

<b>APPLICATION NO.</b>	<a href="#">P16/V0721/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	29.3.2016
<b>PARISH</b>	CUMNOR
<b>WARD MEMBER(S)</b>	Dudley Hoddinott Judy Roberts
<b>APPLICANT</b>	Lawrence Homes
<b>SITE</b>	82 Cumnor Hill, Oxford, OX2 9HU
<b>PROPOSAL</b>	Redevelopment of the site to provide 8 no. 2-bed apartments along with external amenity space, car parking, cycle parking and refuse store (Design and Access Statement, letter regarding badgers, additional drainage information, and amended drawings received on 7 June 2016)
<b>AMENDMENTS</b>	Yes, as above.
<b>GRID REFERENCE</b>	447724/205196
<b>OFFICER</b>	Lisa Kamali

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## SUMMARY

This full planning application is presented to committee as the Parish Council object and 24 letters of objection have been received from local residents.

The application proposes to demolish the existing vacant house and erect a modern building containing eight apartments, all of which would have two bedrooms.

This report seeks to assess the planning application details against the national and local planning policy framework where relevant and all other material planning considerations.

The key conclusions arrived at in this report are as follows:-

- The development, if approved, will bring a brownfield site in a sustainable location back into use, and will provide an additional eight residential units contributing toward the districts housing supply.
- The proposed building, whilst contemporary in its design, will not detrimentally harm the character and appearance of the area, particularly in light of other similar developments that have been recently approved in the locality.
- The application presents a satisfactory layout and design, and whilst the building is large and there will be some impacts neighbouring properties, particularly number 80 Cumnor Hill, these are not so unreasonable to justify refusal of the application.
- The application will have some impact on an existing badger sett which is located partially on the site, however the badgers will not be unduly affected subject to conditions.

- The proposal provides for sufficient parking and will not unduly harm highway safety subject to conditions. Surface water drainage proposals are likely to be acceptable subject to conditions.

Overall, the development is considered to amount to sustainable development, and whilst there will be some adverse effects, these do not outweigh the benefits. Consequently, the application is recommended for approval subject to conditions.

## 1.0 INTRODUCTION

- 1.1 This application relates to 82 Cumnor Hill, an approximately 0.3 acre site located on the western side of Cumnor Hill. The site currently contains a vacant two storey dwelling positioned centrally on the site with a single storey garage located to the northwest corner.
- 1.2 The site has a large garden area which includes a number of large mature trees, particularly to the western (rear) boundary. There is an active badger hole on the southern boundary (entrance on 84 Cumnor Hill side), and an additional five, possibly six possibly active holes are located within 10m of the site boundary.
- 1.3 The topography of the site is such that the gardens fall steeply away from Cumnor Hill. The site also slopes down towards the neighbour at number 80 Cumnor Hill to the north.
- 1.4 The site currently has a steep driveway access directly from Cumnor Hill, however it is noted that a new access onto the site has been constructed via a private driveway to the south-west corner of the site which runs along the frontage of 84-86 Cumnor Hill before linking onto Breeches End.
- 1.5 The site has no special designations in the adopted Local Plan (2011).
- 1.6 A site location plan is **attached** at appendix 1.

## 2.0 PROPOSAL

- 2.1 The application proposes demolition of the existing house and garage and redevelopment of the site to provide a modern design building containing eight apartments within a part three, part four storey building. The building is four storeys in height when viewed from the northern part of the site and three storeys when seen from the southern part of the site (main entrance level).
- 2.2 All eight apartments are proposed to be two bedrooms. The apartments range in size from 73.9 sq.m to 112 sq.m.
- 2.3 The application provides for six external car parks, and a further six within an undercroft in the building. Bicycle storage for 24 cycles is provided.
- 2.4 Access to the site is via an existing private driveway off Beeches End, which serves numbers 82, 84 and 86 Cumnor Hill. This driveway has been built pursuant to condition 5 attached to the care home outline consent (Ref. P12/V1819), the aim of which was to reduce the number of vehicle crossings from Cumnor Hill in the interests of highway safety.
- 2.5 The palette of materials for the new building is proposed to comprise facing brickwork, through coloured render, fibre cement weatherboard external cladding, single ply

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roofing with aluminium trims, uPVC windows and doors (grey external/white internal), glass and stainless steel frame balustrading to terraces.

