

<b>APPLICATION NO.</b>	<a href="#">P15/V1110/O</a>
<b>APPLICATION TYPE</b>	OUTLINE
<b>REGISTERED</b>	22.5.2015
<b>PARISH</b>	CUMNOR
<b>WARD MEMBER(S)</b>	Dudley Hoddinott Judy Roberts
<b>APPLICANT</b>	Millen Homes Ltd
<b>SITE</b>	18 Cumnor Hill, Cumnor, OX2 9HA
<b>PROPOSAL</b>	Outline application (access and layout only) for erection of two detached dwellings, with new access (land rear of 18 Cumnor Hill). Erection of replacement garage for 18 Cumnor Hill.
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	448071/205814
<b>OFFICER</b>	Hanna Zembrzycka-Kisiel

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#### SUMMARY:

- This application comes to the Planning Committee due to a number of objections received.
- This is an outline application for access and layout to be considered at this time, with appearance, design and landscaping to be reserved. The proposal is for construction of two detached properties to the rear of No.18 Cumnor Hill. The site is well screened along its frontage with Cumnor Hill, and given the proposed dwellings will be set back approximately 100.0 metres from Cumnor Hill, views from along this vantage point will be limited to those available down the access drive.
- The main issues are whether:
  - The proposal is a sustainable form of development and accords with the NPPF.
  - The proposed layout and design of the dwellings are acceptable and the scheme can be accommodated without harm to the character of the area.
  - The access and parking provision are acceptable.
  - The proposal would have no harmful impact on the amenity of neighbouring properties.
- Officers consider the proposal complies with the provision of the adopted Local Development Plan, the National Planning Policy Framework as well as with the provision in the adopted Council's Design Guide. Therefore the application is recommended for approval.

#### 1.0 INTRODUCTION

- 1.1 The application site which comprises part of the curtilage of No. 18 Cumnor Hill is situated within an established residential suburb of Oxford. It is located to the north side of Cumnor Hill and it is enclosed on all sides by a range of the existing residential dwellings of varied architectural styles and plot sizes. The site has an existing planting and mature trees. A location and block plan is **attached** at appendix 1.

**Vale of White Horse District Council – Committee Report – 15 February 2016**

1.2 The site is **not** located within a conservation area nor within the Oxford Green Belt. Vehicular access it to be obtained from Cumnor Hill, located to the south.

**2.0 PROPOSAL**

2.1 This is an outline application for access and layout to be considered at this time, with appearance, design and landscaping to be reserved. The proposal is for construction of two detached properties to the rear of No.18 Cumnor Hill. It is also proposed to construct a replacement garage for 18 Cumnor Hill.

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Below is a summary of the responses received to the scheme. A full copy of all the comments made can be viewed online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).

Cumnor Parish Council	No objection. “In principle the Council has no objection to this outline application (access and layout only for the erection of 2 detached dwellings) with the proviso that in regard of the new access, stringent application of highways visibility splays are applied.”
Drainage Engineer (Vale of White Horse District Council)	No objection, subject to conditions
Thames Water Development Control	No objection, subject to informative
Vale - Highways Liaison Officer (Oxfordshire County Council)	No objections, subject to conditions
Neighbour objections	Nine letters of objection raising the following concerns: <ul style="list-style-type: none"> <li>• Out of character</li> <li>• Highway safety/ traffic generation</li> <li>• Loss of outlook / privacy</li> <li>• Loss of trees</li> <li>• Drainage, hydrology &amp; flood risk</li> <li>• Impact upon the wildlife</li> </ul>
Neighbour comments	Four letters of comment with concerns related to the impact of the proposal on drainage, trees, highways and residential amenities of the neighbouring properties.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P11/V1873/O](#) - Approved (18/04/2012)- Outline application for demolition of existing detached dwelling and garage. Erection of 8 semi-detached dwellings of 1.5 and 2 storey and 1 detached dwellings of 1.5 storey with new access and associated parking.

