

# APPENDIX 1

## DRAFT MINUTE FROM MEETING HELD ON 8 JANUARY 2007

**CUM/8320/1 – 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**

(Councillors Briony Newport and Derek Rawson had each declared a personal interest in this item and in accordance with Standing Order 34 they remained in the meeting during its consideration).

It was reported that a letter dated 8 January 2007 had been received from Dr Evan Harris MP expressing concern at the number of applications for developments in the area of lower Cumnor Hill and Eynsham Road, whereby an existing footprint was expanded, with the result that there was less screening and more traffic. He noted a number of recent applications in the local area, none of which had been sufficient in size for the Council to insist on a significant proportion of affordable housing and therefore did little to deal with the wider social housing needs in the area. His concern and that of many of his constituents was that sequential piecemeal applications of this nature would over time change the neighbourhood from one which had an extremely rural feel and that local planning policy needed to reflect the need to maintain the character of the area, especially in the absence of making progress in meeting local housing need through these developments.

The Principal Planning Officer reported the following additional information:-

### Local Objections

A further 35 letters of objection had been received reiterating concerns already covered in the report and making additional comments, as follows:-

- The amended proposals made little change to the overall proposal, apart from some tinkering with the positioning of the various units and did nothing to address the core problem in that the proposal was out of keeping with Cumnor Hill.
- The archway was narrower than previously and would pose more of a risk to pedestrians walking underneath.
- The relocated Coach House restricted the amount of on site parking, making it inevitable that visitors would park on Cumnor Hill.
- The slope of the driveway was now greater, which would increase the revving of engines to the detriment of neighbouring amenity.
- Car parking was still inadequate.
- There was now no vehicular access to the terraced houses and the parking area was now closer to no 36 and no 42 Cumnor Hill, which would lead to light pollution, exhaust emissions and noise.
- The block of flats, being forward of the existing building line, remained intrusive and out of keeping with the character of Cumnor Hill. It was still higher than surrounding property and filled the width of the plot. The bay windows also protruded further than before.

- The proposed bin store was totally inappropriate and would be unsightly. It replaced the few trees that might have remained on the northern part of the road frontage.
- Should permission be given, there should be a condition requiring appropriate mature trees to be planted adjoining the pavement.
- The amended block of flats remained extremely intrusive to no 36 Cumnor Hill, and undermined the privacy to the bedroom that faced the site, which only had one window and not two as stated in the applicant's supporting information. It would also impact on light to the main bedroom window at the front. The rear terrace would also overshadow the side access path and the kitchen window by virtue of its height.
- The badger sett would be disturbed and no care appeared to have been taken to protect them from harm.
- The key to developing this site was good design. As proposed it did not represent good design, and should not be accepted.

### The Oxford Badger Group

The Oxford Badger Group had objected to the application stating that the report only covered activity on the site. It was concerned that the report did not cover badger activity on Cumnor Hill and that a wider survey was vital to ensure that wildlife corridors and foraging areas outside the site were not adversely affected. The Group considered that the proposed development involved an excessive overdevelopment of the site that would have a devastating impact on the wildlife habitat of the area.

### Cumnor Parish Council

It was reported that Cumnor Parish Council had been unable to meet to consider its response to the amended plans. However, two Councillors familiar with the application had considered the amended plans and re-iterated previous concerns raised by the Council regarding the proposal and made further comments in respect of the badger sett. The two members urged the Council to obtain its own independent advice regarding the protection of the sett, prior to determining the application. Other comments related to the continued over-dominance of the main block fronting Cumnor Hill and if the flat roof was sacrificed it would be possible to design a more compact and pleasing building, possibly allowing for access to the rear via the side of the plot. Finally, in respect of the Coachhouse it was considered that despite providing one flat and five dry parking spaces, this part of the development had a major effect, not only on existing neighbours, but also the quality of life for future occupants of the proposed new dwellings. In this regard the Committee was urged to omit the Coachhouse from any permission granted.

### County Engineer

It was reported that the County Engineer had raised no objection to the proposal on highway safety grounds, subject to conditions, but had raised a query regarding the potential adoption of the parking area. As there could be a requirement for Oxfordshire County Council to adopt the access drive and parking area, it had been requested that the height of the arch was increased to 5.7m as per current adoptable standards. The Highways Officer had requested that a further condition be added to ensure a site storage area was provided for all materials, plant and equipment in the interest of highway safety.

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## Environment Agency

It was reported that the Environment Agency had submitted a holding objection to the application stating that the development might increase flood risk in the area. Should sufficient information subsequently be provided which demonstrated that the development would not have a detrimental impact at the site or downstream and that appropriate mitigation measures could be employed, the Environment Agency might be in a position to remove its objection on flooding grounds.

