
APPLICATION NO.	P17/V1727/FUL
SITE	11 Dean Court Road OXFORD, OX2 9JL
PARISH	CUMNOR
PROPOSAL	Demolition of the existing 5 bedroom dwelling and erection of 8 x 2 Bedroom flats in two buildings and single replacement detached 5 Bedroom dwelling. Provision of a shared access drive with associated parking, amenity, refuse and cycle stores. (As amended by plans and letter from agent received 10th and 21st August 2017) (Amended plans received 11 September 2017 and Badger Report) (as amended by bat report received 19 September 2017) (As amended by plans received 9 October 2017 correcting the highway verge detail)
WARD MEMBER(S)	Dudley Hoddinott Judy Roberts
APPLICANT OFFICER	Lucy Developments Ltd Sarah Green

RECOMMENDATION

Planning Permission is granted subject to the following conditions:

Standard

- 1. Commencement 3 yrs - Full Planning Permission**
- 2. Approved plans**

Pre-commencement

- 3. Full details of materials to be submitted**
- 4. Tree protection plan to be submitted**
- 5. Drainage scheme for foul water to be submitted**
- 6. Drainage scheme for surface water to be submitted**
- 7. Landscaping scheme to be submitted**
- 8. Updated badger survey and mitigation as appropriate**
- 9. No development including site clearance stripping or demolition until relevant bat licence**

Pre-occupation

- 10. Access and vision plays provided**
- 11. Parking and turning provided**
- 12. Landscaping scheme implemented**
- 13. Bin store provided**

14. Cycle parking provided

Compliance

15. Levels in accordance with plans

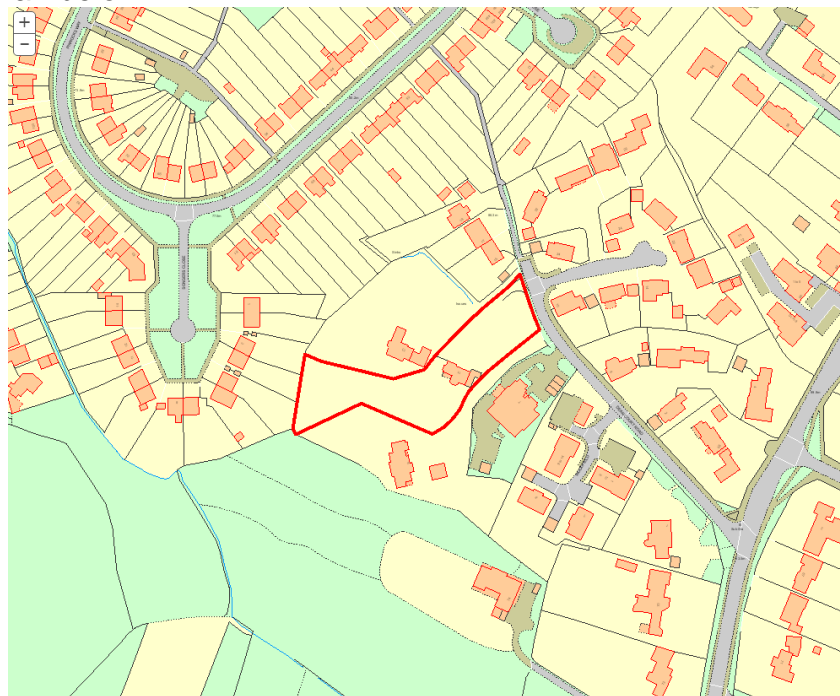
16. Obscure glazing at first floor in north western side elevations of buildings 1 and 2

17. Rooflights in north western elevations of building 1 and 2 to have minimum cill level of 1.7m.

1.0 INTRODUCTION AND PROPOSAL

1.1 This application is referred to planning committee at the request of Councillor Judy Roberts.

1.2 The site is located on Dean Court Road, off Cumnor Hill, as shown on the location plan below.



1.3 The existing dwelling is set back from the road frontage and sits between the dwelling at No 13 and the block of flats at No 7. The site in general rises up from the road towards the house and rear garden, before dropping back down behind No 13 and westwards. The flats at No 7 sit higher than the site, while the dwelling at No 13 sits lower than the site.

