

APPLICATION NO.	P22/V2811/FUL
SITE	3 Sandford Lane Kennington Oxford Oxfordshire, OX1 5RW
PARISH	KENNINGTON
PROPOSAL	Construction of 4no. one bed flats and associated parking and external landscaping, following demolition of the existing dwelling at 3 Sandford Lane (as amended by plan received 12 December 2022 and plans received 2 March 2023 and updated description agreed 28 February 2023 and amended plans received 13 April 2023 and as amended by plans 26 May 2023)
WARD MEMBER(S)	Diana Lugova James Cox
APPLICANT OFFICER	Mr Terry Winter Nathaniel Bamsey

RECOMMENDATION

That planning permission is granted subject to the following conditions:

Standard

- 1. Commencement of development within three years**
- 2. Approved plans list**

Prior to commencement

- 3. Surface water drainage scheme to be submitted**
- 4. Phased contaminated land risk assessment to be submitted**

Prior to development above slab level

- 5. Landscaping scheme to be submitted**

Prior to first use

- 6. Contaminated land validation report in line with condition 4 to be submitted**
- 7. Access, parking and turning in accordance with submitted details**
- 8. Bicycle parking details to be submitted**
- 9. Landscaping scheme implementation in line with condition 5**
- 10. Boundary details in accordance with submitted details**
- 11. Refuse storage in accordance with submitted details**

Compliance

- 12. Slab levels in accordance with submitted details**
- 13. Materials in accordance with submitted details**
- 14. Obscured glazing for first floor side facing windows**