- 2.6 It is proposed to retain most of the existing trees, hedgerows and shrubs. A new hedgerow is to be provided to infill the disused site access off Cumnor Hill.
- 2.7 The application is accompanied by a number of supporting documents, which are as follows:-
- Design and Access Statement dated March 2016
  - Transport Statement dated March 2016
  - Badger Report dated March 2016 and additional letter dated June 2016
  - Arboricultural Report and appendices dated February 2016
- 2.8 The application has been amended to address concerns from objectors and the planning officer. The amendments include a design and access statement, a letter regarding badgers, additional drainage information, relocated refuse store and amended drawings to show privacy screens. Neighbours and other consultees were reconsulted on these changes on 10 June 2016.
- 2.9 Floor plans and elevations are **attached** at appendix 2 and 3, and street elevations are **attached** at appendix 4.
- 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**
- 3.1 In addition to the initial consultation on the planning application when it was received in March 2016, there has been one further round of consultation following the receipt of additional and amended information. Consultees were re-consulted on the amendments on 10 June 2016. The amendments are summarised as follows:
- Design and access statement submitted.
  - Design amendments to provide screening to top floor terraces to protect neighbour privacy.
  - Relocated bin store to address comments made by the council's waste team.
  - Additional drainage information to address comments from the council's drainage officer and countryside officer.
- 3.2 Below is a summary of the responses received to both the original plans and the amendments. 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	<p><i>Revised plans</i> No comments received at the time of writing this report.</p> <p><i>Original plans</i> Objected on a number of grounds as follows:-</p> <ul style="list-style-type: none"><li>• The proposal over dominates, overlooks and causes loss of light to the adjacent property of 84 Cumnor Hill. Although the windows on the west elevation are glazed with obscure glass, there are terraces at the third floor level infringing the privacy of 84.</li><li>• The scale and mass of the proposal is not in keeping with the existing traditional Cumnor Hill properties. The Design Guide Supplementary Document states that there should be sufficient space between buildings and boundaries which Council believes is not the case.</li></ul>
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	<ul style="list-style-type: none"> <li>• Council has concerns that the proposed access to the site is via a private driveway from Breeches End. There is no information as to who owns the driveway and how it will be maintained. It is proposed that the existing access is to be closed and Council would request that if permission is to be granted a condition should be set to grant right of access for 84 Cumnor Hill.</li> <li>• The Badger Survey and Method Statement highlights that disturbance to the badgers will occur during construction. The Vale has an obligation to protect habitats and protected species and must ensure that the method statement be rigorously enforced.</li> <li>• No drainage strategy has been submitted for the management of surface and ground water. Cumnor Hill is known to have problems of springs and surface water.</li> </ul>
<p>Neighbours</p>	<p>Objections have been received from 24 neighbours, including those that directly adjoin the site at 80 and 84 Cumnor Hill. The issues raised are summarised below:-</p> <ul style="list-style-type: none"> <li>• Overlooking from proposed terraces resulting in loss of privacy.</li> <li>• Building is too tall, bulky and over-dominant.</li> <li>• Modern design of building is out of keeping with the area.</li> <li>• Development will result in loss of light to neighbours.</li> <li>• Drainage in the area is already inadequate and the proposal would exacerbate this.</li> <li>• Site access is inadequate for number of apartments proposed as it is too narrow and has no passing places.</li> <li>• Provision of apartments is not in keeping with local context.</li> <li>• Proposal will detrimentally impact on outlook from neighbouring properties.</li> <li>• Noise from proposed terraces and parking areas would impact on residential amenity.</li> <li>• Development will have a serious detrimental impact on badgers and other wildlife.</li> <li>• Inadequate arrangements for refuse collection.</li> </ul>
<p>Highways Liaison Officer (County Council)</p>	<p><i>Revised plans</i></p> <p>No objection in principle subject to conditions as follows:-</p> <ul style="list-style-type: none"> <li>• Access, parking, turning space and vision splays in accordance with plan and transport statement. Visitor car parking spaces to be marked as such.</li> <li>• Cycle parking provision requires minor revision via condition.</li> <li>• Sustainable drainage systems (SuDS) compliant Drainage Strategy.</li> <li>• Construction traffic management plan, to Oxfordshire County Council guidance note, before implementation</li> <li>• Closure of existing access, before occupation.</li> <li>• Grit/Salt bins to be incorporated into the site Management Plan, in perpetuity, and provided before occupation.</li> </ul> <p>An informative regarding Works within the Highway was also recommended.</p>

