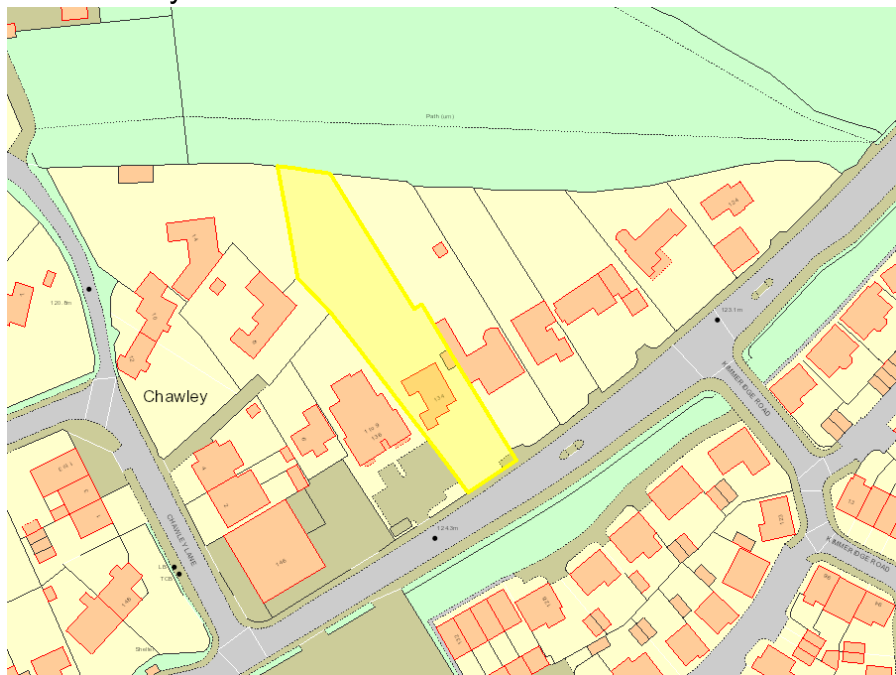


| | |
|-----------------------------|---|
| APPLICATION NO. | P24/V0325/FUL |
| SITE | 134 Cumnor Hill Oxford, OX2 9PH |
| PROPOSAL | Erection of detached part single part 2 storey dwelling house with home workshop. Erection of bin and bike stores/energy hub building. Car parking provision. Improved visibility splays to existing vehicular access. Landscaping of the site. |
| AMENDMENTS | N/A |
| APPLICANT | Mr Paul Topping |
| APPLICATION TYPE | FULL APPLICATION |
| REGISTERED | 07.02.2024 |
| TARGET DECISION DATE | 10.05.2024 |
| PARISH | CUMNOR |
| WARD MEMBER(S) | Scott Houghton Judy Roberts |
| OFFICER | Nathaniel Bamsey |

1.0 INTRODUCTION

- 1.1 This application is referred to planning committee at the request of the local member, Councillor Scott Houghton.
- 1.2 The application site is 134 Cumnor Hill, a detached dwelling in a plot of approximately 0.17 hectares in the parish of Cumnor. The existing dwelling is in the southern part of the site fronting onto Cumnor Hill. The rear garden slopes down to open countryside which borders the site to the north. Neighbouring residential properties are to the east and west. The Oxford Green Belt is immediately to the north and a public footpath runs parallel to the site's rear boundary. The site's location is shown below:



2.0 **PROPOSAL**

2.1 This application seeks approval for the erection of a detached dwelling in the rear of the existing plot. The existing house is to be retained and the plot subdivided between this and the proposed house. The new dwelling will have two storeys and be partially set down from the existing ground level. Also proposed is ancillary development such as new parking and turning provision, hard and soft landscaping and improvements to the existing vehicular access onto Cumnor Road.

2.2 Copies of the plans accompanying the application are attached as **Appendix 2**. Other documentation associated with the application can be viewed on the council’s website, www.whithorsedc.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

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

3.1 **Publicity**

In accordance with Article 15(5)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) notice was served on all adjoining occupiers.

