

APPLICATION NO.	P18/V1483/FUL
SITE	3 Sandford Lane Kennington Oxford, OX1 5RW
PARISH	KENNINGTON
PROPOSAL	Demolition of existing bungalow, erection of 2 x 1 bed and 3 x 2 bed apartments, associated off street parking, private amenity space, refuse and cycle storage.
WARD MEMBER(S)	Edward Blagrove Bob Johnston
APPLICANT OFFICER	Mr Terry Winter Alastair Scott

RECOMMENDATION

To grant planning permission subject to the following conditions:

Standard

- 1. Commencement three years.**
- 2. Approved plans.**

Prior to Commencement:

- 3. Contamination risk assessment or details of built-in mitigation.**
- 4. Materials as shown on application.**

Prior to Occupation:

- 5. Access, parking, gradient and permeable surfaces in accordance with approved details.**
- 6. Drainage details (surface and foul) in accordance with approved details.**
- 7. New planting, hedge irrigation system and future height/maintenance of hedges and irrigation system in accordance with approved details.**
- 8. Upper floor bathroom windows to be obscure glazed and top hung only.**
- 9. Slab levels in accordance with approved details.**
- 10. Boundary treatments.**

1.0 INTRODUCTION AND PROPOSAL

1.1 The site is located at the southern edge of the village of Kennington and is currently occupied by a relatively modest bungalow that is set back from, and elevated above, road level. It lies towards the western end of Sandford Lane, very close to the junction with The Avenue. Adjacent dwellings are also bungalows similarly set back from, and above, road level. Opposite the site, on the south side of Sandford Lane, is the edge of the strategic housing site allocated in the Local Plan 2031 Part 1, the application for which was approved for delegation at committee on 22 August 2018.

1.2 In April 2018 planning permission was refused under delegated authority for

the redevelopment of the site to create a new building of 6 apartments with associated parking and other development (ref P18/V0334). The applicant lodged an appeal and the appeal was dismissed on 11 October 2018. The inspector agreed with the reasons for the council's refusal of the application. This new proposal is for 5 apartments and has sought to address the refusal reasons. The main changes between the appeal scheme and this new proposal are:

- A significant reduction in the mass and bulk of the proposed apartment building
- A reduction in the amount by which the proposed building will be set down into the site
- Much more information regarding the proposed landscape treatment of the site frontage
- Greater separation of the side elevations of the proposed apartment building from the side boundaries of the site.

Officers have assessed this new proposal in light of the previous refusal and the inspector's decision. A site location plan is below and a comparison of the appeal plans and the current plans, together with the appeal decision, are **attached** at Appendix 1.



2.0

SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1

<p>Kennington Parish Council</p>	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> • Insufficient changes from previous refused scheme • Inadequate provision for refuse, cycling and parking
<p>Neighbours</p>	<p>22 households have raised objections and 2 households have supported the application. The grounds for objection can be summarised as follows:</p> <ul style="list-style-type: none"> • Loss of privacy • Out of keeping with the rural character of the lane • Flats are not sympathetic to the existing character which is comprised of family housing • Will create highway danger to add to parked cars on the lane already and risks blocking access to the industrial estate to the east, as well as danger to pedestrians • A construction traffic management plan is required • Near to a dangerous bend • The building is still too big for the site • Parking is inadequate and will dominate the area • Parking layout is impractical • Noise and disturbance to neighbours • Type of landscaping is inappropriate • Will create drainage problems • Refuse provision inadequate and impractical due to the slope • Poor access for the less able-bodied • Threat to neighbours' foundations • Creation of precedent • The allocated housing site opposite means there is no need for this smaller accommodation
<p>County Highways Officer</p>	<p>Following detailed discussions there is no objection subject to conditions</p>
<p>Drainage Officer</p>	<p>No objection subject to conditions for surface water and foul water drainage</p>
<p>Contaminated Land Officer</p>	<p>No objection subject to risk assessment or measures to protect the property from potential landfill gas</p>
<p>Waste Officer</p>	<p>The amended bin store capacity accords with the council's requirements</p>

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P18/V0334/FUL](#) - Refused (24/04/2018)

Proposed demolition of existing bungalow and outbuildings. Reduction in site level and construction of 4 x 1 bed and 2 x 2 bed apartments with associated private amenity space, parking, bin and cycle storage. (Additional Plans received 21 February 2018) (Amended plans and additional information as set out in accompanying agent email received 17 April 2018.)

[P17/V0270/FUL](#) - Withdrawn (04/04/2017)

Demolition of existing detached bungalow and construction of 6x 1 bedroom flats, in one property. Remove and relocate existing access to property by inserting new proposed access.

[P17/V0032/HH](#) - Withdrawn (04/04/2017)

Construction of a Rear Extension and conversion and extension of existing roof space to create additional habitable space.