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	<p><i>Original plans</i> No comments received.</p>
<p>Natural England</p>	<p><i>Revised plans</i> No comments received at the time of writing this report.</p> <p><i>Original plans</i> No overall objection. Comments summarised as follows:-</p> <p>Statutory nature conservation sites – no objection</p> <p>Priority Habitat – The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. 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.’</p> <p>Protected species - we have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application.</p> <p>Biodiversity enhancements - this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.</p>
<p>Oxfordshire Badger Group</p>	<p><i>Revised plans</i> No comments received at the time of writing this report.</p> <p><i>Original plans</i> Objected on a number of grounds as summarised below:-</p> <ul style="list-style-type: none"> <li>• The work, which may involve pile driving because of the height, mass and scale of the building, will impact negatively on the badgers who have already had to endure unacceptable levels of noise and interference by the construction of the large nursing home behind the property.</li> <li>• The Thames Valley Police Wildlife Officer expressed concerns about the significant disturbance and stress to this community of badgers.</li> <li>• The fact that the plot is owned by the same developer as the nursing home is significant, as initial consideration of the impact on badgers should have been considered as a whole and not on a piecemeal basis. The badgers will have to endure yet more disturbance and sett closure, which, taken together with that already endured, will result in serious concern about the badgers' welfare.</li> </ul>

	<ul style="list-style-type: none"> <li>• Of the 5 holes on the site of 82 Cumnor Hill only 2 are active. No protection was afforded to these holes, despite the fact that 82 has been used as a site office.</li> <li>• Badger setts are protected by law and it is important that conditions are enforced to ensure the welfare of a protected species. If the development is approved, the two active holes will need to be closed. No mitigation has been offered and what was once a 40 hole sett is reduced to about 6 holes concentrated in the neighbouring garden.</li> <li>• The residents are providing the mitigation for a development which is being built for profit.</li> <li>• The council should take a stand and fulfil its obligation to maintain biodiversity and protect important habitats.</li> <li>• The approval of the nursing home in a woodland rich in wildlife and with streams running through it, was indefensible. The subsequent clearing of 86 Cumnor Hill without the prerequisite wildlife report was possibly in contravention of the law.</li> <li>• If this application is approved then it will be quite clear that the planning process has scant regard for the natural environment.</li> </ul>
Thames Water	<p><i>Revised plans</i> No comments received at the time of writing this report.</p> <p><i>Original plans</i> No objection. Comments summarised as follows:-</p> <p>Waste – no objection regarding sewerage infrastructure capacity.</p> <p>Surface water drainage - it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.</p> <p>Water Comments - recommended an informative regarding flow rate.</p>
Countryside Officer	<p><i>Revised plans</i> No objection. Recommended conditions regarding the required Natural England licence, compliance with the conclusions of the Badger Survey and Method Statement and to ensure landscape proposals are developed in consultation with a qualified ecologist.</p> <p><i>Original plans</i> Objected because no information had been submitted related to how the surface water drainage will be managed.</p>

<p>Drainage Engineer</p>	<p><i>Revised plans</i> No comments received at the time of writing this report.</p> <p><i>Original plans</i> Holding objection on drainage and flood risk grounds. It has not been demonstrated how surface water will be managed from the proposed development. The area is known have variable ground conditions with poor infiltration and a hydrological and hydrogeological assessment is required. Therefore, a preliminary surface water drainage strategy is required to demonstrate how surface water run off for the 1 in 100 year storm event plus climate change allowance will be managed together with an assessment of any impact on groundwater flows.</p>
<p>Waste</p>	<p><i>Revised plans</i> No objection in principle. Requested a plan to show the street elevations for the bin store to see if bulk bins could be wheeled from the store up to a collection vehicle on Cumnor Hill. Bulk bins would be preferred.</p> <p><i>Original plans</i> Raised concerns regarding location of bin store and the length of the reverse that would be required to access it.</p>
<p>Forestry</p>	<p><i>Revised plans</i> No comments received at the time of writing this report.</p> <p><i>Original plans</i> No objection. Noted that the proposed development will result in the direct loss of three trees (two Lawson Cypress and a Purple Plum). As one of the Lawson Cypress is visible beyond the Cumnor Hill boundary and adds to the character of the area, a replacement should be secured via a landscape scheme condition. Recommended a tree protection condition for remaining trees.</p>

4.0 **RELEVANT PLANNING HISTORY**

4.1 **Pre-applications on the subject site**

[P15/V1950/PEM](#) – (20/10/2015)

Demolition of dwelling house and outbuilding and erection of a building containing seven apartments plus car parking and gardens.

