

APPLICATION NO.	P16/V0508/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	26.2.2016
PARISH	NORTH HINKSEY
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT	Bouvard Group
SITE	56 Hurst Rise Road, Cumnor Hill, Oxford, OX2 9HQ
PROPOSAL	Demolition of existing dwelling and associated outbuildings. Erection of two new four-bedroom dwellings with associated bin and bike stores. (additional plan 675-No65-202 received 7 April 2016.) (clarification and minor amendments received 21 and 27 April 2016).
AMENDMENTS	As above
GRID REFERENCE	448283/205496
OFFICER	Sarah Green

SUMMARY

- This application is referred to planning committee due to objections from North Hinksey Parish Council and from local residents.
- The proposal is to demolish the existing dwelling and replace it with two semi-detached dwellings.
- The main issues include impact upon the character of the area; drainage; parking, TPO trees, neighbour amenity.
- Officers consider that the proposal would have an acceptable impact upon the character of the area and on neighbours. There are no outstanding objections from highway officer, drainage engineer or the forestry officer.
- The application is recommended for approval.

1.0 INTRODUCTION

- 1.1 This application is referred to planning committee due to objections from North Hinksey Parish Council and local residents.
- 1.2 The site is located on Hurst Rise Road, between two bends in the road. A location plan is **attached** at Appendix 1. The levels along this part of the road fall relatively steeply. The existing property at no.56 sits between two properties, no.58 and no.54. No.58 sits to the west and is higher than the application site. No.54 sits to the north east, within a larger plot and is lower. There are two trees within the garden of no.54 that lie adjacent to the site and which have tree preservation orders (TPO's) on them, a beech and a pine.
- 1.3 There have been a number of previous applications for this and the adjacent site at no.54 for redevelopment. The latest applications in 2014 were for two separate proposals for 7 dwellings across the two sites, and for 10 dwellings across the two sites. Both those applications were refused and dismissed on appeal. The reasons for the dismissals were harm to the character of the area, the potential increased flood risk, and the failure to provide for social infrastructure to support the development.

2.0 **PROPOSAL**

2.1 This application seeks to demolish no.56 and erect two semi-detached four-bedroom houses. Access would be from the existing access to the site. Two car parking spaces for each dwelling would be provided on site. The application area also includes some land to the north, currently part of the garden of No 54, to form the rear gardens of the proposed properties.

2.2 Further clarification and minor amendments have been submitted in response to comments from the drainage engineer, highway officer and forestry officer. These include clarification on drainage details, vehicle tracking of the parking spaces, and the relocation of the storage bins to no.56a in relation to the TPO'd pine tree. Feedback from these technical consultees on these matters is included below. These minor amendments have been available for the public to comment on, and members will be updated on any further responses received at the committee meeting.

2.3 Extracts of the plans are **attached** at Appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

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

3.1	North Hinksey Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Lack of information- no measurements provided • Overdevelopment of site • Impact on beech tree • Access and parking issues • Drainage and subsidence issues
	Neighbour Objections (28)	<ul style="list-style-type: none"> • Insufficient information • Risk of subsidence, unstable land • Inadequate parking, tightness of parking • Inadequate provision for bins • TPO beech tree under threat • Out of character, unsympathetic • Extra traffic on Cumnor Hill • Buildings will be higher than surroundings • Highway safety issues • No drainage information/drainage issues • Overdevelopment • New building bulky and out of proportion • Weight of new construction will require deeper footings • 56 may suffer from insufficient daylight on western edge • Insufficient separation distances • Tree survey out of date • Building taller and bulkier than existing building
	Local Ward Member Debby Hallett	<ul style="list-style-type: none"> • Difficult to picture scale • Accompanying reports do not appear up to date • Lower density area of Cumnor Hill • Out of keeping • Does parking comply with design guide • Does amenity space comply
	Highways Liaison Officer (Oxfordshire County Council)	No objection subject to condition

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Countryside Officer	No objection subject to condition
Drainage Engineer	No objection subject to condition
Forestry Team	No objection subject to condition

4.0 RELEVANT PLANNING HISTORY

4.1 [P14/V1888/FUL](#) - Refused (23/12/2014) - Refused on appeal (30/11/2015)
Demolition of two existing dwellings and associated outbuildings, removal of concrete oversite. Creation of 7 dwellings with associated bin and bike stores. Alteration to existing dropped kerb.

[P14/V1887/FUL](#) - Refused (23/12/2014) - Refused on appeal (30/11/2015)
Demolition of two existing dwellings and associated outbuildings, removal of concrete oversite. Creation of 10 family dwellings with associated bin and bike stores. Alteration to existing dropped kerb.

[P13/V1194/FUL](#) - Refused (13/09/2013)
Demolition of two existing dwellings and associated outbuildings, removal of concrete oversite. Creation of 10 dwellings with associated bin and bike stores. Alteration to existing dropped kerb.

[P13/V0268/FUL](#) - Withdrawn (17/04/2013)
Demolition of existing two dwellings and associated outbuildings and removal of concrete oversite. Erection of 11 new dwellings with associated bin and bike stores and alterations.