3.2 **Statutory Consultee responses**

| Representation | Comments |
|-------------------------------------|--|
| <p>Cumnor Parish Council</p> | <p>Objection</p> <ul style="list-style-type: none"> • ‘The application is for back land development and so is contrary to made Neighbourhood Plan policy DBC 1. (see also para 77 in the main NBP document) by virtue of the sub division of the current plot adversely impacting the strong linear character of the adjacent Cumnor Hill properties (134 – 124) formed by common plot shapes, sizes, orientation and building to plot ratios. • The new plot would be substantially smaller than those that prevail in the locality creating a tandem pattern of development at odds with the existing spacious linear character (see also refused application P23/V1271/FUL) • Contrary to the requirements of Cumnor Neighbourhood Plan |

| | |
|---|--|
| | <p>Policy DBC3 (design in the low density area) the siting of the proposed bin store adjacent to Cumnor Hill will intrude on the streetscene.</p> <ul style="list-style-type: none"> • Inadequate width (2m) of the access road to the proposed property both to ensure adequate segregation of pedestrians from vehicles or for the passage of e.g. delivery vans to the proposed turning area. • Access width considerably less than required for fire engine (3.7m). No plans provided for stated provision of alternate sprinkler system (e.g. water storage, pumps etc, connection to mains supply, resupply for attending fire appliance) • No detail provided about disposal of foul sewage via connection to the mains drainage system (that lies at a higher elevation than the proposed dwelling). • Overlooking of amenity spaces and habitable rooms of properties in Chawley Lane (8 and 14)' |
| <p>Highways Liaison Officer (Oxfordshire County Council)</p> | <p>No objection, subject to condition</p> <ul style="list-style-type: none"> • Revised parking, turning and access details needed as spaces are currently too narrow which affects turning and the vision splays are over third party land. |

3.3 **Council - internal officer comments**

| Representation | Comments |
|---|--|
| <p>Ecology Team (South and Vale)</p> | <p>No objection, subject to condition</p> <ul style="list-style-type: none"> • Walkover by a qualified ecologist prior to works commencing should be secured by condition. |

| | |
|--|--|
| | <ul style="list-style-type: none"> An ecological enhancement plan (EEP) should be secured by condition. |
| Drainage - (South&Vale) | No objection, subject to condition <ul style="list-style-type: none"> Details of foul and surface water drainage should be secured by condition |
| Contaminated Land | No objection |
| Env. Protection Team | No objection, subject to condition <ul style="list-style-type: none"> Conditions should be imposed controlling noise, dust and hours of construction |
| Waste Management Officer (District Council) | No objection |

3.4 Public responses

| Representation | Comments |
|----------------------------------|---|
| SGN Plant Protection Team | No strong views |
| Neighbours | Objection (1 household) <ul style="list-style-type: none"> Loss of privacy from overlooking Loss of light New dwelling will appear out of place Dwelling will be highly visible from well-used footpath to the rear No provision made for the water tank needed for a sprinkler system No mention of foul water drainage Access is not wide enough Support (2 households) |

4.0 RELEVANT PLANNING HISTORY

| Application Number | Description of development | Decision and date |
|-----------------------------------|---|------------------------|
| 4.1 P23/V1977/FUL | Erection of detached part single part 2 storey dwelling house with home workshop. Erection of bin and bike stores/energy hub building. Car parking | Withdrawn (12/10/2023) |

provision. Improved visibility splays to existing vehicular access. Landscaping of the site.

[P23/V0918/PEM](#)

Sub-division of plot and erection of detached dwelling

Advice provided (17/05/2023)

5.0 ENVIRONMENTAL IMPACT ASSESSMENT

5.1 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.

6.0 POLICY & GUIDANCE

6.1 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

6.2 Development Plan Policies

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

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

CP42 - Flood Risk

CP43 - Natural Resources

CP44 - Landscape

CP46 - Conservation and Improvement of Biodiversity

A Regulation 10A review (five-year review) for Local Plan Part 1 (LPP1) has been completed. The review shows that five years on, LPP1 (together with LPP2) continues to provide a suitable framework for development in the Vale of White Horse that is in overall conformity with government policy.

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

DP01 - Self and Custom-Build

DP02 - Space Standards

DP16 - Access

DP23 - Impact of Development on Amenity

DP24 - Effect of Neighbouring or Previous Uses on New Developments

DP27 - Land Affected by Contamination

DP28 - Waste Collection and Recycling

Emerging Joint Local Plan 2041

The Council is preparing a Joint Local Plan covering Vale of White Horse and South Oxfordshire, which when adopted will replace the existing local plans. Currently at the Regulation 18 stage, the Joint Local Plan Preferred Options

January 2024 has limited weight when making planning decisions. The starting point for decision taking will remain the policies in the current adopted plans.

6.3 Cumnor Neighbourhood Plan

DBC1 - General Design Principles in the Parish

DBC3 - Design in the Low-Density Areas

DBC7 - Important Views

RNE1 - Green Infrastructure

RNE2 - Flood Risk

RES1 - Residential Mix and Standards

TI1 - Sustainable Transport

6.4 Supplementary Planning Guidance/Documents

Joint Design Guide

7.0 PLANNING CONSIDERATIONS

7.1 The relevant planning considerations are the following:

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Drainage/flooding**
- **Ecology**
- **Waste and recycling**
- **Contaminated land**

7.2 Principle of development

The site is within the built-up area of Botley, defined as a Local Service Centre by policy CP3. Within Local Service Centres policy CP4 states there is a presumption in favour of sustainable development. Thus, the principle of development is acceptable.

