

CUM/8320/1 – Mr & Mrs G Philip

Demolition of existing house and garage. Erection of two storey replacement building comprising of 4x2 bed and 1x1 bed flats. Erection of 6x3 bed houses and erection of a 1x1 bed coach house with associated off-street parking and landscaping. 40 Cumnor Hill, Oxford OX2 9HB

1.0 **The Proposal**

1.1 This application seeks full planning permission for the demolition of the existing dwelling and the erection of a two storey building comprising 4 x 2 bed and 1 x 1 bed flats, the erection of 6 x 3 bed dwellings (arranged in two terraces of three) to the rear and a 1 bed coach house with associated parking (1.5 spaces for each apartment and 2 spaces for each dwelling).

1.2 The property is currently a large detached dwelling sited forward on a large plot on the north-west side of Cumnor Hill. The site has a slope running away from Cumnor Hill. It is bounded by medium to large detached two storey dwellings in similar sized plots.

1.3 Since the original submission, the application has been amended to take account of the views made by local residents, the Architects Panel, and the Parish Council which are outlined below. The key changes are:

- The relocation of the coach house building, moving from the rear boundary to a more central position on the site. This has reduced the amount of hard surfacing and access roads running through the site, and has created a parking courtyard.
- The repositioning of the terraced dwellings to create more private amenity space to the rear of these dwellings, and to increase the spatial relationship with immediate neighbours to protect the amenity and privacy currently enjoyed by immediate neighbours. This has created a pedestrian courtyard between the two terraces and the coach house. There has also been a redesign of their internal layouts.
- A reduction in the height of the block of flats from 9.8m to 9.6m and a small reduction in the width (0.3m) of each element either side of the access drive, resulting in an increase in the spatial relationship between the proposed building and No 36 Cumnor Hill of 0.8m. A larger terrace has been included on each side of the access, with parking spaces and cycle store underneath thus making use of the natural sloping site. There has also been a redesign of the internal layout, and a lowering of the linked arch over the access drive to match the fall of the slope, with a reduction in its overall span from 7.4m to 6m (measured front to back on the drawing of the roof plan).

1.4 The proposal has a density of 44.4 dwellings per hectare.

1.5 A copy of the revised plans showing the location of the proposal, its design and layout together with the design statement are attached at **Appendix 1**. A copy of the originally submitted scheme is attached at **Appendix 2**.

1.6 The application comes to Committee because a high number of objection letters have been received and the views of Cumnor Parish Council differ from the recommendation.

2.0 **Planning History**

2.1 There is no relevant planning history in respect of this property.

3.0 **Planning Policies**

3.1 *Vale of White Horse Local Plan 2011*

Policy GS5 (making efficient use of land and buildings) seeks to promote the efficient re-use of previously developed / unused land and buildings within settlements (provided there is no conflict with other policies in the Local Plan).

- 3.2 Policy H10 (development in the five main settlements) enables new housing development within the built-up areas of Cumnor Hill, provided it makes efficient use of land, the layout, mass and design of the dwellings would not harm the character of the area and it does not involve the loss of facilities important to the local community (i.e. informal public open space).
- 3.3 Policy H15 (housing densities) seeks net residential densities of at least 40 dwellings per hectare in the five main settlements, provided there would be no harm to the character of the surrounding area or the amenities of adjoining properties.
- 3.4 Policies DC1, DC5, DC6, DC8, DC9 and DC14 (quality of new development) are relevant and seek to ensure that all new development is of a high standard of design / landscaping; does not cause harm to the amenity of neighbours; suitable social and physical infrastructure exists for the development; the development is acceptable in terms of highway safety and will not result in adverse surface water run off.
- 3.5 Policy NE5 (protection of species) seeks to prevent development proposals which are likely to have an adverse effect on a specially protected species unless the adverse effects can be prevented or acceptably minimised.
- 3.6 PPS3, "Housing", is also relevant and reiterates the presumption in favour of developing previously developed sites within urban areas for housing ahead of green field sites and making the most effective and efficient use of land.
- 3.7 PPS9 "Biodiversity and Geological Conservation" highlights the protection afforded to protected species.

