14/V2562/FUL](#) - Other Outcome (15/12/2014)

Demolition of existing detached dwelling and garage. Erection of 3 x 2-bedroom flats, 3

x 3-bedroom flats with parking spaces for 13 cars, secure storage for 10 bicycles and bin store.

[P14/V1550/DIS](#) - Approved (04/09/2014)

Application for discharge of conditions 12, 13, 14, 15 of planning permission P12/V1819/O

[P14/V1693/DIS](#) - Approved (15/08/2014)

Application for discharge of condition 4 of planning permission P14/V0695/RM

[P14/V1551/DIS](#) - Approved (15/08/2014)

Application for discharge of conditions 5, 7 and 8 of planning permission P14/V0695/RM

[P14/V0695/RM](#) - Approved (19/06/2014)

Erection of a 72 bed care home in respect of appearance, landscaping, layout and scale

[P14/V1171/DIS](#) - Approved (11/06/2014)

Discharge of condition 5 of planning permission P12/V1819/O

[P13/V2181/PEJ](#) - Other Outcome (21/03/2014)

Provision of 70-bed care home (Use Class C2) for residents requiring nursing, dementia and residential care along with car parking, landscaped gardens and a separate refuse / recycling store and garden store. *OFFICE MEETING*

[P12/V1819/O](#) - Approved (12/12/2013)

Outline application for the erection of a 72 bed residential care home and 4 units for staff accommodation with associated parking, landscaping and access.

[P02/V1660/O](#) - Approved (05/12/2002)

Erection of two dwellings. Demolish garage to provide new access to highway. (Site Area approximately 0.29 hectares).

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.

Policy No.	Policy Title
GS1	Developments in Existing Settlements
DC1	Design
DC3	Design against crime
DC5	Access
DC6	Landscaping
DC7	Waste Collection and Recycling
DC8	The Provision of Infrastructure and Services
DC9	The Impact of Development on Neighbouring Uses
DC12	Water quality and resources
DC13	Flood Risk and Water Run-off
DC14	Flood Risk and Water Run-off

H11	Development in the Larger Villages
H17	Affordable Housing
H23	Open Space in New Housing Development
NE4	Other Sites of Nature Conservation Value

5.2 Emerging Local Plan 2031 – Part 1

The draft local plan part 1 is not currently adopted policy. Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with 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:-

Policy No.	Policy Title
Core Policy 1	Presumption in favour of sustainable development
Core Policy 2	Co-operation on unmet housing need for Oxfordshire
Core Policy 3	Settlement hierarchy
Core Policy 4	Meeting our housing needs
Core Policy 7	Providing supporting infrastructure and services
Core Policy 33	Promoting sustainable transport and accessibility
Core Policy 35	Promoting public transport, cycling and walking
Core Policy 36	Electronic communications
Core Policy 37	Design and local distinctiveness
Core Policy 38	Design strategies for strategic and major development sites
Core Policy 39	The historic environment
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
Core Policy 45	Green infrastructure
Core Policy 46	Conservation and improvement of biodiversity

5.3 Supplementary Planning Guidance

- Design Guide – March 2015
 - The following sections of the Design Guide are particularly relevant to this application:-
 - Responding to Site and Setting*
 - Site appraisal (DG9)*
 - Establishing the Framework*
 - *Landscape and SUDS (DG14, 16-18, 20)*
 - *Movement Framework and street hierarchy (DG21-24)*
 - *Density (DG26)*
 - *Urban Structure (blocks, frontages, nodes etc.) DG27-30*
 - Layout*
 - *Streets and Spaces (DG31-43)*
 - *Parking (DG44-50)*
 - Built Form*
 - *Scale, form, massing and position (DG51-54)*
 - *Boundary treatments (DG55)*
 - *Building Design (DG56-62)*
 - *Amenity, privacy and overlooking (DG63-64)*
 - *Refuse and services (DG67-68)*
- Sustainable Design and Construction – December 2009
- Affordable Housing – July 2006

- Flood Maps and Flood Risk – July 2006

5.4 National Planning Policy Framework (NPPF) – March 2012

5.5 National Planning Practice Guidance 2014 (NPPG)

5.6 Neighbourhood Plan

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

To date a neighbourhood plan for Cumnor has not been submitted to the Council. Consequently no weight can be given to any policies that may be emerging in any draft neighbourhood plan.

5.7 Environmental Impact

This proposal does not exceed 150 dwellings and the site area is under 5ha. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and this proposal is not EIA development and there is no requirement under the Regulations to provide a screening opinion.