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  
DC12 - Water Quality and Resources  
GS1 - Developments in Existing Settlements  
H10 - Development in the Five Main Settlements

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:-

Core Policy 1	Presumption in favour of sustainable development
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 37	Design and local distinctiveness
Core Policy 40	Sustainable Design and Construction
Core Policy 42	Flood risk
Core Policy 43	Natural resources
Core Policy 44	Landscape
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*

- *Character Study (DG6) and Site appraisal (DG9)*

*Establishing the Framework*

- *Existing natural resources, sustainability and heritage(DG10-13, 15, 19)*
- *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)*

*Buildings in Rural and Lower Density Areas*

- *Landscape character and setting (DG76)*
- *Landscape (DG77)*
- *Scale form and massing (DG79)*
- *Boundary treatments (DG81)*

**5.4 National Planning Policy Framework (NPPF) – March 2012**

**5.5 National Planning Practice Guidance 2014 (NPPG)**

**5.6 Neighbourhood Plan**

To date no application has been received for a neighbourhood planning designation area covering this site.

**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 main planning considerations are the following:**

1. Principle of development
2. Character and Layout
3. Residential amenity
4. Highway safety
5. Drainage
6. Other (Trees, Ecology)

**6.2 The Principle of Development**

The relevant housing policies of the adopted and emerging local plan hold very limited material planning weight in light of the lack of a five-year housing supply, including the

development boundary of policy H10. 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 five-year housing supply is considered sustainable under the three strands. Therefore, with the lack of a five-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.

- 6.3 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).
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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 a hierarchy for allocating development this strategy is consistent with the NPPF, as is the intention to protect the character of villages.
- 6.8 The site is located in Botley which, being a suburb of Oxford, has good opportunities to use modes of transport other than the private car to access local services and facilities, and to use rail connections at Oxford to go further afield. There is a regular bus service along Cumnor Hill which is within walking distance of the application site. As such it is considered the proposal is in a sustainable form of development in terms of the social and economic aspects of sustainability.

- 6.9 The environmental aspect of the proposal also needs to be assessed, which includes an assessment of the impact of the proposal on the character of the area, neighbouring properties and highway safety.
- 6.10 **Character and Layout**  
Policies DC1, GS1 and H10 require that development should be a scale, layout and design that would not materially harm the form, structure or character of the settlement, and the Conservation Area. The design guide at DG51 and DG79 seeks that new development should generally reflect the scale of its context.
- 6.11 This site is located within the Botley / Cumnor Hill area, an area that can accommodate new housing development provided the layout, mass and design of the proposal would not harm the area's character (policy H10).
- 6.12 It must be noted that character in the vicinity of the site is not homogeneous, and varies in terms of designs, built forms, plots sizes and the location of the dwellings within the plots. The Cumnor Hill frontage is characterised by relatively long linear plots. However, the area to the north of the site, fronting Eynsham Road and including the new development of Martin Close, displays significantly smaller plot sizes.
- 6.13 The application site comprises part of the curtilage of No. 18 Cumnor Hill. The rear garden to No. 18 is longer than its neighbours. The effect of this is that the application site is more associated physically with the higher density residential area to the north. Development of the site would leave No. 18 with a rear garden of comparable length to its neighbours fronting Cumnor Hill. Thus the lower density character of this part of Cumnor Hill would be retained by this proposal. The density of the application proposal is comparable to the higher density area next to it. Overall, therefore, officers consider the proposal does not harm the prevailing character of the area.
- 6.14 Given the layout that is proposed, officers are content that the scale and mass of the proposed dwellings can be designed to be appropriate. As this is an outline application the design and materials will be assessed in detail under the reserved matters application. The information shows each of the proposed dwellings can sit comfortably within its plot, and has sufficient outdoor amenity space and on-site parking.
- 6.15 The development in the form proposed is not considered to be harmful to the character of the locality. As such the proposal is considered to comply with the requirements of local plan policies DC1, GS1 and H10 and the provisions of the NPPF, NPPG and the adopted design guide.
- 6.16 **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.
- 6.17 Concerns have been raised by local residents in terms of over-dominance and potential overlooking. As this is an outline application, the impact on the residential amenities of neighbouring properties will be determined under a separate application. This will include the exact positioning of windows, which also can be conditioned subsequently to protect the residential amenities of the neighbouring properties. It is considered, however, that given the proposed layout of the development on the plots, would not adversely harm the amenity of the neighbouring occupiers.