1.4 The proposal is to demolish the existing house on the site. Two blocks of flats, each containing four 2-bedroom flats, would be built to the front. A detached 5-bedroom house would be built to the rear. The existing access would be utilised onto Dean Court Road. Extracts of the plans are **attached** at Appendix 1.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

A summary of the responses received to the current proposal is below. A full copy of all the comments made can be seen online at

www.whitehorsedc.gov.uk

2.1

Cumnor Parish Council	<p>Object for the following reasons:-</p> <ul style="list-style-type: none"> • Concern over finished floor levels and mass in relation to adjacent properties • Site appears to have raised by 1m • Concern over stability of retaining walls • Impact on water courses and spring lines • Block 1 has been turned around to face away from the road • Parking area of block 1 will cause light and noise pollution to No 7 and No 15 Dean Court Road • Loss of privacy to neighbours • Provision of parking inadequate • Width of driveway • Impact on trees • Construction management plan to be submitted
Councillor Judy Roberts	<p>Objects for the following reasons:-</p> <ul style="list-style-type: none"> • Parking and turning space still inadequately controlled • Travel and construction management plan to be conditioned as off-site parking would cause obstruction • Like condition that Dean Court Road is reinstated to its original condition at end of development • Loss of privacy to No 13 and No 15.
Neighbours – 16 letters of objection on the grounds listed opposite	<ul style="list-style-type: none"> • Loss of privacy • Increase in traffic • Impact on highway safety • Increase in noise and pollution • Damage to Dean Court Road surface • Loss of views • Reduction in market value of property • Highway infrastructure improvements needed • Parking should be throughout site • Soft landscaping should be kept • Light pollution • Lack of parking/ on street parking • Strain on resources • Impact of construction on road and neighbours • Impact on flooding • Out of character • Impact on ecology

	<ul style="list-style-type: none"> No electric charging points
Countryside Access	No objection
Vale - Highways Liaison Officer (Oxfordshire County Council)	No objection
Countryside Officer	No objection
Health & Housing - Contaminated Land	No objection
Waste Management Officer (District Council)	No objections
Forestry Team (Vale of White Horse)	No objection
Drainage (SouthVale Building Control) -	No objection
Drainage officer (Monson)	No objection
Thames Water	No comments recieved

3.0 **RELEVANT PLANNING HISTORY**

3.1 None for application site

3.2 *Adjacent sites*

No 7 – P06/V1055 – permitted 4 September 2006

Erection of 9 apartments with associated garaging and parking

3.3 No 1 and 3 (now known as Woodfield) – P06/V1716 - permitted 8/02/2007
Demolition of existing dwelling and garage (No 3 Dean Court Road). Erection of two detached dwellings and two blocks of six apartments (each block comprising of 4x2 bed and 2x1 bed units). Associated carports, garages, parking, cycle and bin stores. Relocation of access onto Dean Court Road.

3.4 **Pre-application History**

P15/V1801/PEJ - (25/09/2015)

Erection of 3 no apartment blocks housing 13 no flats. Formation of new access road within the site and creation of under croft parking area.

- Officer advice was that the principle could be acceptable but the following issues would need to be demonstrated - tree impact, neighbour amenities, levels, parking, drainage.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site area is less than 5ha, fewer than 150 dwellings are proposed and the site is not in a 'sensitive area'. The proposal is not therefore, EIA development.

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations are the following:

- Principle
- Design and Layout
- Residential Amenity
- Traffic, parking and highway safety

- Trees
- Biodiversity
- Flood Risk and drainage

5.2 Principle

The site is within the built up area of Botley. Policies CP3 and CP4 of the Local Plan 2031 Part 1 allow for new residential in the built up area. Therefore the principle of new dwellings in this area is acceptable.

5.3 Design and Layout

The design guide sets out that the scale of new buildings should relate to their context and that development should work with the topography of the site

5.4 There is a mix of development along Dean Court Road including backland development. Therefore, in your officers' view, development in depth as proposed would not be out of keeping with the area.

5.5 Both proposed flats buildings would consist of two elements - a main element which would have three floors and be gable facing towards Dean Court Road, and a secondary side element which would have two floors and a lower ridge line. The main element will have a floor level the same as the access driveway and the secondary element will have a higher floor level to take account of the slope of the site. There would be some excavation within the building footprints and parking area. The relevant datum levels for the ridge heights of the proposed buildings compared to the existing dwelling is shown below.