3.2 **Pre-application History**

None

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal is of insufficient scale to require an EIA

5.0 **MAIN ISSUES**

5.1 Officers consider there are four main issues for committee to consider:

- The impact of the proposal on the character and appearance of the area
- The impact on neighbours
- Highway safety
- Other matters, particularly drainage, contaminated land, waste provision and the Community Infrastructure Levy

Officers will assess the current proposal against the appeal proposal in light of the inspector's decision letter.

5.2 **Impact on the Character and Appearance of the Area**

Objectors are concerned about the introduction of apartments into an area of family housing. Members are aware that it has been national policy for many years to encourage mixed communities of different housing types. The appeal inspector had no concerns on this issue and officers therefore consider that the principle of apartments is unobjectionable in planning terms.

5.3 The existing character surrounding the site is of modest sized dwellings with fairly open frontages. The section of Sandford Lane that forms the visual context for the site has dwellings set back from the road and at a higher level than the road as well. They are either single storey or one-and-a-half storeys. They all exhibit relatively modest scale and proportions.

5.4 The appeal inspector criticised the excessive mass and bulk of the appeal

scheme and how its design failed to respect its surroundings (paras 6 and 7 of his decision). The council's design guide states that the design of a new apartment building should respect its surroundings and avoid a bulky appearance (principle DG69)

- 5.5 The building now proposed has the form and mass of a one-and-a-half storey bungalow with a single storey, flat roofed rear extension. This is much more sympathetic to the scale of existing dwellings in the vicinity. It will be lowered into the site by approximately 500mm, materially less than the 1200mm of the appeal scheme, so addressing the previous engineered appearance. Moreover, the scale of the side walls has been considerably reduced and the roof has been re-orientated and simplified. The current proposal has a ridge height of approximately 8.5m and an eaves of approximately 4m. Although the ridge height will be approximately 1.5m higher than the bungalows to either side, variations of this size are not unusual in streets across the district and officers do not consider this justifies refusal of the application.
- 5.6 To address another criticism in the appeal decision both side walls of the proposed building are set away from the site boundaries by over 1m, sufficient for an acceptable outlook for future residents from principal ground floor windows. In the appeal scheme the inspector found the outlook from east side windows to be unacceptable, while that from west side windows was acceptable (para 13)
- 5.7 Objectors are concerned that the proposal is too large for the site and has insufficient garden space. However, the communal rear garden will be in excess of 25 m long and will have an area of over 350sq.m, which, at 45sq.m per bedroom, is three-times the standard for flats (15sq.m per bedroom). In light of this, officers do not consider that a refusal on this ground can be substantiated.
- 5.8 Proposed external materials include walls of red brick and cream render, grey Eternit roof tiles, and Eternit Cedral cladding. Given the variety of materials in the area, officers have no objections to these.
- 5.9 Car park and landscaping
The inspector also found fault with the visual impact of the car parking for the appeal scheme due to its extent and the limited potential for effective landscaping (para 9). The new scheme sees a reduction of one space in the amount of car parking, in recognition of there being one less apartment, and also sees the front wall of the new building set back into the site by approximately 4m. These factors allow more room for the car parking and landscaping.
- 5.10 More importantly, a much more detailed and innovative landscaping scheme for the site frontage is proposed, comprised of the planting of pre-grown, semi-mature hornbeam hedges on the boundaries. The intention is the hedges will provide an instant and continuous screen 2.5m high and, as hornbeam is part of the beech family, for all of the year. Pre-grown hedges do require significant

amounts of water to successfully take and the applicant has provided details of an integrated irrigation system for the hedges which officers consider should ensure they survive. Although objectors are concerned about the growth and spread of the hedges, officers are satisfied that the overall height, planting detail and maintenance of the hedges and irrigation system can be controlled by condition.

- 5.11 Overall, therefore, officers are satisfied that the much-improved quality of landscaping now proposed should provide acceptable and immediate visual screening of the car parking, from both the street and from neighbours. In addition, of the 20 dwellings that directly front Sandford Lane now, 25% already have relatively large frontages almost totally devoted to parking (these are no.5 next door, no.21, no.23, no.27, and no.35). In this regard this locality differs from others where a more uniform pattern of site frontage is found. Taking all these factors together, officers consider that neither the extent, nor the impact, of car parking in this scheme will cause planning harm to the prevailing character and appearance of the area.
- 5.12 Bin storage
The covered bin store will be set back into the site, and will be enclosed in brick with a mono-pitch membrane roof. This is considered acceptable in terms of design. It has been demonstrated that the council's required bins can be accommodated with space around them.
- 5.13 **Impact on Neighbours**
The neighbours potentially most affected are those to either side, no.1 and no.5. The main element of the proposed building has been sited to comply with the 40-degree rule in terms of each neighbour's nearest rear facing principle window. In fact, the 40-degree rule only applies to full-height, two storey developments. Nevertheless, the compliance of the proposed one-and-a-half storey element with the 40-degree rule is important to note. The proposed flat-roofed rear element will be approximately 3m high and will be set in from the main side walls, so that it will lie approximately 3m from the boundary with no.1 and approximately 4m from the boundary with no.5.
- 5.14 No.1 Sandford Lane has no side windows facing the site. Although no.3 Sandford Lane does have a side-facing, ground floor window, it is understood this is a secondary window to the lounge which has a principal window to the rear. In view of this, and that the proposed building is approximately 3m from this window, officers do not consider that a refusal of the application due to the impact on this window is justified. Neighbours which might be directly overlooked to the rear are at least 35m from the proposed upper floor windows, which is well in excess of the minimum privacy standard of 21m.
- 5.15 Some neighbours have raised concerns regarding potential noise and disturbance from the development. However, officers have no evidence to suggest that the proposal will lead to a level of noise or disturbance that would be greater than one could reasonably expect in a residential area.