4.2 **Planning applications on the subject site**

None relevant.

4.3 **Relevant planning applications on surrounding sites**

*84 Cumnor Hill*

[P15/V1782/PEO](#) - (28/08/2015)

Re-open previous access to Cumnor Hill for pedestrian use.

*86 Cumnor Hill*

[P15/V0940/FUL](#) - Approved (05/10/2015)

Re-development of site to provide 3 x 3-bed apartments and 3 x 2-bed 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).

*1 – 6 Breeches End (Formerly known as 88 Cumnor Hill)*

[P05/V1691/RM](#) – Approved 19/01/2006

Approval of reserved matters in relation to outline permission CUM/17769/1-X for the first phase of the development. Erection of 6 apartments.

*Land to the rear of 82-88 Cumnor Hill*

[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.

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

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

## 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 assessment of this application are

1. Principle of the development
2. Affordable housing and housing Mix
3. Layout and design
4. Residential amenity
5. Landscaping
6. Flood risk and surface/foul drainage
7. Traffic, parking and highway safety
8. Protected species and biodiversity

**Principle of the Development**

6.2 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 has been previously developed and is located within a very sustainable location, with good transport links and within close proximity of a range 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).

6.3 Provided the other planning issues can be addressed satisfactorily, the principle of development is considered acceptable given that the site is within an established built-up area, and is a brown field site in a sustainable location. The proposal is therefore 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).

**Affordable Housing and Housing Mix**

6.4 Policy H17 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. The emerging local plan has a requirement of 35% affordable housing provision. 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.

- 6.5 With regard to housing mix the development proposes 8 x 2 bedroom apartments. A number of neighbours have responded to state that there are already too many two bedroom apartments in the locality.
- 6.6 However, the proposals are not required to provide a varying housing mix under adopted plan policy H16 (the site would have to be capable of accommodating 10 dwellings in a settlement of more than 3000 people). Given this, it would not be reasonable to insist on a different mix. It is also noted that H16 requires 50% of the units to be two bedrooms, and as such the housing mix proposed does accord with this requirement.

### **Design and Layout**

- 6.7 There has been substantial local objection to the application, and concern has been raised regarding the scale and massing of the building. Objectors consider that the design of the scheme is out of context with the character of the area.
- 6.8 The NPPF states 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.
- 6.9 A number of local plan policies seek to ensure high quality developments and to protect the amenities of neighbouring properties (Policies DC1, DC6, and 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.

#### *Site, Setting and Framework*

- 6.10 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 a 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.
- 6.11 The immediate surroundings of the site contains a varied mix of architectural styles. The site immediately adjacent to the south (84 Cumnor Hill) contains a traditional two storey dwelling, however the site beyond that (86 Cumnor Hill) has planning permission (planning reference P15/V0940/FUL) for six flats in a contemporary style building quite similar to that proposed in this application. Additionally, the site beyond that already contains a block of flats of a very contemporary design (planning reference P05/V1691/RM).

#### *Spatial Layout*

- 6.12 The proposed building is positioned fairly centrally on the site. While it is appreciated that the proposed building has a larger footprint, and would be taller and bulkier than what is on the site now, it is noted that this is a large site, and officers consider that the site is capable of accommodating a larger building.
- 6.13 The proposal would be in keeping with the grain and character of the locality in terms of building setback and spatial layout, particularly given the context of the adjacent

existing and proposed apartment developments to the south at number 86 and 84 Cumnor Hill.