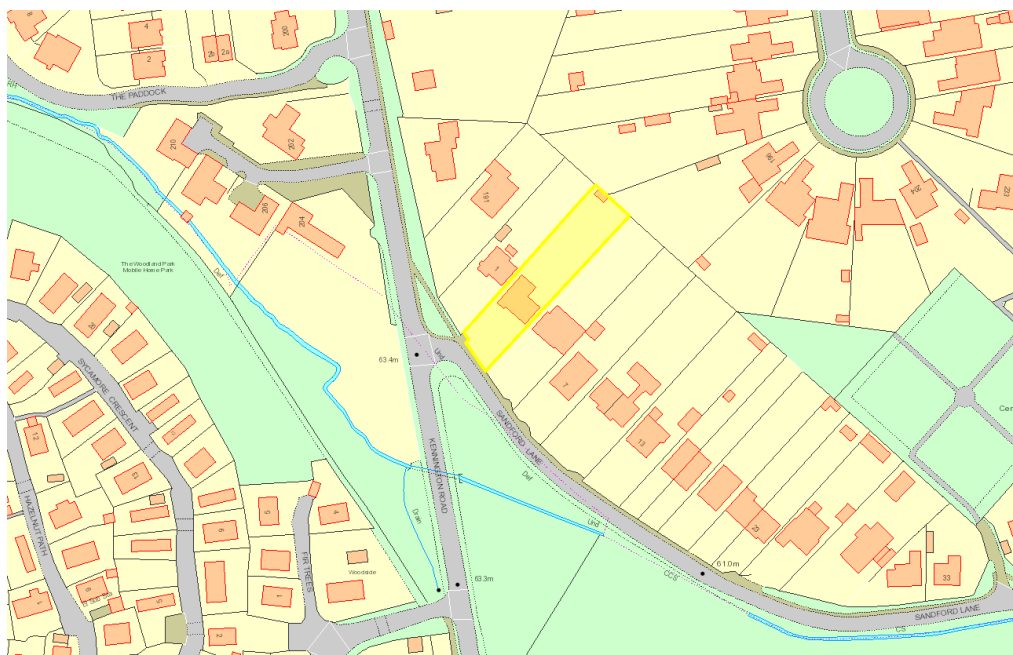
Informatives

15. Works within the Highway

16. CIL- Planning permission or reserved matters approval (Vale)

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to planning committee at the discretion of the Development Manager.
- 1.2 The site is located in the southern part of the village of Kennington. The site is approximately 0.1ha in area and currently occupied by a bungalow that is set back from, and elevated above, road level. The dwelling is vacant and has been for some time. The site is at the western end of Sandford Lane, close to the junction with The Avenue. Adjacent dwellings are to the north west and south west and these neighbouring properties are also bungalows similarly set back from, and above, road level.
- 1.3 This application seeks approval for the demolition of the existing dwelling and the erection of a replacement building containing four one-bedroom flats together with ancillary development within the curtilage including a new parking area to the front of the replacement building and bin and cycle stores.
- 1.4 The application originally proposed five flats but amended plans reduced this to four. The amendments also reduced the amount of hardstanding proposed to the front. A further amendment was made increasing the size of the hardstanding. A consultation was held on this amendment given the level of hardstanding is a central issue to the application.
- 1.5 There have been several applications for redevelopment of the site. In April of 2018 an application was refused for the erection of a building containing six flats (four one-beds and two two-beds). An appeal against this refusal was dismissed in October of 2018. Subsequently, an application for the erection of a building containing five flats (two one-beds and three two-beds) was refused in September of 2018 and again an appeal against this refusal was dismissed in May of 2019. These decisions are material to the assessment of this application. The most recent appeal concerned a development most similar to the current application and therefore this is **attached** at Appendix 2.
- 1.6 A site location plan is provided below, and the plans are **attached** at Appendix 1.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Full versions of the representations can be found on the planning application pages on the council's website www.whitehorsedc.gov.uk

Kennington Parish Council

First consultation
Objection

- Insufficient detail has been provided of the engineering required to create the parking area.
- Insufficient parking
- Insufficient bin storage

Second consultation
Objection

- *'[T]here has been no significant change in this development and continues to support the objections by neighbouring residents'*

Third consultation
Objection

- *'Kennington Parish Council still strongly objects to this application as previously commented, as there has been no material change to the application of this development and continues to support the objections by neighbouring*

Vale of White Horse District Council – Planning Committee – 5 July 2023

residents. In the event of the officers being minded to grant this application the council would request it goes before the Vale Planning Committee.'

Drainage – (South & Vale)

No objection, subject to condition

**Highways Liaison Officer
(Oxfordshire County Council)**

First consultation

Objection

- Insufficient information has been provided to confirm that there will be no harm to highway safety

Second consultation

No objection, subject to condition

Third consultation

No objection, subject to conditions

Contaminated Land

No objection, subject to condition

- *'The applicant should be asked to submit a contaminated land preliminary risk assessment, completed by an Environmental Consultant. This will establish the potential for land contamination to impact the application site.'*

Env. Protection Team

No objection, subject to condition

- *'The proposed development is located close to nearby residential properties and therefore the development may give rise to potential nuisance issues during construction and demolition, namely noise and dust'*
- Therefore recommends a conditions to control the hours of construction and noise and dust emissions.

**Waste Management Officer
(District Council)**

First consultation

- *'Can the drawings confirm that the bin store doors open up fully (180 degrees) to allow access for bins to be taken out.'*

If a car is parked in bay 3. This might cause a problem accessing the bins.

Please note collection crew should only walk up to 20M to collect the bins from the bin store.

Can the distance be shown on the plan from the roadside/entrance where the collection vehicle will be positioned to the bin store?’

Second consultation

- *‘Changes have been made to bin store to aid waste collections and confirmation doors open 180 degrees.*

Happy that correct waste capacity can fit within bin store.’

Neighbours

First consultation

Objection (15 households)

- Out of keeping
- Lack of parking next to busy lane and junction well used by HGVs, cyclists and pedestrians
- Application is no different from previous refusals that have been dismissed at appeal
- Height of dwelling and its siting above the road will result in it dominating the street scene
- Overdevelopment
- No visitor parking provided which will lead to obstructive parking in the highway
- Hardstanding is uncharacteristically large and would dominate the front of the property giving an engineered appearance
- Noise and disturbance from comings and goings
- Plans are inaccurate

Vale of White Horse District Council – Planning Committee – 5 July 2023

- Risk of subsidence from excavations and no details have been provided of retaining walls
- Access to bike store is unpractical
- Loss of privacy
- Poor outlook for intended occupiers
- Change to the building line would be harmful
- Bin store will attract vermin and is unsightly