5.16 **Highway Safety**

There is considerable local objection on the grounds of highway safety. It is noted that, although the appeal inspector would have been aware of this local objection to the appeal scheme, he did not raise it as a concern. The county highways officer is also well aware of the local objections. They focus on the type and nature of vehicles using the road, the width and nature of the road and the presence of, and potential for, on-street parking and its possible interaction with pedestrians using the footpath.

5.17 With regard to parking, members are aware that the county highways officer is constrained to observe national guidance regarding the amount of on-site parking that is appropriate for a development in light of the objectives of sustainable development. He is also constrained to assume sensible behaviour on the part of all types of user of the highway unless robust evidence (such as recorded accidents) indicates otherwise. Although the appropriate amount of on-site parking varies depending on location, important considerations are the availability of public transport to provide a realistic alternative to the car and local evidence about highway safety. A regular bus route into Oxford lies within walking distance of the site and the county highways officer has paid due regard to this fact. He has also paid regard to the evidence provided by local residents regarding the nature of vehicles using the lane and the issue of local parking, as well as to recorded accident data.

5.18 The county highways officer has balanced the availability and quality of local public transport provision against the other evidence. He is satisfied that the amount of proposed parking, one space per flat with two visitor spaces, is an acceptable compromise between them. On-site visitor parking has been required in acknowledgement of the concerns regarding the potential for on-street parking near to the junction on a road used by a variety of traffic.

5.19 The gradient of the proposed car park and access, at no worse than 1:12, meets the recognised standards in terms of reasonable access for all groups. Sustainable surface water drainage for the car park and access will be provided as part of the construction to control storm flows as required by national guidance. These can be covered by planning condition.

5.20 Objectors have requested that a construction traffic management plan is required. Members are aware that CTMP's cannot be used to prevent construction traffic from parking on the highway, which is the normal reason for a request. In addition, the county highways officer has not requested a CTMP in view of the relative small scale of the development. Consequently, officers do not recommend a CTMP.

5.21 **Other Matters**

Objectors have raised some issues that are not material planning considerations. These are the threat to neighbours' foundations, whether the new units of accommodation are needed, and precedent. With regard to precedent, although there are other sites in the vicinity that may come forward in the future for a similar type of proposal, members are aware that each application has to be determined on its own merits.

5.22 Drainage

The council's drainage engineer has considered the detail of the application. He has no objection but has requested conditions are attached to any permission relating to foul water and surface water drainage.

5.23 Contaminated Land

The proposed development lies within the vicinity of a former landfill site and, consequently, there is the potential for soil gas migration. The council's scientific officer has assessed the proposal and has no objections subject to a condition requiring either a gas risk assessment with recommended actions if necessary, or details of built-in mitigation measures to be incorporated in the building.

5.24 Waste

Following concerns raised by the council's waste officer, the proposed bin store has been amended to be able to accommodate the recommended size of bins for the development with space around for access.

5.25 Community Infrastructure Levy

The development is CIL liable, A charge of £30,993.57 was calculated at the time of submission of the application.

6.0 **CONCLUSION**

6.1 Officers have assessed the new proposal in light of the recent appeal dismissal. It is considered that the significant changes made to the proposal mean that it is now acceptable in terms of design, impact on neighbours and highway safety. It therefore accords with relevant policies of the development plan and with the NPPF.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 policies:

CP37 - Design and Local Distinctiveness
CP42 - Flood Risk

Vale of White Horse Local Plan 2011 saved policies:

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

Draft Vale of White Horse Local Plan 2031 Part 2 policies:

(These policies have little weight at present due to the draft status of the plan)

DP16 – Access
DP23 – Impact on Amenity

Vale of White Horse Design Guide (March 2015)

National Planning Policy Framework, 2018

Planning Practise Guidance, 2014

Equality Act 2010

The application has been assessed against section 149 of the Equality Act. It is considered that no recognised group will suffer discrimination as a result of the proposal.

Human Rights Act, 1998

The application has been assessed against Articles 1 and 8. The impact on individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

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