7.3 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.

7.4 The impact of development on the landscape is assessed against policy CP44. 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.

7.5 Policy DBC1 of the Neighbourhood Plan states that development proposals should have regard to the provisions of the Vale of White Horse Design Guide and to the essential character of their local area as defined by the Cumnor Parish Character Assessment. The policy also gives general design principles

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including maintaining the common one and two-storey character, avoiding backland development that will undermine character, providing active frontages, including doors and windows, to streets, and retaining mature trees and hedgerows where possible.

- 7.6 Policy DBC 3 of the Neighbourhood Plan identifies low-density parts of the parish. The policy states that proposals in these areas should have regard to identified essential characteristics. These include reflecting the small-scale and fragmented building patterns, maintaining visual gaps between buildings, ensuring soft boundary treatments to avoid hard, urban edges, ensuring that new driveways and accesses are no wider than is essential and avoiding siting vehicle parking provision and ancillary buildings so that they intrude into the streetscene.
- 7.7 Policy DBC7 of the Neighbourhood Plan requires development proposals to preserve, or where practicable enhance, the local character of the landscape in general and should take account of important views identified by the Plan. Development proposals which would have an unacceptable impact on the local character of the landscape and/or on an identified important view will not be supported.
- 7.8 The proposed dwelling will be built behind the existing dwelling in its rear garden. It therefore represents 'backland' development which policy DBC1 of the Neighbourhood Plan seeks to avoid where this would undermine 'the strong character formed by common plot shapes, sizes, orientation and building to plot ratios'. Furthermore, the site is within an area identified as 'low-density' by Neighbourhood Plan policy DBC3 which requires development in this area to reflect 'the small-scale and fragmented building patterns, including maintaining visual gaps between buildings'.
- 7.9 Whilst it is accepted that the development is backland, it is necessary to assess whether the development would undermine local character to determine compliance with policy DBC1.
- 7.10 The dwelling is the first in a row of dwellings with long rear gardens and dwellings fronting Cumnor Hill. The length of these gardens decreases from west to east but there still remains a character of frontage development with long linear plots. However, the dwelling is also immediately to the east of dwellings which are accessed via Chawley Lane, and these dwellings have a significantly different character to the site's eastern neighbours with a more organic and informal layout with varying plot shapes, sizes, orientations and building to plot ratios.
- 7.11 The proposed dwelling is sited adjacent to no 8 Chawley Lane and it seeks to replicate its orientation and reflect its appearance with a long, unbroken ridge at first floor level in line with this neighbour.
- 7.12 The proximity to no 8 Chawley Lane and the other buildings along Chawley Lane means that, in officers' opinion, the new dwelling will be viewed as a continuation of the mixed character to the west. The dwelling's siting, design,

orientation, plot shape and building to plot ratio would be in keeping with this mixed character rather than disrupting the more formal and regular character to the east. Therefore, in officer's opinion, on balance and in this instance, the backland siting does not undermine the local character which policy DBC1 seeks to protect and it would not appear out of place.

- 7.13 Setting the dwelling into the ground and the slope down from Cumnor Hill ensures that it will sit lower than the existing house and this, together with the distance to Cumnor Hill will prevent the new dwelling being prominent within nor harmful to this street scene. A condition is recommended requiring details of slab levels of the new dwelling relative to the existing land level to ensure this lack of prominence is secured.
- 7.14 The distance to the neighbouring properties is considered sufficient to ensure that adequate visual gaps are maintained which are consistent with existing character. Moreover, the dwelling's set off from the boundaries considered to prevent the dwelling appearing unduly cramped. The amount of hardstanding proposed is also kept to a minimum, preventing an overly urban or overdeveloped appearance.
- 7.15 Building the development into the existing ground level and the proposed green roofs on the ground floor flat roofed elements will help to integrate the development in with the landscape as required by policy DBC1.
- 7.16 The dwelling will have a contemporary design and material palette. However, its scale is in keeping with its neighbours, it has a simple form and there is a mixture of building styles and designs in the area. These all combine to prevent the design of the building being unhelpful to visual amenity. A condition is recommended requiring the materials to accord with those submitted with the application to ensure this are high quality as specified.
- 7.17 The dwelling will be seen from the public footpath to the north. However, as it would be seen within the backdrop of the existing built development along Cumnor Hill and Chawley Lane and the dwelling will be set off the rear boundary and down from the existing land level it is held that there will be no harm to the enjoyment of this path or any important views from it. This lack of prominence in the landscape will also help to prevent harm to the landscape more generally.
- 7.18 The application is supported by a landscaping plan. This shows an extensive amount of landscaping with significant levels of new planting. This will help assimilate the development in with its surroundings and hence a condition is recommended requiring this landscaping to be implemented in accordance with these details.
- 7.19 Given, on balance, and subject to the recommended conditions, officers consider that the development would not be harmful to local character despite its backland siting and its plot, design and scale are all considered to be in keeping with its surroundings and the wider landscape it is held that the application accords with policies CP37, CP33, DBC1, DBC3 and DBC7.