	Datum level for ridge heights (m)
Existing dwelling	99.7
Building 1	
Main element	99
Secondary side element	97.5
Building 2	
Main element	100.3
Secondary element	99.2
New dwelling	96.1

5.6 The proposed building 2, which sits in a similar location to the existing house, will be 0.6m higher than the existing house at its highest point. Building 1 would be 0.7m lower at its highest point than the existing house. Officers consider that, given the slope of the land down Dean Court Road, the buildings will sit comfortably between the upslope building at No 7 and the downslope buildings at No 15 and No 13.

5.7 The parking area for the flats would be between the two buildings, thereby allowing it to be screened to a large degree from the street. The parking area would be the same level as the part of the driveway in front of the existing garage, so some of the land around will be lowered for a level parking area.

There will be a sloping bank, possibly incorporating a form of retaining structure, between the parking area and the driveway to No 9 to the south east.

- 5.8 The amenity area to the front of building 1 would be the same level as it is now, and the amenity area to the rear of building 2 would also be the same level as it is now.
- 5.9 The proposed dwelling to the rear would be sited in the far corner of the site and its ridge height would sit at a datum level of 96.1. The garage would have a ridge at 93.5. The dwelling will be lower than No 13, and will not lie directly behind it. The private driveway and amenity area would remain at the level it is now.
- 5.10 In terms of design all the buildings have pitched roofs and simple plan forms. The secondary side elements are set down. The design guide advises at DG57 that “The roof of larger floorplan buildings should be broken up into a series of smaller spans or modules of a simple form to ensure that the roof does not dominate the building or surrounding area and does not appear clumsy in its proportions”. Officers consider the proposal complies with this advice. There is no objection to the design, scale or layout of the development.
- 5.11 **Residential Amenity**
A number of objections centre on the development being unneighbourly and that it would overlook and block light and views.
- 5.12 Building 1 is designed to provide an active face to the street. Large windows and balconies are provided on this elevation which is good design practice. The side elevation of the building would be over 9m from the boundary with No 15 and the corner with the balconies would be over 22m from the nearest corner of the building at No 15. There is a side window in No 15 to a bedroom. The first floor windows would be obscure glazed and the rooflights would be over 1.7m above the floor level. The design guide sets out that direct facing windows between neighbouring properties should be at least 21 metres apart. Given the distances involved and the oblique angle here, officers consider that there will not be an overbearing impact on this neighbour nor that it would result in harmful overlooking.
- 5.13 Building 2 is sited in a similar location to the existing dwelling on the site. The existing flats building at No 7 contains 9 flats and there are 4 windows at first floor in the side elevation facing the application site. These serve bedrooms and a kitchen. The windows would be 14.6m from the side of building 2 and over 17m from the side of building 1. The proposed new buildings would be offset from No 7, with the proposed parking area sitting to the side of No 7. The design guide advises that direct facing neighbouring windows should seek to be 12m from a flank wall to ensure developments do not over-dominate neighbours. Given the relationship of the buildings to each other, and that No 7 is sited upslope of the application site, officers consider that the development would not be overbearing to the residents of the flats at No 7. There would be no harm from overlooking between the sites.

- 5.14 The dwelling at No 13 lies to the other side of the proposed building 2. Building 2 will extend back further than the existing house does, and will be slightly taller. The distance to the closest part of No 13 would be over 7.5 metres. The main garden area behind No 13 would be further away and the main outlook from it would not be directly at building 2. Officers consider that building 2 would not be overbearing on No 13 and the first floor windows would be obscure glazed.
- 5.15 The proposed dwelling would be sited to the west of No 13 and not directly in line with the rear elevation of No13. This is intended to help retain the outlook from No 13 towards the south. The boundary between the two sites is marked by a hedge that is only about half a metre high, and this is proposed to remain. The garage building would be set down and would be over a metre lower than the eaves of No 13. Officers consider that this will not be over-dominant to No 13.
- 5.16 To the south of the site is a dwelling at No 9. This is orientated such that the front and rear elevations will not face directly towards either the proposed dwelling or building 2. It would be over 32 metres from the proposed dwelling and over 29 metres from building 2. The development will not be overbearing to this property.
- 5.17 In relation to other comments that have been made, members will be aware that there is no right to a view in planning and that property values is not a material planning consideration.
- 5.18 **Traffic, parking and highway safety**
The development would result in the intensification of the existing access. However the highway authority has not raised any objection to the principle of the development or to the increase in use of the access or Dean Court Road.
- 5.19 In terms of the detailed points, the first part of the driveway would be widened so two cars can pass and vision splays have been shown on the plan as required by the highways officer. Ensuring the vision splays remain clear can be controlled by condition. Some low level lighting has also been included along the driveway in response to the highway officer's comments. 12 parking spaces are being provided for the 8 flats. 1 space will be allocated per flat, with 4 visitor spaces provided. Given the location of the site within a sustainable location, this level of parking is considered acceptable and the highways officer has not raised any objection to it. The parking area and turning can be conditioned to ensure it is not obstructed. 20 cycle parking spaces have been provided and this is acceptable to the highway officer. The bin store has been altered so that the correct number of bins can be stored.
- 5.20 Further into the site, beyond building 2, the driveway would be a private drive for the proposed dwelling. This would have space for at least 3 parking spaces and the plans have been updated to ensure there is sufficient turning space for small delivery vehicles to the house following the highways officer's comments. The proposed garage is the correct size.