Support (1 household in Maidenhead, Berks)

Second consultation

Objection (10 households)

- Maintain previous objections
- Four flats are now proposed but the building has not been reduced in size and hence a fifth could be added easily
- Insufficient parking with no provision for visitors
- Bin store will be unsightly
- Hardstanding is still out of keeping

Third consultation

Objection (6 households)

- Maintain previous objections
- Amount of hardstanding is out of keeping with the local area
- Concerns about access for bin lorry
- Construction traffic management plan is required
- Requested double yellow lines would be harmful to local character and concerns about their enforcement

Fourth consultation

Objection (2 households)

- Maintain previous objections
- Out of keeping
- Cars parking in the road will harm highway safety

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/V1722/PDH](#) – Approved (21/08/2020)

Single storey extension to the rear of the existing building.

Depth: 8.0m

Height: 3.95m

Height to eaves: 2.95m

[P18/V1483/FUL](#) – Refused (21/09/2018) – Appeal dismissed (15/05/2019)

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.

[P18/V0334/FUL](#) – Refused (24/04/2018) – Appeal dismissed (11/10/2018)

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](#) – Other Outcome (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.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 **MAIN ISSUES**

5.1 **The main material planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Waste and recycling**
- **Flood risk/drainage**
- **Contamination**

5.2 **Principle of development**

Policy CP3 of the adopted Local Plan Part 1 (LPP1) gives a hierarchy of settlements in the district. This defines Kennington as a Larger Village. Policy CP4 states that within the built-up area of Larger Villages there is a presumption in favour of sustainable development. The principle of replacing the bungalow with four flats is therefore acceptable, subject to an assessment of the relevant material planning considerations below.

Vale of White Horse District Council – Planning Committee – 5 July 2023

5.3 Design and character

Policy CP37 of LPP1 requires development to be of high quality, visually attractive design that responds positively to the site and its surroundings with appropriate scale, height, details and materials.

5.4 The impact of development on the landscape is assessed against policy CP44 of LPP1. This policy requires key features of the landscape to be protected or enhanced including (but not limited to) trees, hedgerows, landscape settings of settlements, important views and sensitive skylines. Development is also required to incorporate appropriate landscape proposals that reflect the character of the area.

5.5 The previous application was refused for two reasons, both relating to its design and appearance. The first was that the building was out of keeping with local character due to its bulk, width and height. The second was that the amount of hardstanding to the front of the property and its elevated position in the street scene would be overly dominate and harmful.

5.6 In dismissing the appeal, the Inspector considered the design and scale of the proposed building was in keeping with local character, stating:

'[T]he form, scale and appearance of the proposal would complement the variety of buildings found within the surrounding area. In this respect, the design of the proposal would not appear dominant or overbearing within the street scene and would not harm the character and appearance of the area.'

5.7 Despite finding the design and scale of the dwelling was unarmful, the Inspector found that the proposed parking area for seven cars created with retaining walls would 'introduce an engineered appearance to the front of the building which would contrast with the more organic form of the existing areas of hardstanding and landscaping.' Hence, the Inspector upheld the second reason for refusal.

5.8 This application proposes a building with a very similar appearance to that previously found to be unarmful by the Inspector with a one-and-a-half storey chalet bungalow design with a ridge higher than its neighbours but similar eaves height. Given the Inspector has previously found the design and scale of the building to be acceptable officers consider it would be unreasonable to conclude otherwise. Officers consider the design and scale of the building is unarmful.

5.9 The siting of the proposed building is further back into the site than previously proposed. This is not considered to be harmful as there is already variation in the siting of dwellings along Sandford Lane and its front elevation will be level with no 1, its northern neighbour. Moreover, siting the dwelling further back from the road will slightly reduce its prominence in the street scene.

5.10 The original application proposed five flats and given the new parking standards adopted by Oxfordshire County Council (OCC) require one space

Vale of White Horse District Council – Planning Committee – 5 July 2023

per one-flat, five spaces were proposed to the front of the house with turning space. This was a reduction from the seven spaces proposed in the previous application and no retaining walls were proposed.