[P10/V1139](#) - Refused (09/09/2010)
Demolition of existing dwelling and associated outbuildings. Erection of nine new dwellings with bin and bike stores. Relocation of existing dropped kerb.

[P06/V0990](#) - Approved (01/08/2006)
Construction of a first floor extension over existing garage to form additional bedroom

[P77/V6916](#) - Approved (30/09/1977)
Extension and alterations to form additional living accommodation. 56 Hurst Rise Road, Cumnor, Oxford. BR NO. 716/77NHI

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
DC9 - The Impact of Development on Neighbouring Uses
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. Whilst the plan has been through examination the inspector's has not been received and the objections to it remain unresolved. 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 8	Spatial Strategy for Abingdon & Oxford Fringe sub-area
Core Policy 37	Design and local distinctiveness
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

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. An application has been received for a neighbourhood planning designation area but to date a neighbourhood plan 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, the site area is under 5ha and is not within a 'sensitive area' as defined by the EIA regulations. Consequently the proposal is beneath the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended 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)

Human Rights Act 1998

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.

Equalities Act 2010

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 relevant planning considerations are:

- Principle of development
- Design and Layout
- Residential Amenity
- Trees
- Flood Risk and Surface/Foul Drainage
- Traffic, Parking and Highway Safety
- Ecology and Biodiversity

6.2 Principle of development

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 currently have a five year housing land supply.

6.3 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.

6.4 The site is located within the urban area of Botley. The principle of new residential development in this area would therefore be acceptable.

6.5 Design and Layout

The NPPF at paragraph 56 sets out that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 59 sets out that "design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

6.6 Paragraph 60 continues "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

6.7 A number of local plan policies seek to ensure high quality developments, in particular policies DC1 and DC6. In March 2015 the council adopted its new design guide.

6.8 The proposal has been designed to appear like a single house and side extension. The

ridge line between proposed 56 and 56a will be stepped by approximately 0.5m between them to take account of the downhill slope. The building will be 11.7m wide at the front, increasing to 14m towards the rear. It will be 16m in depth in total, although each dwelling would be 15.5m as they are stepped. It has been designed with a hipped roof form from the front, whereas to the rear it would have a gable end. The central part of the roof would be flat. The existing dwelling is 18.5m in width at ground level, 15.5m in width at first floor and 6.5m in depth. Therefore the proposed building is significantly deeper than the existing dwelling but not as wide.

- 6.9 The proposed building is taller than the existing dwelling. The proposed 56a (the downslope dwelling) would be at the same ground level as the existing dwelling, and its ridge approximately 1.3m taller than the existing house. The proposed 56 (the upslope dwelling) would be approx. 0.5m higher at ground level than the existing house and 1.8m higher to the ridge line than the existing.
- 6.10 Although the proposed dwellings are taller than the existing dwelling they are two storeys in scale and, due to the steep slope of the road at this point, officers consider that they will not appear out of character or dominant the street scene. The neighbouring dwelling to the west, no.58, is significantly higher in its plot than the proposed dwellings, and the proposal would follow the natural step down in building heights along Hurst Rise Road.
- 6.11 The proposed hipped roof form to the front would reflect the hipped roofs of the dwellings opposite. Its design would therefore be in keeping with the surrounding dwellings. The new building would be set slightly further back into the site than the existing dwelling and would be further away from the side boundaries than the existing dwelling. In accordance with DG78 of the design guide, the visual gap between the proposal and its boundaries would reflect that generally found in the immediate area. Your officers consider it is difficult to justify that there would be harm to the character or appearance of the area due to the design and layout of the development.
- 6.12 **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.
- 6.13 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. Section 5 of the design guide is particularly relevant as are parts of the householder section which pertain to neighbour impact.
- 6.14 No.58 sits to the west of the proposal and at a higher level. Due to the significant difference in heights between the sites, the proposal would not over shadow or dominate this neighbour. The hipped roof form will also help to moderate the impact upon this property. Concerns have been raised regarding the distance between the proposed building and this boundary and the lack of light to the proposed side-facing windows and rooflights in the new house. The side of the proposed building would be 1.5m from the boundary. The proposed windows along the side would be secondary windows to rooms which would have other openings to the front or rear. In terms of the rooflights these are to bathrooms which are non-habitable rooms. In light of these facts officers consider the relationship to be acceptable.