5.8 Other Relevant Legislation

- Planning (Listed Buildings and Conservation Areas Act) 1990
- Community & Infrastructure Levy Legislation Human Rights Act 1998
- Equality Act 2010
- 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)

5.9 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.

5.10 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. Principle of the development
2. Affordable Housing and Housing Mix
3. Design and Layout
4. Residential Amenity
5. Landscaping
6. Flood Risk and Surface/Foul Drainage
7. Traffic, Parking and Highway Safety
8. Protected Species and Biodiversity

6.2 The Principle of Development

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 Other material planning considerations include national planning guidance within the NPPF and NPPG and the emerging Vale of White Horse Local Plan: Part 1-Strategic Sites and Policies and its supporting evidence base.
- 6.4 Paragraph 47 of the NPPF expects local planning authorities to *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area"*... The authority has undertaken this assessment through the April 2014 SHMA which is the most up to date objectively assessed need for housing. In agreeing to submit the emerging Local Plan for examination, the Council has agreed a housing target of at least 20,560 dwellings for the plan period to 2031. Set against this target the Council does not have a five year housing land supply.
- 6.5 Paragraph 49 of the NPPF states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*. This means that the relevant housing policies in the adopted Local Plan are not considered up to date and the adverse impacts of a development would need to significantly and demonstrably outweigh the benefits if the proposal is refused. In order to judge whether a development is sustainable it must be assessed against the economic, social and environmental roles
- 6.6 Policy GS1 of the adopted Local Plan provides a strategy for locating development concentrated at the five major towns but with small scale development within the built up areas of villages provided that important areas of open land and their rural character are protected. In terms of allocating development this strategy is consistent with the NPPF, as is the intention to protect the character of villages. The site is not specifically allocated for housing but is within the established built up and residential area and on a site of former residential development (albeit a single dwelling). The village of Cumnor is identified as a larger village within the hierarchy under policy H11 of the Local Plan (2011) and as a market town under Core Policy 3 of the emerging Local Plan.
- 6.7 The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a 5 year housing supply. Consequently the proposal should be assessed under the NPPF where there is a presumption in favour of sustainable development. Sustainable development is seen as the golden thread running through the decision making process. Having a deliverable 5 year housing supply is considered sustainable under the 3 strands. Therefore, with the lack of a 5 year housing supply, the proposal is acceptable in principle unless any adverse impacts can be identified that would significantly and demonstrably outweigh the benefits of meeting this objective.
- 6.8 The NPPF does not suggest that populations of settlements should be limited in some

way or not be expanded by any particular figure. It expects housing to be boosted significantly.

- 6.9 The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (paragraph 17). The site is brownfield land, within the established residential area and the proximity to an identified badger sett should not prevent development subject to appropriate mitigation. It is therefore considered that it would be appropriate to allow residential use of the site.
- 6.10 The site is considered to be within a very sustainable location, with good transport links and within close proximity of local services. This is reflected in the classification of Cumnor as a larger village in the adopted Local Plan (Policy H11) and emerging Local Plan (Core Policy C3).
- 6.11 The principle of development is considered acceptable given that the site is within the established built-up area, and is a brown field site in a sustainable location. The proposal is considered to reflect the intention of policies H11 of the Local Plan (2011) and Core Policies 1, 2 and 4 of the Emerging Local Plan (2031). Whilst in the absence of a five year housing supply, and as the new plan is not yet adopted, it is noted that these policies have limited wait, the proposal is however considered in principle to be in general accordance with the NPPF.
- 6.12 **Affordable Housing and Housing Mix**
Policy H17 (i) requires 40% affordable housing in settlements of more than 3000 people on all sites which are capable of accommodating 15 or more dwellings or which are 0.5 hectares or more.
- 6.13 Cumnor Parish has more than 3000 residents (approximately 5500). However the site would not be capable of accommodating 15 or more dwellings, and is under 0.5 hectares being 0.116 hectares. The proposal therefore does not trigger the requirement for affordable housing under policy H17 of the Local Plan.
- 6.14 With regard to housing mix the development proposes 3 x 3 bed apartments and 3 x 2 bed apartments. The proposals are not required to provide a varying housing mix under Policy H16 (the site would have to be capable of accommodating 10 dwellings in a settlement of more than 3000 people). However the proposal reflects the intent of this policy as 50% of the units provided would be two bedroomed, and as such the housing mix proposed is considered appropriate.
- 6.15 **Design and Layout**
The NPPF provides that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (paragraph 60). It gives considerable weight to good design and acknowledges it is a key component of sustainable development.
- 6.16 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, DC9). In March 2015 the council adopted its design guide, which aims to raise the standard of design across the district. The below assessment is set out in logical sections similar to those in the design guide.
- 6.17 *Site, Setting and Framework*
The site is located to the western side of Cumnor Hill, a main thoroughfare which runs

south to north from Cumnor to Botley. The roadside has a distinctly sylvan character where trees and hedging make an important contribution to the street scene. Whilst not within conservation area, the locality is visually attractive with a mix of residential properties of various styles and ages, many of which are low density with a high level of landscaping in generous sized plots. Immediately adjacent to the north is an existing 3 storey block of flats consisting of 6 no. flats (planning reference P05/V1691/RM), of a very contemporary design.