- 5.11 Despite the number of spaces being reduced and the retaining walls being deleted from the proposals it was considered that the proximity to the road as originally proposed was still out of keeping with the local area where hardstanding is complemented with front gardens giving an openness and verdancy.
- 5.12 In response to these concerns, the applicant's agent submitted amended plans which reduced the number of flats from five to four together with a reduction in the number of car parking spaces, the overall level of hardstanding and the proximity to the road. However, in their consultation response to these amended plans the highways authority requested an additional space to accommodate visitor parking. Therefore, further amendments were submitted which added an additional space.
- 5.13 Officers consider the amendments reduce the impact of the proposed parking area. This is because the amount of hardstanding is comparable to other properties in the vicinity, a significant area of front garden is maintained, the parking is set back from the highway and a gradient is retained to negate the need for retaining walls. Taken together, this is considered to prevent the parking having an engineered appearance which would be harmful to local character and the amount of front garden which is retained together with the set back from the road of the parking will allow the site to continue to contribute to the openness and verdancy of the area.
- 5.14 A bin store is proposed to the front of the dwelling and a cycle store is proposed to the rear. The bin store is set back from the highway which will prevent it being overly prominent in the street scene and its simple design prevents harm to visual amenity. The siting of the cycle store in the rear garden will prevent harm to visual amenity.
- 5.15 The site plan submitted with the application includes some landscaping to the front of the dwelling. To ensure the landscaping is in keeping with the character of the area, a condition is recommended requiring a detailed landscaping scheme to be submitted, implemented and retained. This will help assimilate the new building with its surroundings.
- 5.16 The site is proposed to be enclosed by a 0.9m fence along the property's boundary with the highway, a 1.2m fence along the side boundaries to the front of the new building and then a 1.8m fence around the rear garden. This is in keeping with the local area and unharmed, particularly when the landscaping scheme is implemented.
- 5.17 The activity generated by development can also impact on local character. In this instance, the activity generated by four one-bed flats is unlikely to materially harm the character of the area.

Vale of White Horse District Council – Planning Committee – 5 July 2023

- 5.18 For the reasons outlined above, subject to the recommended conditions, officers consider that the proposed development would not be out of keeping with nor harmful to local character. As the development is not considered to harm visual amenity, it is held that the application accords with policies CP37 and CP44.
- 5.19 **Residential amenity**
The impact of development on neighbouring properties is controlled by policy DP23 of LPP2. This policy requires development proposals to demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses arising through loss of privacy, daylight or sunlight, from dominance or visual intrusion, noise or vibration, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.
- 5.20 Policy DP2 requires development of new one and two-bed market housing to accord with the Ministry of Housing, Communities and Local Government's Technical Housing Standards - Nationally Described Space Standard Level 1.
- 5.21 When assessing the impact of new residential development, it is necessary to consider both the impact on neighbouring properties and on the intended occupiers.
- 5.22 The previous application was found to have an acceptable impact on the amenity of nearby properties. This application proposes a building with very similar scale and design as the previous application. The dwelling will be sited between the flank walls of the neighbouring properties which reduces its impact in terms of overshadowing, overdominance, loss of outlook and visual intrusion.
- 5.23 The plans show that the one-and-a-half storey part of the new building will be outside of a 45-degree line taken from the nearest primary windows on neighbouring properties, in accordance with the Design Guide. The position of the highest part of the new building both within the plot and in relation to the path of the sun together with the low height and set off from the boundary of the single storey projection are considered to prevent significant harm to neighbours through overshadowing, overdominance, visual intrusion and loss of light.
- 5.24 The first floor front and rear facing windows will not offer direct views into neighbouring properties so they will not cause overlooking. There are first floor side facing windows which would offer views into neighbouring properties so a condition is recommended requiring these windows to be obscure glazed to prevent this harm.
- 5.25 The new parking area to the front of the proposed flats will be built close to the front elevation of neighbouring properties. However, the use of this parking area is unlikely to harm neighbours through noise and disturbance given the domestic nature of its use. Likewise, whilst the development will create four dwellings where there is currently one, the level of activity, noise and

Vale of White Horse District Council – Planning Committee – 5 July 2023

disturbance caused by the use of the flats is unlikely to significantly harm neighbours.