4.0 **Consultations**

Original plans

- 4.1 Cumnor Parish Council has objected to the application and their comments are attached at **Appendix 3**.
- 4.2 County Engineer – no objections, subject to conditions and seeks a financial contribution to the Oxford Integrated Transport Strategy.
- 4.3 County Funding Officer – seeks contributions to education / library / fire and rescue provision and waste management operations.
- 4.4 Drainage Engineer – no objections (subject to conditions).
- 4.5 Environmental Health – no objections
- 4.6 Consultant Architect – comments attached at **Appendix 4**.
- 4.7 Architects Panel – The front block's arch looks uneasy, how high does it need to be? The rear portion of the scheme is dominated by traffic – could the slope not be used for cut and fill parking? The public spaces are ill defined and not comfortable. Defer for negotiations.
- 4.8 Arboricultural Officer – Due to the slope of the site, there are not that many trees that can be seen from the road. There are a number of conifers that border 17 Third Acre Rise and are an important screen for this property. Proposed tree protection measures are required for all those trees that are to remain.
- 4.9 46 letters of objection have been received, which are summarised as follows:
- As submitted, it is an overdevelopment of the site. The density proposed is far too high.

- This application must not be viewed in isolation. The Vale must take a strategic view of the likely impact of developments of this type. There are a number of substantial building programmes in place in the Cumnor and North Hinksey Parishes. As such there is no justification for further developments at such a high density.
- Whilst understanding that more homes are needed, it would be more positive for the Vale to construct a proper development plan for Cumnor Hill which includes family houses and starter homes instead of indiscriminate infilling.
- The developers appear not to have taken into consideration the fact that natural springs run through the site. There is also a pond on the site that is fed by these springs. If this is not taken into consideration it is likely to result in great difficulties for surrounding properties in dealing with overflows of water coming from the site. Springs and surface water problems already occur.
- There are regular problems with the capacity of the sewerage system of the area where it frequently floods and is not able to take the existing surface water generated by properties on Cumnor Hill. Any amount of additional 'infill' development in this area will exacerbate this. A proposed soakaway at 40 Cumnor Hill is not likely to adequately drain the property and will lead to more flooding throughout the area, particularly in Third Acre Rise.
- The social infrastructure (schools, dentists & doctors surgeries) in the area was never designed for such numbers of residents and cannot take more dwellings. They are already under extreme pressure, and it is understood resources will not be increased. Coupled with the 3 major schemes proposed in this area (Lime Road, Tilbury Lane and Timbmet), this will add more pressure on existing overstretched resources.
- The demolition of a perfectly good house is not acceptable. The 'family homes' character of this area is being completely destroyed by these types of proposals.
- The proposal is not in keeping with the surroundings, especially the block of flats fronting Cumnor Hill which at three storeys will totally dominate the area. It exceeds the footprint of the existing house, is higher than surrounding properties, comes closer to the road than the existing dwelling it replaces and appears institutional. It also takes no account of local distinctiveness.
- The central access for cars is visually unattractive and completely different from other dwellings on Cumnor Hill.
- The buildings are greatly oversized and are too far back in the plot.
- The proposed dwellings to the rear will be detrimental to the amenity and privacy of adjoining properties. Upper floors will be able to overlook rear gardens and into adjoining dwellings. Effective screening does not exist at present, and some of the existing planting that does exist will have to be removed to allow these houses to be built. The position of the coach house in particular means trees on the boundary will have to be removed, which will affect the views of those residents in Third Acre Rise who adjoin the site.
- The proposed block of flats will have a "devastating" impact on privacy and light to the immediate neighbour, No 36 Cumnor Hill, given it is set forward of that property and is on a higher site. The slab level and rear terrace will be 1.5m higher than the existing site level of No 36 Cumnor Hill. No screening is proposed and the closeness of the building will not allow adequate screening to be incorporated. Furthermore, the rear windows on the block will be able to look into an upper floor bedroom window that is on the side elevation of No 36 and over the rear garden. The closeness of the building will also overshadow the kitchen and living room of No 36 Cumnor Hill and the bedroom window on this side.
- The number of units will lead to more noise and disturbance.
- Parking 10 cars at the bottom of the site will lead to noise and pollution as drivers tackle the slope up to the road.
- The expected traffic entering and exiting the site is too great for the access onto Cumnor Hill, and will be dangerous. Car access may be judged to be technically safe, but traffic levels and speeds on this hill are high and getting in and out of existing driveways is difficult. Further car movements will be detrimental to the safety of pedestrians and cyclists.
- The central access does not allow for (separate) pedestrian access.
- Refuse will have to be piled up on the roadside, and is likely to create a hazard.

- The proposal will have an adverse impact on wildlife in the area. The tight design will cut off many foraging routes for all types of animals that use the garden as a corridor. There is also a badger sett in the corner of the site that will be affected.
- There is a stipulation on the deeds that only one house (structure) may be constructed on the site known as 40 Cumnor Hill. (This is not a material planning consideration).
- The Planning Inspectorate's decision in turning down similar proposals at no 45 Cumnor Hill is directly relevant to this application. The building proposed for No 40 Cumnor Hill is larger than that refused scheme.
- This proposal will set a precedent for further development in the area. If this scheme is passed it will "open the floodgates" to other similar proposals.