*Built form*

- 6.14 Whilst the design of the proposed building is modern and different to some of the existing traditional style housing found in this area, this in itself does not make the proposal harmful, and paragraph 60 of the NPPF warns against imposing architectural styles or particular tastes. Officers consider a contemporary design to be acceptable in this instance, especially in light of the recent approval at 86 Cumnor Hill (planning reference P15/V0940/FUL).for a similarly designed building.
- 6.15 The development will not be visually prominent in the street scene because the front building line would be set back approximately 17 metres from the road and the site falls away sharply from Cumnor Hill. Existing hedging to the front of the site will be retained where possible and new hedging is proposed to infill the existing site access, which will no longer be used. This will further screen the development from the street. A condition is recommended to ensure appropriate planting is undertaken.
- 6.16 Whilst it is appreciated that the proposed building is quite large and certainly much bulkier than the existing house, its scale and massing would be reflective of the approved building to the south at 86 Cumnor Hill and the existing building further south at 1-6 Breeches End. When viewed from the front the proposed building will be approximately 9.5 metres in height, and its roofline will be lower than that of the closest adjacent house at 84 Cumnor Hill. The roofline is significantly higher than that of the northern neighbour at number 80 Cumnor Hill, however this is unavoidable due to the slope of the land, and it is noted that 80 Cumnor Hill is not visible from the street.
- 6.17 From the rear, the building will be more dominating in appearance as it will have four floors and a height of some 12.5 metres. This is unavoidable to some extent due to the steep topography of the site. The 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.

*Architectural Detailing*

- 6.18 The design of the development is distinctly contemporary and the palette of materials for the new building is proposed to comprise facing brickwork, through coloured render, fibre cement weatherboard external cladding, single ply roofing with aluminium trims, and uPVC windows and doors. 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, and in light of the approved building at 86 Cumnor Hill which is similar in its architectural detailing.
- 6.19 A condition for external materials is recommended to ensure these are of a high quality and complement the architecture.
- 6.20 Overall, the design, scale and mass of the proposed building is acceptable subject to a condition for external materials. The building is considered to fit comfortably on the site and the proposal is not considered to be unduly harmful to the character of the locality. 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 intent of Core Policy 37 of the emerging Local Plan; the adopted Design Guide SPD and the NPPF.

**Residential Amenity**

- 6.21 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. The neighbours at 80 and 84 Cumnor Hill have objected and, amongst other things, they are very concerned about impacts on their amenity.
- 6.22 The Council's design guide does not specify any minimum side to side distance. The side of the building is separated from the side of the neighbouring dwelling to the south (84 Cumnor Hill) by some 11 metres. A condition for a detailed landscaping plan is recommended to ensure that appropriate boundary screening is provided which will reduce visual impact. Whilst it is accepted that the proposed building is significantly larger in its overall mass than 84 Cumnor Hill, it is noted that the overall height does not exceed that of the ridgeline of this neighbour, and, being oriented to the north, it will not result in a significant loss of light to that property. All windows on the southern elevation of the proposed building are to be obscure glazed and the top floor terraces will be provided with 1.8 metre high screening to avoid any loss of privacy to 84 Cumnor Hill.
- 6.23 The proposed building is separated from the care home to the west by some 21 metres. This is considered adequate to prevent privacy issues, and it is noted that due to the slope of the land, the apartments will look out over the top of the care home than into it. The proposed building will be quite dominant when viewed from the care home however there is significant existing vegetation along the rear boundary which is to be retained which will help to screen the development.
- 6.24 The distance of the building to the neighbouring dwelling to the north (80 Cumnor Hill) is some 17 metres at the closest point. As the site slopes down towards number 80 Cumnor Hill, the proposed building will undoubtedly alter the outlook from that property when looking south, particularly during winter when tree cover is thin. A condition for a detailed landscaping plan is recommended to ensure that appropriate boundary screening is provided which will reduce this visual impact to a degree.
- 6.25 As the proposed building is significantly larger than the existing house, and because it will be at a higher level and oriented to the south of number 80, there will be some loss of light to an outdoor terrace area and to habitable rooms in that property as a result of the proposal. However, the impacts are not considered so great as to refuse the application, particularly given the existing substantial tree cover within the boundary of number 80 (and thus within their control) and the separation distance of over 17 metres to affected habitable rooms. All windows on the northern elevation of the proposed building are to be obscure glazed and the top floor terraces will be provided with 1.8 metre high screening to avoid any loss of privacy to this neighbour.
- 6.26 The proposed two bedroom flats will have internal areas ranging from 73.9sq.m to 112sq.m. The internal space provided for the flats is acceptable, and the flats are considered to have a good internal layout, with like for like uses stacked above and below each other as far as practicable. Generally the orientation of the proposed flats is good. There is some concern that the ground and first floor flats are only single aspect however as this is a westerly aspect this is considered acceptable.
- 6.27 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 terraces are all accessed from living areas and with the smallest four

measuring 12sq.m, all are large enough to be useable in practical terms.