7.20 **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.

7.21 Policy DP24 of LPP2 states that development proposals should be appropriate to their location and should be designed to ensure that the occupiers of new development will not be subject to adverse effects from existing or neighbouring uses.

7.22 When considering the impact on amenity of applications for new dwellings it is necessary to assess the impact on existing neighbours and the intended occupiers.

7.23 The parish and a neighbouring property have objected to the development on the basis that the new dwelling will cause a loss of light and overlooking to neighbouring properties.

7.24 The new dwelling will have first floor windows which will look towards the garden of no 14 Chawley Lane. These windows will not offer any direct views into habitable room windows given the oblique relationship and distance between the windows.

7.25 However, there will be views possible of part of no 14's garden from these windows. Despite this, the significant levels of planting proposed on the boundary, the stone screen proposed on the side of the green roof and the distance from those windows not behind this screen to the boundary are all considered to prevent significant harm from overlooking from the first-floor windows to this neighbour. The use of the flat roof as a balcony would be harmful to this neighbour so a condition is recommended preventing this being used as such.

7.26 The first-floor windows in the eastern elevation are mainly small secondary windows or those serving non-habitable rooms and the distance from these windows to the neighbours to the east is sufficient to prevent harmful overlooking. There are no first-floor windows in the southern elevation and the windows in the northern elevation will only offer views of the very end of the garden of the neighbour on this side and the proposed louvres will prevent views being possible in any case.

7.27 There are ground floor windows which will face no 14 but given they are ground floor the proposed boundary treatments will prevent any overlooking from these windows. Similarly, the rooflights are within vaulted ceilings and hence they will not cause overlooking.

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- 7.28 The distance of the dwelling to its neighbours and their relative positions to the path of the sun are considered to prevent significant harm in terms of loss of light as demonstrated by the daylight assessment submitted with the application.
- 7.29 The dwelling will be located some 10m from no 8 Chawley Lane. There are secondary windows which face the new dwelling but this distance, the fact they are secondary windows and the siting beside the flank wall of this neighbour combine to prevent significant harm to this neighbour in terms of overdominance nor visual intrusion.
- 7.30 The new dwelling will be seen from the garden of no 14 Chawley Lane and the dwelling's windows facing the site but the size of this garden, the distance between the dwellings themselves, the perpendicular siting of the first floor part of the house relative to the shared boundary and the proposed boundary planting are all considered to prevent significant harm to this neighbour in terms of overdominance and visual intrusion.
- 7.31 The distance to all other nearby dwellings is sufficient to prevent the dwelling harming their amenity through overdominance and visual intrusion.
- 7.32 The new access will pass close by the existing dwelling on the site and the neighbour. Given a single dwelling is proposed it is considered that the frequency of use of this access will be small and there will not be significant harm from noise, vibrations and disturbance.
- 7.33 The existing dwelling's amenity space will be reduced in size but it will still remain sufficient for a dwelling of this size and in accordance with minimum recommended by the Design Guide.
- 7.34 The new dwelling will provide sufficient internal and external space which will not be overlooked or overshadowed and all habitable rooms will have sufficient outlook.
- 7.35 As the amenity existing neighbours will not be significantly harmed and the intended occupiers will enjoy sufficient living conditions it is held that the application accords with policies DP23 and DP24.
- 7.36 **Access and parking**
Policies CP33, CP35, CP37 & DP16 of LPP1 & LPP2 require development to provide safe and convenient access, sufficient car and cycle parking in line with Oxfordshire County Council 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.
- 7.37 Policy T11 of the Neighbourhood Plan states that new development should incorporate, as appropriate to its scale, nature and location a balanced and sustainable transport provision including facilities for cycling, off-street parking

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provision, convenient pedestrian links to public transport facilities and electric charging points for vehicles. New development should also not have an unacceptable impact on the free and safe flow of traffic in general, and at the certain locations in the parish including Swinford Toll Bridge.