Amended plans

- 4.10 Cumnor Parish Council has not responded to the consultation on the amended plans at the time of writing the report. Any comments received will be reported at the Meeting.
- 4.11 The County Engineer has not responded at the time of writing this report. Any further comments received will be reported at the Meeting.
- 4.12 Consultant Architect – comments attached at **Appendix 5**.
- 4.13 Thames Water – no objection provided surface water is not discharged into the foul sewer.
- 4.14 The Environment Agency has confirmed that they are unable to comment on this application due to other workload commitments, but consider the site has a low environmental risk.
- 4.15 Natural England has not responded at the time of writing the report. Any comments received will be reported at the Meeting.
- 4.16 3 letters of objection from the local residents have been received at the time of writing this report stating:
- The proposed block of flats will block all views to the left from the bedroom window that is in the side elevation of No 36. The plan also shows this affected window incorrectly. It is closer to the new building than is shown.
 - The 'street elevation' is a misleading plan as it does not show the 4m forward position of the block in relation to No 36. It also does not show the correct change in levels between each property, which occurs where the 'tree' is shown, and does not accurately show the relative heights between the properties.
 - No 36 is actually 8.8m high and not 9.4 as shown on the 'street elevation'. The block of flats will therefore be 2m higher than No 36, and will only be 1.5m from the boundary fence at its front corner.
 - Changes made are minor, the density is the same and still inappropriate.
 - The scheme maybe amended but our previous objections stand as before.
- 4.17 Any further comments received will be reported at the Meeting.

5.0 **Officer Comments**

- 5.1 The main issues in this case are considered to be 1) the principle of the development in this location, 2) the impact of the proposal on the character and appearance of the area, 3) the impact of the proposal on neighbouring properties, 4) the safety of the access and parking arrangements, 5) the impact on local wildlife 6) drainage issues and 7) precedent.
- 5.2 On the first issue, Cumnor Hill is identified in the Local Plan as an area that can accommodate new housing development providing the layout, mass and design would not harm the character of the area. PPS 3 'Housing' also makes it a priority to use previously developed land for new housing. Previously developed land includes the curtilage of an existing dwelling.

Furthermore, latest Government advice in PPS3 encourages the use of innovative approaches to achieve higher densities within existing settlements. In this respect, Paragraph 10 specifically refers to the planning system delivering 'a mix of housing, to support a wide variety of households at a sufficient quantity to take account of need and demand and to seek to improve choice'. The principle of a development mix of flats and terraced dwellings is therefore considered acceptable and an appropriate form of development in this location.

- 5.3 Regarding the second issue, the development in the form proposed is not considered to be out of keeping with the locality. The proposed terraced dwellings to the rear are appropriate and are considered by your Officers to work well with the site constraints.
- 5.4 With respect to the proposed block of flats, it is acknowledged that the building is larger than other neighbouring properties in terms of bulk and massing and is set further forward in the plot than the existing dwelling. However, it is not considered to be out of keeping with the locality or an overdevelopment of the site frontage taking account of the sloping nature of the site and its relationship with neighbouring buildings. The design takes reference from the various styles that are prevalent on Cumnor Hill, namely strong gables and vertical front bays, and proposes to use brick with stone detailing. The design has been the subject of considerable discussion between the applicants and Officers, and has been amended since the original scheme was submitted resulting in a reduction in the overall ridge height that leads to a more acceptable scaling of the building when viewed from the street. Officers consider the design proposed to be acceptable. Furthermore, the Consultant Architect has commented that there would be no justification for a design based refusal.
- 5.5 The scheme has a density of 44.4 dwellings per hectare, which accords with Policy H15 in terms of exceeding 40 dwellings per hectare. There would be some 200sqm of communal rear garden space for use by occupants of the flats, in addition to the terraces immediately at the rear of the building. Coupled with the private amenity space allocated to the terraced houses, Officers consider that the proposal is not an overdevelopment of the site. Furthermore, the loss of specified trees is not considered to be so harmful to the locality to warrant refusal. The Arboricultural Officer has raised no objections. Consequently, Officers consider the visual impact of the proposal to be acceptable.
- 5.6 Turning to the third issue, the impact on neighbouring properties, it is considered that no undue harm would be caused to those properties to the rear in Third Acre Rise. There is in excess of 25m between those houses and the proposed terraced dwellings. No 42 Cumnor Hill is surrounded by a dense conifer hedge which will remain and as such there is no undue harm to that property either.
- 5.7 The property most affected is No 36 Cumnor Hill. The new apartment building is sited forward of this dwelling to take account of the southwest side facing bedroom window. In addition to this bedroom window, on the ground floor there is a window directly below the bedroom which lights the kitchen and a secondary window to the front living room. The back door to the kitchen is also located in this side elevation. Whilst the new building will impact upon the light and outlook from this property in terms of the bedroom and kitchen, it is not considered to be so harmful to warrant refusal. The living room window is a secondary window, and the kitchen is an open plan room that has further windows in the rear elevation. With the new block sited forward of the kitchen and bedroom windows, they are not completely overshadowed to the extent where significant harm is caused to warrant refusal. Adequate lighting from the southwest will be maintained.
- 5.8 The amended plans have incidentally increased the spatial gap between the two buildings by 0.8m (giving a total distance of 4m between the two buildings) in order to further respect the amenity and privacy of this adjoining dwelling. As such the impact on light or privacy of the living room is, on balance, not considered to be sufficiently harmful to warrant refusal.
- 5.9 On the issue of parking and access, the proposed arrangements are considered acceptable. The parking provision shown provides 1.5 spaces for each flat and 2 spaces per dwelling.