- 6.28 Overall, whilst the proposal will alter the outlook from all the neighbours and result in some dominance and loss of light to 80 Cumnor Hill, the impacts are not unreasonable on balance. The proposal provides for an acceptable level of residential amenity for its future occupants. As such the application is in general accordance with policy DC9 of the Local Plan, design principles DG63-64 of the design guide and the NPPF.

### **Landscaping**

- 6.29 The submitted Design and Access Statement states that as far as possible the existing trees, hedgerows and shrubs are to be retained and that new hedgerow is to be provided to infill the disused site access.
- 6.30 The application is supported by an arboricultural report which includes an assessment of the condition of the existing trees and their contribution to the visual amenity afforded by the site. The proposed development will result in the direct loss of three trees (two Lawson Cypress and a Purple Plum) One of the Lawson Cypress is visible beyond the Cumnor Hill boundary and adds to the character of the area.
- 6.31 The council's forestry officer acknowledges that the loss of the Lawson Cypress could be mitigated within the landscape space adjacent to the road but noted that no details are supplied. He has recommended a condition for a landscaping scheme to ensure adequate replacement planting is provided. He has also recommended a condition for tree protection for the trees that are to be retained. It is considered reasonable and necessary to attach these conditions to any approval.
- 6.32 In addition to vegetation retention and replacement of the Lawson Cypress, the opportunities for landscaping are fairly limited given the size of the building and the requirement for on-site parking, however the site layout plan does show some new planting which is welcomed. It is expected that landscaping will be good quality and long lasting, and this will be ensured through the imposition of the condition for a full landscaping scheme.
- 6.33 Natural England has noted that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife and enhance the biodiversity of the site, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The landscaping condition will include a requirement for these features to be investigated for inclusion into the landscape detail of the scheme.
- 6.34 Subject to a conditions for a full landscaping scheme (and future maintenance) and tree protection, the proposal is considered to be acceptable in landscape terms and in general accordance with policy H23 and DC6 of the Local Plan and Core Policy 44 of the emerging local plan.

### **Flood Risk and Surface/Foul Drainage**

- 6.35 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).
- 6.36 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.

- 6.37 The application proposes to dispose of surface water runoff into an attenuation pond at the care home site to the west of the site. Neighbours have objected stating that existing surface water drainage is poor and that the proposal will exacerbate this issue.
- 6.38 Thames Water consider that the site can be effectively drained and as such does not pose a flood risk. The council's drainage engineer originally objected due to insufficient surface water drainage information, however this has now been provided. The drainage engineer has not yet responded and members will be updated on this issue at committee.
- 6.39 **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: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.40 The county council highways liaison officer has reviewed the application (as amended) and is satisfied that the proposal provides for adequate car and cycle parking as well as adequate access. They stated that the proposal is unlikely to generate significant amounts of traffic due to the sustainable location, and is unlikely to have a significantly detrimental impact upon the local highway network. The Highways Officer has recommended a number of conditions including a requirement for a construction traffic management plan, closure of existing access from Cumnor Hill, cycle parking revision and provision, grit/salt bins to be incorporated into the site management plan, and a SuDS compliant drainage strategy.
- 6.41 Several objectors have raised concern that the shared access driveway to the site, which runs along in front of 86 and 84 Cumnor Hill, is 'made up' and too narrow to serve so many properties, however the highways officer has not raised any concern regarding the access. Additionally, the driveway has been built pursuant to condition 5 attached to the care home outline consent (Ref. P12/V1819), the aim of which was to reduce the number of vehicle crossings from Cumnor Hill in the interests of highway safety.
- 6.42 The council's waste team raised concerns regarding the original location of the bin store, which would have involved a long reverse down the access road to the site. The applicant responded to this by relocating the bin store alongside Cumnor Hill, allowing for collection from the main road. The waste team have no objection to the revised proposals but have asked for a street elevation. Members will be updated on this issue.
- 6.43 Overall the proposal provides for adequate access, parking and refuse collection arrangements and will not unduly impact on highway safety. Subject to the conditions recommended by the highways liaison officer, the proposal is considered to be acceptable in this regard and in accordance with Policy DC5 of the Local Plan

#### **Protected Species and Biodiversity**

- 6.44 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.