- 5.26 As officers consider that neighbours will not be significantly harmed by overshadowing, overdominance, overlooking, loss of outlook or through noise and disturbance it is held that the application accords with policy DP23.
- 5.27 The proposed flats all exceed the minimum space standards for a one-bedroom, one-storey dwelling, in accordance with policy DP2. All habitable rooms will have sufficient outlook and natural light and they will not be overlooked. All of the flats will have access to amenity space to the rear of the dwelling. Therefore, it is held that the intended occupiers will enjoy adequate living conditions.
- 5.28 Environmental Health were consulted on this application, and they have no objection subject to the imposition of a conditions requiring the control of construction noise and dust. However, these conditions are not considered to meet the tests for conditions from the NPPF as they would be unnecessary and unreasonable given the short term nature of the construction and the fact Environmental Health have enforcement powers to control noise from construction under separate legislation.
- 5.29 Neighbours have raised concerns that the proposed development and the excavations it will involve could damage their property. However, damage to property is not a material planning consideration and this is controlled by the Party Wall Act.
- 5.30 **Access and parking**
Policies CP33, CP35, CP37 and DP16 of LPP1 and LPP2 require development to provide safe and convenient access, sufficient car and cycle parking in line with Oxfordshire County Council (OCC) standards and adequate provision for loading, unloading, circulation, servicing and vehicle turning. Development must also minimise the impact on the highway network and promote more sustainable modes of transport where appropriate.
- 5.31 The site is in a relatively sustainable location within walking and cycling distance of the services available within the village and in close proximity to public transport links to Oxford and Abingdon. Thus, the occupiers of the flats will not be reliant on the private motor car for accessing their day-to-day needs.
- 5.32 The proposed development involves the replacement of a single dwellinghouse with four flats. The existing access is to be retained whilst a new parking and turning area is proposed to the front. The addition of three additional units is not considered to harm the local highway network.
- 5.33 The original plans showed five spaces to serve the five flats. The number of flats has been reduced to four but in order to provide visitor parking five spaces are still proposed albeit in a different arrangement. Five spaces accords with OCC standards which require up to one space for one-bedroom houses.

Vale of White Horse District Council – Planning Committee – 5 July 2023

- 5.34 The highways liaison officer in their response of the 31 March has no objection to the development subject to conditions requiring the submission of a revised parking layout increasing the size of the parking spaces, the implementation of the access and revised details of cycle parking. Amended plans have been submitted which increase the size of the spaces which address the comments of the highways officer as confirmed in their latest response received on 21 June.
- 5.35 Whilst the highways officer has no objection to the development, they have requested that the applicant fund the making and implementation of a traffic regulation order (TRO) for double yellow lines between the site and the junction. Whilst it is possible to require offsite highway works through the imposition of a negatively worded Grampian condition, this was not recommended for the previous application which would have created five flats. As fewer flats are now proposed it is not considered reasonable to require these highway works by condition. Thus, no such planning condition is recommended.
- 5.36 As the highways officer is satisfied that the access, parking and turning areas accords with standards details it is held that there will be no harm to highway safety. Conditions are recommended requiring the implementation and retention of these details. A condition is also recommended requiring the submission of cycle parking to ensure they accord with OCC's standards. This will ensure mores sustainable modes of travel are encouraged.
- 5.37 Subject to the recommended conditions and in the absence of an objection from the highways authority it is held that there will be no harm to highway safety nor to the local highway network and sustainable modes of travel will be encouraged, in accordance with policies CP33, CP35, CP37 and DP16.
- 5.38 **Waste and recycling**
Policy DP28 states that all development proposals will be expected to be consistent with the Council's Waste Planning Guidance. Development proposals for residential use must ensure sufficient space is provided for the storage of individual or communal recycling and refuse containers, and access is provided that is safe for residents and for refuse and recycling collection vehicles. Development will not be permitted if appropriate recycling and refuse provision cannot feasibly or practicably be provided.
- 5.39 The council's waste management officer was consulted on this application. They raised concerns that the proposed bin store doors did not open 180 degrees and that it was not clear that collection crew would have to walk less than 20m to collect the bins. Amended plans showed doors opening 180 degrees and moved the bin store to sit beside the driveway. The waste management officer confirmed that the revised store and its siting would provide sufficient space for the storage of waste and safe and convenient access for collection. The storage of bins within a secure store will also reduce the likelihood of vermin being attracted, odour being produced and loose storage of bins being unsightly. A condition is recommended requiring this bin

store to be provided prior to first use and retained. With this condition attached it is held that the application accords with policy DP28.