- 7.38 The application site is in a relatively sustainable location in close proximity to frequent public transport providing access to Botley and Oxford and Botley centre and Cumnor village are also within cycling distance. This ensures that the occupiers of the proposed dwelling will not be reliant on the private motorcar for access to their day-to-day needs.
- 7.39 The erection of a single dwellinghouse is unlikely to harm the local highway network nor any of the locations identified by Neighbourhood Plan policy T11.
- 7.40 The proposed dwelling will be accessed via the existing vehicular access which serves the existing dwelling. A new driveway to the new dwelling will be created between the existing dwelling and its neighbour to a new parking and turning area to the front of the dwelling. The existing dwelling will continue to have parking to its front.
- 7.41 The highways liaison officer has no objection to the development but they have requested revised details by condition. This is because the car parking spaces are smaller than standard and so will need to be widened and the widening of these spaces will then affect the turning space provision. The vision splays also currently go over third-party land and hence a condition requiring their protection could not be imposed so this too will need to be updated.
- 7.42 The parking and turning conditions requested by the highways officer are necessary and reasonable to ensure that there is parking and turning space which accords with standards allowing vehicles to enter and leave the site in a forward gear. It is considered that an increase in size of the car parking spaces and turning space can be accommodated within the site layout and therefore these conditions are recommended.
- 7.43 The vision splays for the existing access have already been improved through the removal of a leylandii hedge which formerly overhung the highway and the replanting of new vegetation set further back into the site. This ensures that the site can be safely accessed by both dwellings. However, it is important that the vision splays can be protected so a condition requiring revised details which do not include third party land is recommended.
- 7.44 Concerns have been raised by the parish and neighbours that the access is too narrow for vehicles and pedestrians to share the road. They also raise concerns that as the access is too narrow for fire engines insufficient information has been provided of the proposed sprinkler system which is necessary to mitigate the risk of fire engines being unable to get close enough to the dwelling.
- 7.45 Despite these concerns, the highways officer has raised no objection to the width of the access road and the fact this is a private access to only a single dwelling with good forward visibility means the risk of conflict between

pedestrians and vehicles is considered to be limited. It is also considered that confirmation that the dwelling will have a sprinkler system is sufficient to confirm that the access for emergency vehicles is appropriate and the technical specification of this system would be agreed when building regulations approval is sought.

- 7.46 Bicycle parking is shown within the covered store. This will provide secure storage of bicycles which will encourage more sustainable and active modes of travel. A condition is recommended requiring the implementation and retention of this storage.
- 7.47 Subject to the recommended conditions it is held that the development will not harm the local highway network, highway safety and sustainable modes of travel will be encouraged, in accordance with policies CP33, CP35, CP37, DP16 & TI1.
- 7.48 **Drainage/flooding**
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.
- 7.49 Policy RNE2 states that development proposals should be located and designed to take account of flood risk and ensure impacts are mitigated to ensure that there is no unacceptable increase in surface water discharge off site using Sustainable Drainage Systems where possible.
- 7.50 The site is Flood Zone 1, and it is not identified as being at risk from surface and foul water flooding. Therefore, it is unlikely that the development will be at risk from flooding. Nevertheless, it must be ensured that the development will not increase the flood risk elsewhere.
- 7.51 The council's drainage engineer was consulted on this application, and they have no objection subject to details of surface and foul water drainage being submitted by condition. These conditions are necessary and reasonable to prevent flood risk being increased and are therefore recommended.
- 7.52 The parish and neighbours have raised concerns that the few details have been provided of the foul water drainage system and this may require pumping due to the slope in the site. However, as the drainage engineer has raised no concerns about the feasibility of the foul water drainage being acceptable and the recommended condition will ensure this is agreed and implemented prior to the first use of the new dwelling.
- 7.53 As, subject to the recommended conditions, the dwelling will not be at risk from flooding, it will not increase the risk of flooding elsewhere and foul water is properly managed it is held that the application accords with policies CP42 and RNE2.

7.54 **Ecology**

Policy CP46 of LPP1 states that development that conserves, restores and enhances biodiversity will be permitted whilst net loss of biodiversity will be avoided. The highest level of protection is given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species). Development that harms habitats and species will not be permitted unless the need for the development outweighs the harm, it can be demonstrated that the development could not reasonably be located elsewhere or measures to prevent, mitigate or compensate for the harm are agreed.

7.55 Policy RNE1 of the Neighbourhood Plan states that development proposals should protect, and where practicable enhance, valued landscapes, sites of biodiversity or geological value and soils. Proposals should also minimise impacts on, and providing net gains for, biodiversity where it is practicable to do so.