6.18 *Spatial Layout*

The proposed layout has been designed to maximise the development potential of the site given the significant slope front to rear. Existing hedging to the front of the site would be retained where possible (subject to visibility splays) and additional planting would be introduced to the frontage to screen the development. The proposal would be in keeping with the grain and character of the locality in terms of spatial layout, particularly given the context of the adjacent existing apartment development. The use of individual terraces rather than gardens and open space is considered acceptable given the constraints of the site and apartment style of development proposed. The development would not be visually prominent in the street scene, being screened by planting to the frontage. In addition the front building line would be set back approximately 20 metres from the road. In combination with the significant fall in levels across the site, this would result in the development having a modest impact on the street scene.

- 6.19 A screened bin store would be provided in verge to the front of the site and a covered bicycle storage area to the rear, with Sheffield type stands for 10 bicycles.

6.20 *Built form*

The scale and massing of the proposed apartment block would be reflective of the adjacent existing apartment building, although the height would actually be lower than the neighbouring development. When viewed from the front the existing development is approximately 9 metres in height, and the proposed would be a lower 6.5 metres in height. This is very modest for this type of development, the greater heights being achieved to the rear where the proposed would be approximately 11.5 metres in height (the neighbouring apartment block is approximately 13 metres to the rear). The site falls away significantly and is positioned above the nursing home under construction to the rear. The topography of the site and flat roof design, along with terracing to the rear all assist in reducing the mass and height of the building. The stepped terracing to the rear breaks up and adds relief to the design.

6.21 *Architectural Detailing*

The design of the development would be contemporary with materials including yellow type facing brick and areas of terracotta panel cladding. Large areas of glazing are proposed and glass balustrades would feature on terraces proposed. The architectural detail and materials proposed are considered generally acceptable, given the varying styles and ages of developments within the locality.

- 6.22 The design and layout of the proposal is therefore considered to be in general accordance with Policies DC1, DC6, DC7 and DC8 of the Local Plan; is reflective of the the intent of Core Policy 37 of the emerging Local Plan; the adopted Design Guide SPD and the NPPF.

6.23 **Residential 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. Design principles DG63-64 of the Design Guide pertain to amenity, privacy and overlooking.

- 6.24 Distances between properties proposed would be sufficient to mitigate against any residential impact. The layout of the proposed apartments would ensure that there would be no significant harmful impact upon neighbours in terms of loss of light, privacy and dominance.
- 6.25 With regard to the immediate neighbour at no 84 there would be a distance of approximately 9 metres from the north eastern side elevation of the proposed apartments and the side elevation of an attached garage to that property. There would be approximately 14 metres to the main side elevation of that property. There would be substantial planting on the boundary between the two properties to further screen the development. There is no minimum guidance distance required side to side between residential properties and these distances are considered more than adequate to maintain privacy and prevent to prevent overbearing effects. The stepping down of rear terraces means that the potential for impact on amenity would be further reduced.
- 6.26 The design of 88 Cumnor Hill (the neighbouring apartments) is such that it has no habitable windows in its side elevation facing the western elevation of the proposed development. To the rear of the site the development would look over the roofs of the nursing home currently under construction, given that the application site is positioned effectively on a ridge above, so that there would be no direct line of vision into buildings in that development and adequate amenity distances are observed.
- 6.27 The proposal is unlikely to lead therefore to an unacceptable level of impact upon the amenity of residential neighbours and future occupants and as such is in general accordance with policy DC9 of the Local Plan, Design principles DG63-64 of the Design Guide and the NPPF.
- 6.28 **Landscaping**
Landscaping of the site is limited given the nature of the development as an apartment block, and the requirement for parking. Existing planting would be retained where possible and the site layout indicates this to the rear eastern and front boundaries (the building would be positioned directly on the western boundary).
- 6.29 Additional planting has been shown to the front parking area, and each property would be served by its own terrace. . The finer details would be considered on submission a full landscaping scheme by way of condition. Effective maintenance of landscaping would also be required by way of condition. The proposal is considered to be in general accordance with policy H23 and DC6 of the Local Plan and is not in conflict with the intent of Core Policy 44 of the emerging local plan.
- 6.30 **Flood Risk and Surface/Foul Drainage**
The NPPF provides that development should not increase flood risk elsewhere and should be appropriately flood resilient and resistant (paragraph 103). It states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution (Paragraph 109).
- 6.31 Adopted local plan policy DC9 provides that new development will not be permitted if it