5.21 Dean Court Road is also a public right of way. The development itself would not alter the footpath route. Informatives can be added any permission to remind the applicant that the footpath route should not be obstructed. A number of objections refer to the existing condition of the surface of Dean Court Road and that it should be improved as part of the development. The county highways authority is responsible for road maintenance. A check on the condition of the highway will be made by highways officers pre- and post-development to ensure that damage caused by the developer is repaired at the developer's expense.

5.22 **Trees**

The forestry officer has reviewed the application and submitted tree survey. There are a number of trees on site, and the Ash tree on the frontage is protected by a tree preservation order. The layout seeks to retain the majority and mitigate the impact on those that are close to the construction works.

5.23 The footprints of the proposed dwelling units is outside the root protection areas of the adjacent trees but the working space required for construction means that two trees will need ground protection measures in place. The access road to the dwelling on the western boundary passes through the root protection area of several trees and it is proposed a no-dig construction will be used to protect the roots of the trees. The forestry officer is satisfied that the tree survey report demonstrates that the proposed development can be achieved without detriment to those trees to be retained. Updated tree protection measures can be required by condition.

5.24 **Biodiversity**

A further bat survey has been submitted in response to the countryside officer's original comments. The existing house has been found to have roosting sites for low numbers of bats. The building will have to be demolished under a protected species licence. Mitigation measures are included within the report which the countryside officer is satisfied if implemented should ensure there is no detriment to the local bat population.

5.25 There is a main badger sett is situated within the garden of No 13. However the sett is sufficiently far from the proposed works not to be directly affected by the development proposals. Although the works will cause temporary disturbance to badger foraging areas and paths, this should not have any long term impact on the ability of the badgers to access foraging areas. The countryside officer is satisfied with the proposals and level of information. Subject to the implementation of a mitigation strategy the welfare of the local badger population should not be affected.

5.26 **Flood Risk and drainage**

A flood risk assessment and foul drainage assessment has been submitted with the application. Following comments from local residents, the drainage engineer has also reviewed the application, as well as the council's building control team. Neither of them raise any objection to the proposal. A detailed

drainage condition is proposed which will require the details to be submitted prior to commencement and approved by the drainage engineer. Thames Water has not commented. Officers are aware that capacity works have been carried out along Cumnor Hill recently and that Thames Water have not objected on such grounds to other recent developments in the vicinity.

6.0 **CONCLUSION**

- 6.1 Sustainable development has three strands social, economic and environmental. The site is within a sustainable location. The proposal would have social benefits in terms of providing additional housing and economic benefits in terms of construction and investment in the local and wider economy. There would be a change to the environment however officers consider that this change would not be significantly harmful to outweigh the balance. The application is therefore recommended for approval.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part1

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP33 - Promoting Sustainable Transport and Accessibility
- CP35 - Promoting Public Transport, Cycling and Walking
- CP37 - Design and Local Distinctiveness
- CP42 - Flood Risk
- CP44 - Landscape
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2011

- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC9 - The Impact of Development on Neighbouring Uses

Design Guide 2015

National Planning Policy Framework 2012

Planning Practice Guidance, 2014

Equalities Act 2010

The proposal has been assessed as part of the public sector equality duty under Section 149 of the equalities Act. No recognised groups should suffer discrimination as a result of the proposal

Case Officer – Sarah Green
Email – planning@whitehorsedc.gov.uk
Tel – (01235) 422600