7.56 The proposed dwelling will be constructed on garden land to the rear of the existing dwelling. It is considered unlikely that any legally protected species or habitats will be harmed by the development.

7.57 The council's ecology officer has requested a condition requiring an ecologist to do a 'walk over' of the site prior to works commencing to confirm the absence of protected species. Should any be encountered, mitigation and protection would then need to be approved by the council before works can proceed. However, in officer's opinion, as it is unlikely that any protected species are present on the site this condition would not meet the tests for conditions from the NPPF as it would not be reasonable nor necessary.

7.58 The council's ecologist has also requested an ecological enhancement plan requiring details of habitats which will be created on the site. A similar condition is recommended requiring details of integrated bat and bird boxes within the fabric of the new dwelling. With this condition and the other requiring the implementation of the landscaping scheme there will be a net gain in biodiversity.

7.59 As protected species and habitats are unlikely to be harmed and the recommended conditions will secure a net gain in biodiversity officers consider that the application accords with policies CP46 and RNE1.

7.60 **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.

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- 7.61 Policy RES1 of the Neighbourhood Plan also states that bins, recycling and bicycle storage should be sensitively screened and unobtrusive and located in positions not visible from street frontages.
- 7.62 The new dwelling features covered bin storage to the front of the house. These bins will then be brought to the front of the site for collection at the kerbside. The existing house will also present their bins in this location. This provision accords with the council's Waste Planning Guidance and ensures that adequate provision of the storage, sorting and collection of waste and recycling is achieved.
- 7.63 The parish council have raised concerns that the proposed bin presentation point is too prominent in the street scene and therefore in conflict with the Neighbourhood Plan policy RES1. However, this is the presentation point and not the storage point and hence bins will only be kept here prior to collection and not permanently. Moreover, the presentation point is set back from the road and its position beside the existing boundary treatment and its small scale will prevent harm to the street scene.
- 7.64 **Contaminated land**
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.
- 7.65 The site is identified as potentially being at risk from contaminated land due to nearby former land uses. The application is supported by a contaminated land questionnaire. The council's contaminated land officer is satisfied that the responses to the questionnaire confirm that it is unlikely that the development would be at risk of encountering contamination. Therefore, it is held that the application accords with policies DP24 and DP27.
- 7.66 **Community Infrastructure Levy (CIL)**
The development is liable to pay CIL. The liability for the development is £31,120.72. A self-build exemption may be sought but this must be agreed prior to the commencement of the development.
- 7.67 **Pre-commencement conditions**
Pre-commencement conditions are recommended. Agreement to these conditions was received on 8 April.

8.0 **Other Relevant Legislation**

8.1 Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

8.2 Equality Act 2010

In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

8.3 Crime and Disorder Act 1998

In considering this application, due regard has been given to the likely effect of the proposal on the need to reduce crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation, officers consider that the proposal will/will not undermine crime prevention or the promotion of community safety.

9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 The proposed development accords with the spatial strategy of the development plan. On balance officers consider that the development is unharmed to visual amenity despite its backland location, and subject to the recommended conditions there will be no significant harm to neighbour amenity and no harm to highway safety, flood risk nor ecology. Therefore, subject to the recommended conditions officers consider the application accords with the policies of the development plan and the NPPF and it is recommended that permission be granted.

9.2 Abbreviated versions of the recommended conditions are listed below and shown in full in **Appendix 1**.

10.0 **RECOMMENDATION**

Grant planning permission subject to the following conditions:

Standard

1 : Commencement 3 yrs - Full Planning Permission

2 : Approved plans

Pre-commencement

3 : Surface Water Drainage Details

4 : Foul Water Drainage Details

5 : Slab Levels

Prior to slab level

6 : Integrated Biodiversity Enhancements (prior to slab level)

Prior to occupation

7 : Car Parking Details

8 : Visibility Splay Details

9 : Turning Space Details

10 : Implementation of Landscaping Scheme

11 : Implementation of Bicycle Parking

12 : Boundary Details in Accordance with Plan

13 : Refuse Storage in Accordance with Plan

Compliance

14 : Materials in Accordance with Application

15 : No Use of Flat Roof as Balcony

Informative

16 : Works within the Highway Informative

17 : Surface water drainage informative

18 : Foul water drainage informative

19 : CIL Informative

Officer: Nathaniel Bamsey

Email: Planning@whitehorsedc.gov.uk

Tel: 01235 422600

Appendix 1

Recommended Conditions (full text):