- 6.45 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...”
- 6.46 Part of a badger sett is located on the site and it is centred to the rear of the neighbouring property no.84 Cumnor Hill. There is an active badger hole on the boundary of the site, and an additional five, possibly six possibly active holes are located within 10m of the site boundary. The sett has already been affected by developments to the rear (the care home) and to the south at number 86 Cumnor Hill. Both these developments have been granted licences by Natural England to close parts of the sett. The care home development also included the creation of an artificial sett, although there is no indication that this is in use yet.
- 6.47 The application is accompanied by a Badger Survey and Method Statement.
- 6.48 The Oxfordshire Badger Group has objected to the proposal as they consider construction of the building would impact negatively on the badgers, who have already suffered noise and interference by the construction of the large nursing home behind the property. They note that the Thames Valley Police Wildlife Officer expressed concerns about the significant disturbance and stress to this community of badgers. A number of neighbours have also raised concern regarding impacts on the badgers.
- 6.49 The council’s countryside officer originally objected to the application due to inadequate surface water drainage information. The applicant provided information demonstrating that the site will be drained to a surface water attenuation pond to the rear at the care home. The countryside officer responded to remove his objection, stating that in reaching this decision the following considerations had been taken into account:-
- 1) The sett has already been subject to significant disturbance from the other developments, both of which have been granted licences by Natural England.
  - 2) Badgers in the sett have become accustomed to disturbance and badgers in general are well known to tolerate high levels of disturbance.
  - 3) The closure of the sett entrances and tunnels in the recent past have not caused the badgers to abandon the sett and the sett is still very active with new entrances being evacuated on land previously disturbed by the care home development.
  - 4) The proposals will not impact a significant area of foraging habitat and will not isolate badgers from their foraging areas.
  - 5) The development proposals will leave the same area of rear garden available to badgers as is currently the case (following completion).
  - 6) The applicant could apply to close sett entrances in the garden on the basis that the sett is causing damage to the existing house. Natural England could not refuse a licence for this. It is therefore likely that Natural England would grant a licence for these works.
  - 7) An alternative sett is available at the care home site.



- 6.50 The countryside officer recommended conditions regarding the Natural England licence, compliance with the conclusions of the Badger Survey and Method Statement and to ensure landscape proposals are developed in consultation with a qualified ecologist.
- 6.51 Natural England has noted that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife and enhance the biodiversity of the site, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The landscaping condition will include a requirement for these features to be considered for inclusion into the landscape detail of the scheme.
- 6.52 Whilst it is acknowledged that objections from neighbours and the Oxfordshire badger Group remain, overall it is considered that the development will not unduly harm protected species or biodiversity, subject to conditions. The application 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 development, if approved, will bring a brownfield site in a sustainable location back into use and will provide an additional eight residential units contributing toward the districts housing supply. The proposed building, whilst contemporary in its design, will not detrimentally harm the character and appearance of the area, particularly in light of other similar developments that have been recently approved. The application presents a satisfactory layout and design, and whilst there will be some impacts neighbouring properties, these are not so unreasonable to justify refusal of the application.
- 7.3 The application will have some impact on the badger sett which is located partially on the site, however the badgers will not be unduly affected subject to conditions. The proposal provides for sufficient parking and will not unduly harm highway safety subject to conditions. Surface water drainage proposals are likely to be acceptable subject to conditions.
- 7.4 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 to a degree, and do not significantly and demonstrably outweigh the benefits. Consequently, the application is recommended for approval subject to the conditions identified in Section 8 below.

## 8.0 RECOMMENDATION

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

- 1. Three year time limit - full application.**
- 2. Approved plans.**
- 3. Access, parking and turning to be in accordance with approved plans.**
- 4. Cycle parking provision and provision prior to occupation.**
- 5. Construction traffic management plan to be agreed prior to commencement of works.**
- 6. Closure of existing access prior to occupation.**
- 7. Grit/salt bins to be incorporated into the site management plan and provided prior to occupation.**
- 8. Drainage details, surface and foul (full).**
- 9. SuDS compliant drainage strategy to be agreed and implemented prior to occupation.**
- 10. Landscaping scheme (including boundary details, opportunities for bats, installation of bird nest boxes, and mature replacement tree) to be developed in consultation with a qualified ecologist and submitted and implemented prior to occupation.**
- 11. Landscaping scheme to be maintained.**
- 12. Materials samples (full).**
- 13. No works to commence in absence of Natural England license or evidence that no license is required.**
- 14. Development to be implemented in accordance with the badger survey and method statement.**
- 15. Levels to be agreed.**

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