Adequate visibility can also be achieved at the new access to ensure pedestrian and highway safety.

- 5.10 In terms of wildlife issues, an active badger sett has been identified on site. The applicants have commissioned a survey report which concludes that the proposal will not adversely impact long term upon either the sett itself or those wildlife corridors associated with it. Subject to no objections being received from Natural England, whose formal comments are awaited, it is expected that the report's conclusions are a fair assessment. Notwithstanding this, there will be a need for any development on site to be carried out in accordance with the requirements of the Protection of Badgers Act 1992 and the advice of Natural England. Any impact on other wildlife (i.e. that is not protected under EU directives or UK law) is not a reason to justify refusal of this proposal.
- 5.11 On the issue of drainage, the additional dwellings are not considered to overburden the existing system. Thames Water raises no objection to the proposal, subject to the prevention of surface water being discharged into the foul sewer. However, in the light of comments received from adjoining neighbours and the presence of natural spring runs through the site, a condition requiring full details of the surface water drainage discharge on this site is recommended.
- 5.12 With regard to precedent, whilst this can be material where other sites suitable for similar development can be identified in the locality, Members will be aware that each proposal must be considered on its own merits. In this case, there are other potential sites in the vicinity that could be the subject of a similar proposal. However, given the thrust of Government guidance on new housing, particularly in terms of making more efficient use of land within settlements, Officers consider that the issue of precedent is not such as to warrant refusal of this proposal.
- 5.13 Financial contributions are being sought for highways and social infrastructure to meet the need generated by this proposal to improve local services. As such, any impact on existing social infrastructure that may arise from this proposal will be mitigated and so could not constitute a reason to refuse permission.

6.0 **Recommendation**

6.1 *That authority to grant planning permission subject to the following conditions is delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Committee Chair in order to allow the completion of a S106 Agreement to secure the required financial contribution for highways and social infrastructure.*

1. *TL1 – Time Limit*
2. *MC2 – Sample Materials*
3. *RE2 – Restriction on extensions / alterations to dwellings (PD rights removed)*
4. *RE8 – Submission of drainage details*
5. *RE7 – Submission of boundary details.*
6. *Access in accordance with specified plan*
7. *Turning space in accordance with specified plan*
8. *Car parking layout in accordance with specified plan*
9. *LS4 – Submission of landscaping scheme*
10. *Full details of bin storage and cycle parking to be submitted prior to first occupation.*

11. *RE14 – Garage accommodation to be retained.*
12. *LS4 – Submission of landscaping scheme*
13. *HY11 – Specified vision splays (access)*
14. *No development shall commence until tree protection measures in accordance with BS5837 (2005) have been erected and inspected by the Council's Arboricultural Officer. Such measures shall be retained as approved at all times during construction, and no storage of plant, equipment or materials or any burning of waste shall take place within the protected areas.*
15. *No development shall commence until full details of the method of surface water and foul sewage drainage construction have been submitted and approved in writing by the District Planning Authority. The approved drainage scheme shall be constructed only in accordance with approved method.*
16. *MC20 – amended plans*

6.2 *That authority to refuse planning permission is delegated to the Deputy Director (Planning & Community Strategy) in consultation with the Committee Chair should the Section 106 Agreement not be completed within the 13week period (which ends on 16 January 2007). The reason for refusal would be based on the lack of necessary financial contributions towards improving local services and facilities.*