| Sequence | Description | Details |
|----------|--|---|
| 1 | Commencement 3 yrs - Full Planning Permission | <p>The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| 2 | Approved plans | <p>That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 105-00-031, 105-00-140, 105-00-141, 105-00-142, 105-00-145, 105-00-011, 105-00-101, 105-00-010, 105-00-100, 105-00-002, 105-00-005, 105-00-131, 105-00-033, 105-00-144, 105-00-035, 105-00-143, 105-00-034, 105-00-032, 105-00-046, 105-00-030, 105-00-001, 105-00-003, L101-001, 105-00-012, 105-00-102, 105-00-130, 105-00-098 and 105-00-160, except as controlled or modified by conditions of this permission.</p> <p>Reason: To secure the proper planning of the area in accordance with Development Plan policies.</p> |
| 3 | Surface Water Drainage Details | <p>Prior to the commencement of development, a detailed scheme for the surface water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any new building.</p> <p>Reason: To ensure the effective drainage of the site and to avoid flooding (Policy CP42 of the adopted Local Plan 2031 Part</p> |

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| | | 1 and Policy RNE2 of the Cumnor Neighbourhood Plan). |
| 4 | Foul Water Drainage Details | <p>Prior to the commencement of development, a detailed scheme for the foul water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any new building.</p> <p>Reason: To ensure the effective drainage of the site in the interest of public health (Policy CP42 of the adopted Local Plan 2031 Part 1, Policy DP23 of the adopted Local Plan 2031 Part 2 and Policy RNE2 of the Cumnor Neighbourhood Plan).</p> |
| 5 | Slab Levels | <p>Prior to the commencement of development, details of the existing ground levels of the site and the proposed slab levels of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved slab level.</p> <p>Reason: To protect visual and neighbour amenity (Policy CP37 of the adopted Local Plan 2031 Part 1, Policy DP23 of the adopted Local Plan 2031 Part 2 and Policies DBC1 & DBC3 of the Cumnor Neighbourhood Plan).</p> |
| 6 | Integrated Biodiversity Enhancements (prior to slab level) | <p>Prior to the commencement of the development above new slab level, details (including specification, position, height, orientation) of a scheme of biodiversity enhancements to be provided, shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed in conjunction with a suitably qualified ecologist and bird/bat boxes shall be integrated into the fabric of the development. A minimum of one integrated bird box and one integrated bat box shall be provided onsite. Thereafter, the development shall be implemented in</p> |

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| | | <p>accordance with the approved details and all features provided prior to first use.</p> <p>Reason: To secure biodiversity enhancements onsite (Policy CP46 of the Vale of White Horse Local Plan 2031 Part 1 and Policy RNE1 of the Cumnor Neighbourhood Plan).</p> |
| 7 | Car Parking Details | <p>Prior to the use or occupation of the new development, car parking spaces shall be constructed, surfaced, drained and marked out on the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the spaces shall be kept permanently free of any obstruction to such use.</p> <p>Reason: In the interest of highway safety and to avoid localised flooding (Policies CP35, CP37 and CP42 of the adopted Local Plan 2031 Part 1, Policy DP16 of the adopted Local Plan 2031 Part 2 and Policies TI1 and RNE2 of the Cumnor Neighbourhood Plan).</p> |
| 8 | Visibility Splay Details | <p>Prior to the use or occupation of the new development, visibility splays shall be provided in both directions in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Such splays shall be designed to ensure there is no obstruction to vision above 0.9 metre in height relative to the centre line of the adjacent carriageway over the whole of each visibility splay area. Thereafter, the visibility splays shall be permanently maintained free from obstruction to vision.</p> <p>Reason: In the interest of highway safety (Policy CP37 of the adopted Local Plan 2031 Part 1, Policy DP16 of the adopted</p> |

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| | | Local Plan 2031 Part 2 and Policy TI1 of the Cumnor Neighbourhood Plan). |
| 9 | Turning Space Details | <p>Prior to the use or occupation of the new development, a turning space to enable motor vehicles to enter the site, turn around and leave in a forward direction shall be constructed in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The turning space shall be constructed to prevent surface water discharging onto the highway. Thereafter, the turning space shall be kept permanently free of any obstruction to such use.</p> <p>Reason: In the interest of highway safety and to avoid localised flooding (Policies CP37 and CP42 of the adopted Local Plan 2031 Part 1, Policy DP16 of the adopted Local Plan 2031 Part 2 and Policies TI1 and RNE2 of the Cumnor Neighbourhood Plan).</p> |
| 10 | Implementation of Landscaping Scheme | <p>All hard and soft landscape works shall be carried out in accordance with the details shown on the approved drawing number L101-001 A prior to the first use of the development hereby approved. Thereafter, the landscaped areas shall be maintained for a period of 5 years. Any trees or shrubs which die or become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of similar size and species to those originally planted.</p> <p>Reason: To ensure the implementation of appropriate landscaping which will improve the environmental quality of the development (Policies CP37 and CP44 of the adopted Local Plan 2031 Part 1 and Policies DBC1 and DBC3 of the Cumnor Neighbourhood Plan).</p> |
| 11 | Implementation of Bicycle Parking | <p>Prior to the use or occupation of the new development, provision for parking bicycles on the site shall be made in</p> |