would unacceptably harm the amenities of neighbouring properties or the wider environment in terms of, amongst other things, pollution and contamination. Policy DC12 provides that development will not be permitted if it would adversely affect the quality of water resources as a result of, amongst other things, waste water discharge. Policies DC13 and 14 are not considered to be consistent with the NPPF, because they do not comply with paragraphs 100 to 104 which require a sequential approach to locating development and provide that flood risk should not be increased elsewhere.

6.32 Both the Drainage Engineer (Vale of White Horse DC) and Thames Water consider that the site can be effectively drained and as such does not pose a flood risk. The proposal subject to standard drainage conditions is therefore in accordance with planning policy.

6.33 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.

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

6.35 The development would be accessed from the existing access at Breeches End. 13 parking spaces would be provided and 10 covered cycle stands. The Highways Officer (OCC) has not objected to the proposals which are considered to provide adequate parking and safe access. The proposal is unlikely to generate significant amounts of traffic, and is unlikely to have a significantly detrimental impact upon the local highway network. The Highways Officer has recommended conditions as listed in paragraph 3.3 of this report. The proposal is therefore (subject to these conditions) considered to be in accordance with Policy DC5 of the Local Plan.

6.36 Protected Species and Biodiversity

Policy NE4 of Local Plan is of some relevance as it resists development which is likely to harm a site of nature conservation importance which is not specifically designated as a conservation area, Special Area of Conservation, National Nature Reserve or SSSI. These are features such as wildlife corridors or ecological networks which have no special designation. It is considered that given the proximity of a Badger Settle to the site that this could be interpreted as an ecological network which policy NE4 would seek to preserve.

6.37 Paragraph 117 of the NPPF refers to the preservation, restoration and re-creation of priority habitats, whilst Paragraph 118 sets out the basis for determination of planning applications. Paragraph 118 states that *“...if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

..

6.38 A badger sett is located in proximity to the site and is centered to the rear of the neighbouring property no.84 Cumnor Hill. There are no sett entrances within the application site, although sett tunnels may possibly extend under the site. Extensive discussions have been undertaken between the Council's Countryside Officer, Natural England and the applicant's ecological consultant.

6.39 Whilst there remains an objection from The Oxfordshire Badger Group, Natural England has advised the Council's Countryside Officer that the mitigation proposed is likely to be

acceptable in order for the applicant to obtain a license from Natural England to close any tunnels found within the site without damaging the badger population.

- 6.40 The Countryside Officer is satisfied with the mitigation suggested. The proposal, subject to conditions to ensure appropriate mitigation is undertaken is considered therefore to accord with policy NE4 of the Local Plan, paragraph 117 of the NPPF and Core Policy 46 of the emerging Local Plan

7.0 CONCLUSION

7.1 This application has been assessed against the National Planning Policy Framework (NPPF), relevant saved policies in the local plan and all other material planning considerations. The NPPF states that sustainable development should be permitted unless the adverse effects significantly and demonstrably outweigh the benefits. The NPPF also states that there are social, economic and environmental dimensions to sustainability and that conclusions must be reached taking into account the NPPF as a whole.

7.2 The benefit of the scheme is an additional 6 residential units to be provided in a sustainable location, contributing toward the districts housing supply. The proposal would bring a brownfield site, within a sustainable location back into use. The proposal is in general accordance with local and national planning policy.

7.3 Overall, and in view of the emphasis in the NPPF to boost significantly the supply of housing, the development is considered to amount to sustainable development, and whilst there will be some adverse effects, these can be mitigated against, and do not significantly and demonstrably outweigh the benefits. Consequently, the application is recommended for approval subject to conditions.

8.0 RECOMMENDATION

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

1. Time limit - full application.
2. Approved plans.
3. Access, parking and turning in accordance with plans submitted.
4. Bicycle stands to be provided prior to occupation.
5. Landscaping scheme to be submitted and implemented.
6. Landscaping scheme to be maintained.
7. Materials (samples).
8. Drainage details (surface and foul).
9. Sustainable drainage scheme to be agreed and implemented.
10. Boundary details to be submitted/implemented.
11. No works to commence in absence of Natural England License or evidence that no license is required.
12. Development in accordance with ecology mitigation.
13. Contamination scheme.
14. Contamination verification report.
15. Unspecified contamination.
16. Levels to be agreed.

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