In response to the comments and observations set out above, the Principal Planning Officer responded as follows:-

- In respect of the proposed arch, it was confirmed that it was no different than previously, and remained at a width of 4m. However, its height had been reduced at the rear to mirror the slope of the drive, as could be seen on the section drawing P104 on page 48 of the agenda.
- The allocated parking spaces had increased from 20 spaces on the original scheme to 21.
- Natural England had raised no objection to the proposal subject to the recommendations in the badger report being adhered to and that a further walk-over survey was carried out prior to any construction work commencing on site.
- In respect of the potential adoption of the parking area by Oxfordshire County Council, this was not a material planning consideration, and there had been no specific objection raised regarding the height of the arch on safety grounds. Furthermore the Council's Building Control Officer had confirmed that the height and width of the arch was acceptable for access by a fire tender, as per part B of the Building Regulations.
- In the event that planning permission was granted further information be sought from the applicant to address the Environment Agency's objection prior to any consent being issued. In the event the objection could not be overcome, the application would be refused on such grounds.
- The bin store should be relocated to a less prominent position on the site. It was therefore proposed that condition 10 on the report be replaced with the following wording:

*Notwithstanding the submitted details, no works shall commence upon site until revised details of bin storage, location of bin store(s) and collection facilities have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation the bin store/collection facilities shall be completed in all respects in accordance with the approved details and maintained as such thereafter.*

In relation to the report, the Principal Planning Officer clarified the following points:-

- In addition to the differences stated in paragraph 1.3, there was also a further difference in that the projection of the bay windows to the front of the block of flats had been increased by 300mm, thus having a total depth of 1m from the front of the block. The block itself came forward 0.8m forward of the existing at the corner closest to No 36 and 2m forward at the corner of the existing dwelling at no 42. Plan number P1.02 showed the position of the block in relation to the existing building.
- At paragraph 3.6, objectors had raised issues in relation to PPS3. For the avoidance of doubt, the presumption in favour of developing previously developed sites mentioned did not state that all land that was previously

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developed must be built on. The report was merely stating that as per Paragraph 40 of PPS3 a key objective was that the Council should continue to make effective use of land by re-using previously developed land rather than building on a green field site. As per Annex B of PPS3, there was no presumption that land that had been previously developed was necessarily suitable for housing development nor that the whole curtilage should be developed.

- Paragraph 9 of PPS3 reiterated the Government's strategic housing policy goal was to create sustainable, inclusive, and mixed communities in all areas. This consideration had been a key factor in allowing the appeal at No 116 Oxford Road, Abingdon where there had been objections to a proposal for a block of flats.
- Paragraph 12 of PPS3 confirmed that good design was fundamental to the development of high quality new housing, which contributed to the creation of sustainable, mixed communities.
- Paragraph 13 of PPS3 stated that design which was inappropriate in its context, or which failed to take the opportunities for improving the character and quality of an area and the way it functioned, should not be accepted.
- Paragraph 49 of PPS3 also confirmed that careful attention to design was particularly important where the chosen local strategy for new housing involved the intensification of the existing urban fabric. More intensive development was not always appropriate.
- Paragraph 69 stated that in determining planning applications, Local Planning Authorities should have regard to: 1) Achieving high quality housing, 2) ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, 3) in particular families and older people, 4) the suitability of a site for housing, including its environmental sustainability, 5) using land effectively and efficiently and 6) ensuring the proposed development was in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and did not undermine wider policy objectives.

Dr P Hawtin, on behalf of the Parish Council, made a statement objecting to the application, raising concerns relating to matters already covered in the Parish Council's response attached to the agenda. He claimed that this was the wrong development at the wrong time in the wrong place. He questioned the views of the Consultant Architect in respect of the application.

Mr J Rees, the owner of 36 Cumnor Hill, made a statement objecting to the application, raising concerns relating to matters already covered in the report. He claimed that the Oxford Badger Group had been denied access to the site and referred to the letter of concern from the local Member of Parliament regarding the proposed development and increased development generally in the Cumnor Hill area. He urged the Committee to reject the application.

Mr J Phillcox, the applicant's agent, made a statement in support of the application. He considered that the Officers had produced a thorough report and referred to the amount of pre-application discussion that had been undertaken with both the Vale and Oxfordshire County Council. Furthermore, there had also been much discussion on the amended scheme with the Vale, its Design Panel, Oxfordshire County Council, Cumnor Parish Council and neighbours. He accepted that the proposal would result in the loss of a family home, but claimed the proposed development would provide a healthy mix of residential units to meet local need. Referring to concerns regarding precedent, he reminded the Committee that each application

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should be considered on its merits. Finally, he referred to the Council's stated objective of protecting the Oxford Green Belt and claimed that the proposed development would assist with that aim.

Two of the local Members, present at the meeting, referred to the many local objections to the application and one expressed concern that the public consultation on the amended plans had been undertaken over the Christmas and New Year period. In speaking against the application they made the following comments:-

- The proposed development would harm the character of the area, contrary to Local Plan Policy H10.
- The proposed density was too high.
- Detrimental impact on neighbouring properties in terms of privacy and drainage. Reduce slab levels to lessen any impact.
- Urban development and out of keeping.
- No account had been taken of the impact of culverting the stream currently running through the application site.

Other Members of the Committee made the following additional comments:-

- Drainage concerns in the locality should be explored outside of the meeting.
- The principle of backland development was acceptable, however the current application was unacceptable for the reasons given by the local Members and local objectors above.
- Increased noise nuisance from vehicles entering the site, due to the slope of the land from the highway to the application site.
- Disappointed with the views of the Consultant Architect.
- Building at front of site too high and dominant.

By 15 votes to nil, it was

### *RESOLVED*

- that authority to refuse application CUM/8320/1 be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair and Opposition Spokesman of the Development Control Committee and local Members, the reasons for refusal relating to the design, scale and massing of the proposed block fronting Cumnor Hill, impact on 36 Cumnor Hill, lack of relevant information in respect of the Environment Agency's holding objection regarding possible flooding and the absence of financial contributions towards improving local services and facilities;*
- that the principle of development of the site, including the demolition of 40 Cumnor Hill be accepted.*