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| | | <p>accordance with the details shown on approved drawing number 105-00-100. Thereafter, the bicycle parking shall be retained for such use in perpetuity.</p> <p>Reason: To encourage the use of sustainable modes of transport (Policies CP33, CP35 and CP37 of the adopted Local Plan 2031 Part 1 and Policies RES1 and T11 of the Cumnor Neighbourhood Plan).</p> |
| 12 | Boundary Details in Accordance with Plan | <p>All of the site's internal and external boundaries shall be enclosed in accordance with the details shown on approved drawing number L101-001 A. The approved boundary treatments for each dwelling shall be completed prior to the occupation of that dwelling, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.</p> <p>Reason: In the interests of visual amenity and residential amenity (Policy CP37 of the adopted Local Plan 2031 Part 1, Policy DP23 of the adopted Local Plan 2031 Part 2 and Policies DBC1 & DBC3 of the Cumnor Neighbourhood Plan).</p> |
| 13 | Refuse Storage in Accordance with Plan | <p>Prior to the occupation of the development hereby approved, provision shall be made for storing and presentation for collection of domestic refuse and recycling materials in accordance with the details shown on the approved drawing numbers 105-00-100 and 105-00-098. Thereafter, the approved refuse and recycling materials storage facilities scheme shall be permanently retained.</p> <p>Reason: To ensure the provision of refuse and recycling material storage facilities (Policy DP28 of the adopted Local Plan 2031 Part 2 and Policy RES1 of the Cumnor Neighbourhood Plan).</p> |

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| 14 | Materials in Accordance with Application | <p>The development shall be built using only the external materials specified on the forms and/or shown on the approved drawings the subject of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity (Policy CP37 of the adopted Local Plan 2031 Part 1 and Policies DBC1 & DBC3 of the Cumnor Neighbourhood Plan).</p> |
| 15 | No Use of Flat Roof as Balcony | <p>Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling shall not be adapted to enable access onto the flat roof and no part of the flat roof hereby permitted shall be used as a balcony or sitting-out area without the prior grant of planning permission.</p> <p>Reason: To protect the privacy of adjacent dwellings (Policy DP23 of the adopted Local Plan 2031 Part 2).</p> |
| 16 | Works within the Highway Informative | <p>If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of either:</p> <ul style="list-style-type: none"> i. - a Section 184 Notice under the Highways Act 1980, or ii. - a legal agreement between the applicant and Oxfordshire County Council |
| 17 | Surface water drainage informative | <p>The design of the surface water drainage system as required by condition 3 should be in accordance with the non-statutory technical standards for sustainable drainage systems, including details of BRE 365 percolation testing, levels, size, position and construction of all drainage works. The drainage scheme should be sized to</p> |

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| | | <p>accommodate a minimum of the worst case 1 in 30 year storm, with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% Climate Change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. A surface water discharge to a Thames Water recorded foul sewer will not be permitted under any circumstance.</p> <p>The applicant should also be aware that the hydraulic model should be run in the latest FEH format. Currently, this is FEH 22, Cv values should be set at 0.95, and the following should be provided:</p> <ul style="list-style-type: none"> - at least one rainwater butt or rainwater planter - a full manhole schedule |
| 18 | Foul water drainage informative | The foul water drainage scheme as required by condition 4 should include details of method, levels, size, position and construction of the drainage scheme. |
| 19 | CIL Informative | <p>The development to which this permission relates is liable to pay the Community Infrastructure Levy (CIL) as set out in the Vale of White Horse CIL Charging Schedule. Upon planning permission, a Liability Notice will be issued to the nominated person/company liable for CIL. The person/company liable for CIL must submit a commencement notice to the Local Planning Authority BEFORE development commences (CIL Form 6). The Local Planning Authority will send a Demand Notice to the person/company liable for CIL when the Commencement Notice is received. FAILURE TO FOLLOW THE CIL PROCEDURES COULD RESULT IN SURCHARGES AND THE LOSS OF ANY EXEMPTION RELIEF IF ENTITLED. Guidance on CIL is available on the planning portal website http://www.planningportal.co.uk/cil or the council's website</p> |

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| | | http://www.whitehorsedc.gov.uk/cil together with the process for paying CIL. |
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