5.40 Flood risk/drainage

Policy CP42 of LPP1 seeks to minimise the risk and impact of flooding by directing new development to areas with the lowest probability of flooding, ensuring that all new development addresses the effective management of all sources of flood risk and does not increase the risk of flooding elsewhere.

5.41 The site is within Flood Zone 1, so it is unlikely to be at risk from flooding. The council's drainage engineer was consulted on the application, and they have requested a surface water drainage scheme via condition. This is necessary and reasonable to ensure that the development does not increase flood risk elsewhere and hence it is recommended. With the recommended condition attached the application is considered to accord with policy CP42.

5.42 Contamination

Policy DP24 requires development to be appropriate for its location and to be designed such that occupiers of the new development will not be harmed from previous or neighbouring uses including from land contamination. Policy DP27 states that proposals for development on land known or suspected of being contaminated should be supported by a preliminary risk assessment. Proposals involving a particularly vulnerable type of development of land not known or suspected of being contaminated will be required to submit a contaminated land questionnaire. Proposals which fail to demonstrate that the intended use would be compatible with the condition of the land, or which fail to exploit appropriate opportunities for decontamination, will be refused.

5.43 The site is within an area identified as potentially being at risk from contamination. The council's contaminated land officer has requested that a preliminary risk assessment is submitted prior to the commencement of the development to ensure that any contamination is identified and mitigated if necessary. These conditions are recommended and subject to the conditions it is held that any risks from contamination can be identified and mitigated, in accordance with policies DP24 and DP27.

5.44 Community Infrastructure Levy (CIL)

The development is CIL liable. The site is within Zone 1 of the CIL Charging Schedule whereby minor residential development is charged at £340 per square metre. With the deduction of the floorspace to be demolished the development is liable to pay £75,029.73 in CIL. Any exemptions or relief must be agreed prior to the commencement of development.

5.45 Pre-commencement conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 made under the provision of section 100ZA of the Act as inserted by the Neighbourhood Planning Act 2017 requires agreement of applicants/agents to pre-commencement conditions.

Vale of White Horse District Council – Planning Committee – 5 July 2023

Prior to commencement conditions are recommended. Agreement to these conditions from the agent for the application was received on 20 June 2023.

6.0 **CONCLUSION**

- 6.1 The principle of the development is acceptable and subject to the recommended conditions officers consider that there will be no harm to visual and neighbour amenity, highway safety, flood risk and from contamination. Therefore, it is concluded that the application accords with the policies of the development plan and the NPPF. As such, it is recommended that planning permission should be granted.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 (LPP1):

- 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
- CP40 - Sustainable Design and Construction
- CP43 - Natural Resources
- CP44 - Landscape
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2031 Part 2 (LPP2):

- DP02 - Space Standards
- DP16 - Access
- DP23 - Impact of Development on Amenities
- DP24 - Effect of Neighbouring or Previous Uses on New Developments
- DP27 - Land Affected by Contamination
- DP28 - Waste Collection and Recycling

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Joint Design Guide SPD (2022)

Equalities Act 2010

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

Human Rights Act, 1998

The application has been assessed against Schedule 1, Part 1, Article 8, and against Schedule 1, Part 2, Article 1 of the Human Rights Act, 1998. The harm

Vale of White Horse District Council – Planning Committee – 5 July 2023

to individuals has been balanced against the public interest and the officer recommendation is considered to be proportionate.

Author: Nathaniel Bamsey

Contact No: 01235 422600

Email: planning@whitehorsedc.gov.uk