6.18 As such the proposal is considered to comply with the requirements of local plan policy DC9, and the provisions of the NPPF, NPPG and the adopted design guide.

**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 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 applicant has provided additional information and plans demonstrating that adequate visibility can be achieved at the access point to ensure highway and pedestrian safety. Parking and turning arrangements within the site as shown on the layout plan are also acceptable. It is not considered justifiable and reasonable to condition the proposed garage accommodation forming part of the development to be retained for parking vehicles at all times and therefore officers cannot support this request of the county highways officer. Any additional traffic resulting from this development would not be so significant to warrant refusal on highway safety grounds. Consequently, the county highways officer has no objections to the proposal.

6.21 The proposal is, therefore considered to comply with the requirements of local plan policy DC5, and the provisions of the NPPF, NPPG and Residential Design Guide.

**6.22 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).

6.23 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.

6.24 Concerns have been raised by local residents in terms of the impact of the proposed development upon the drainage. The council's drainage engineer has been consulted on the application and has raised no objections to the proposal, subject to appropriate conditions being imposed with any permission granted. The adequate prior commencement conditions are considered reasonable and justifiable and will be imposed with planning permission.

6.25 As such the proposal is considered to comply with the requirements of local plan policies DC9 and DC12 and the provisions of the NPPF, NPPG and the adopted design guide.

6.26 **Ecology and Biodiversity**

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...”

6.27 According to available council’s records, there are no known ecological constraints on the application site, therefore it is not considered the proposal would be harmful in terms of impact upon the ecology.

6.28 **Trees**

The concerns have been raised that as a result of the proposed development there will be loss of trees.

6.29 The current trees on the site are not protected by a tree preservation order. Neighbours requested a tree preservation order for some of the trees within the application site. The council’s forestry officer has carried out a site visit to assess the trees, and has confirmed that “the trees do not meet the criteria for being the subject of a tree preservation order. The trees have very limited visual amenity value when viewed from the highway to the front of the property. Although they have some aesthetic merits when viewed close by and can be viewed from some neighbouring properties, their contribution to the wider landscape and street scent is very limited”.

6.30 According to the submitted design and access statement, the proposed development is designed in a manner to protect as many trees as possible on the application site. The proposed footprints of the houses are to be located clear of their respective root protection areas. Furthermore it is also proposed to incorporate a porous finished surface on a “no-dig” driveway construction method, for the proposed new driveway. It is also proposed to implement the new trees and hedges, to help to soften the appearance of the new development.

6.31 As such the proposal is considered to comply with the requirements of local plan policy DC6 and the provisions of the NPPF, NPPG and Residential Design Guide.

7.0 **CONCLUSION**

7.1 The application is recommended for approval as the development would comply with the relevant development plan policies and the National Planning Policy Framework. The principle of the proposed development is considered to be acceptable, it would not harm the visual amenity and character of the area, or the amenities of neighbouring properties, and there is adequate and safe access and parking provision for the site. The proposal, therefore, complies with the provisions of the development plan, in particular policies DC1, DC5, DC6, DC7, DC9, DC12, GS1 and H10. The development is also considered to comply with the provisions of the National Planning Policy Framework.

8.0 **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 : Time limit-outline application.**

**2 : Approved plans.**

**3 : Standard outline condition.**

**4 : Access, car parking spaces and turning space.**

**5 : Drainage details (surface water).**



- 6 : Drainage details (foul water).**
- 7 : Sustainable drainage scheme.**

**Informatives:**

- 1 : Surface water drainage.**

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