- 6.15 No.54, to the other side, sits within a larger plot. Although part of the plot will be given over to the gardens of the proposed dwellings, the property will still retain more than sufficient amenity space. This neighbouring house is set at an angle to the proposal and the agent has confirmed that the floor level will be approximately two metres lower than that of the proposed houses, similar to the existing situation. No.54 has a single storey side extension which would be 7.6m away from the closest corner point of the proposed 56a. The first floor of no.54 would be over 10m away from corner to corner. The side elevation of no.54 has first floor windows. The orientation of the buildings would mean that the nearest part of the proposed building would be approximately 12m from these windows. Officers consider that, given the orientation and distances, and the sloping nature of the hipped roof, the proposed building would not be unduly overbearing to this property.
- 6.16 There will be rooflights on this side of the proposed building. Given the height differences it is considered that these would not overlook no.54. To the rear of the dwellings are small first floor balconies. These would project 0.8m beyond the first floor, but would not include the whole of the flat roof. Given their orientation, officers consider that the balconies would not result in harmful overlooking over no.54.
- 6.17 It is also proposed the existing retaining walls and boundaries to the sides of the plot are kept as part of the development. In terms of amenity space both new dwellings would have over 100sqm of amenity space each, which exceeds the recommended area set out in the adopted design guide.
- 6.18 **Trees**
Policy DC6 sets out that proposal should include landscaping measures to protect existing important landscape features and visual amenities of the site. There are two TPO'd trees, a beech and a pine, close to the eastern boundary of the site, but within the garden of No 54. The forestry officer has visited the site, reviewed the application documents and discussed the proposal with the agent.
- 6.19 The submitted amendments are to overcome concerns with the impact upon these trees. The cycle store to the proposed no.56a has been repositioned to ensure that the hardstanding, and any wall to the store is outside of the root protection area (RPA) of the pine tree. The forestry officer is satisfied with this change.
- 6.20 In terms of the impact of the proposed drainage works on the beech tree, the forestry officer is satisfied that a SuDS scheme can be achieved on site and the tree can be protected. The most appropriate method for this will need to be determined but the forestry officer is satisfied that this can be achieved within the control of the suggested condition.
- 6.21 **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).
- 6.22 Previous applications, which included the lower site of no.54, have raised drainage and flooding issues. The inspector of the previous appeals for the larger site dismissed the proposals partly on insufficient information with regards to flood risk. The adjacent site to this current application, no.54, suffers from poor drainage due to it being much lower in level, poor infiltration and a potential perched water table. It was the lack of

information on how drainage would be dealt with on this part of the site that led the council's drainage engineer to issue a holding objection to those schemes and, ultimately, to the inspector dismissing the appeals.

- 6.23 In this application the proposed building is almost entirely within the site of no.56. It is in effect, replacing one building with a larger building. The drainage information that has been provided relates to no.56. The site is contained with existing retaining walls and the submitted hydrology report sets out there will not be any potential increase in flood risk elsewhere. The drainage engineer is satisfied with the drainage information submitted that relates to the application site. He considers that the drainage proposals are sufficient at this stage and that a detailed scheme can be approved by the suggested condition. There is no outstanding objection from the drainage engineer.
- 6.24 **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. Paragraph 32 of the NPPF states that development proposals should only be refused on traffic grounds if the residual impacts are "severe".
- 6.25 The proposal includes retaining the existing access and using this to serve both dwellings. A shared driveway with two car spaces for each dwelling would be provided. Further to the request of the highway officer further information has been submitted to clarify visibility and vehicle tracking. The officer has now removed his holding objection to the proposal.
- 6.26 A number of objections centre on the lack of parking and use of the access. The access is existing and is therefore already used. The addition of an extra dwelling will increase the use of the access, but the highway authority has carefully assessed the proposal and does not consider that the change in traffic generation will amount to "severe" harm in terms of paragraph 32 of the NPPF. With regards to parking the council's parking standards for four-bedroom dwellings are two spaces plus additional spaces on merit if considered necessary. Given the relatively sustainable location of the site two spaces for each dwelling is considered to be acceptable. Provision has been made for cycle storage within the plots and the site is close to a good bus route into Oxford. Officers consider that there is no justification to refuse permission on highway safety grounds.
- 6.27 **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...*"
- 6.28 The countryside officer has reviewed the proposal. The site is near to a large main badger sett. The officer is satisfied however that the proposal should not lead to any direct impacts on the sett and the indirect impacts should be limited to the loss of a very small percentage of foraging area and potential disturbance during the construction process. He has recommended that a condition to provide details of the proposed mitigation and protection for badgers be imposed on any permission.

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. Paragraph 14 of the NPPF states that, in the absence of a five year supply of housing land, planning applications for new housing should be permitted unless the adverse effects significantly and demonstrably outweigh the benefits.

7.2 The proposal would replace an existing dwelling with two new dwellings in a sustainable location. The scheme is considered to generally reflect the character of the area. It would have some impact upon the neighbouring properties however this impact is considered to be acceptable. There are no outstanding objections from technical consultees, in particular the drainage engineer, the highway officer or the forestry officer. It is considered that the development will not lead to an increased flood risk elsewhere and that the TPO'd trees adjacent to the site can be protected.

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

8.0 RECOMMENDATION

Planning permission be granted subject to the following conditions:

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**
- 3. Slab level details to be submitted.**
- 4. Material details to be submitted.**
- 5. Tree protection details to be submitted.**
- 6. Badger mitigation details to be submitted.**
- 7. Access and parking to be in accordance with plan.**
- 8. Cycle stores to be provided in accordance with plan.**
- 9. Boundary details, including planting, to be submitted.**
- 10. Detailed sustainable surface water drainage scheme to be submitted.**

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