

APPLICATION NO.	P24/V0571/FUL
SITE PROPOSAL	16 Cumnor Hill Oxford, OX2 9HA Demolition of existing dwellinghouse. Erection of 2 no. detached dwellinghouses with associated works including landscaping. (As amplified by additional information received 19 March 2024 and amended plans and additional information received 2 May 2024 and as amended by plans received 22 July 2024 and amplified by Daylight and Sunlight Analysis received 5 September 2024).
AMENDMENTS	Amendments to the drainage scheme and for the deletion the detached garage for the front dwelling received.
APPLICANT	Mr Changlong Sun
APPLICATION TYPE	FULL APPLICATION
REGISTERED	7.3.2024
TARGET DECISION DATE	23.8.2024
PARISH	CUMNOR
WARD MEMBER(S)	Scott Houghton Judy Roberts
OFFICER	Nathaniel Bamsey

ADDENDUM

This application is presented back to planning committee following a resolution at the 21 August 2024 planning committee meeting to defer the application for a site visit to be carried out.

The applicant's agent has provided a Daylight and Sunlight Analysis following the previous meeting which is **attached** at Appendix 3.

1.0 INTRODUCTION

- 1.1 This application is referred to planning committee at the request of the local member, Councillor Judy Roberts.
- 1.2 The application site is located on the northern side of Cumnor Hill; it is rectangular in shape with an area of approximately 0.16ha. The existing dwelling is to the south of the site near to Cumnor Hill. The site markedly slopes downwards to the north. Neighbouring residential properties are to the north, east and west. Vehicular access is gained via Cumnor Hill to the south.

2.0 PROPOSAL

- 2.1 This application seeks approval for the demolition of the existing dwelling, 16 Cumnor Hill and the erection of two dwellings, one in approximately the same location as the existing house and one to the rear of the site. Ancillary

development including a detached garage to serve the dwelling to the rear, new access, turning and parking areas and landscaping are also proposed.

2.2 All the plans and supporting documents submitted with the application can be found on the council's website www.whitehorsedc.gov.uk. A site location plan is provided below and extracts from the application plans are **attached** at Appendix 2.

2.3

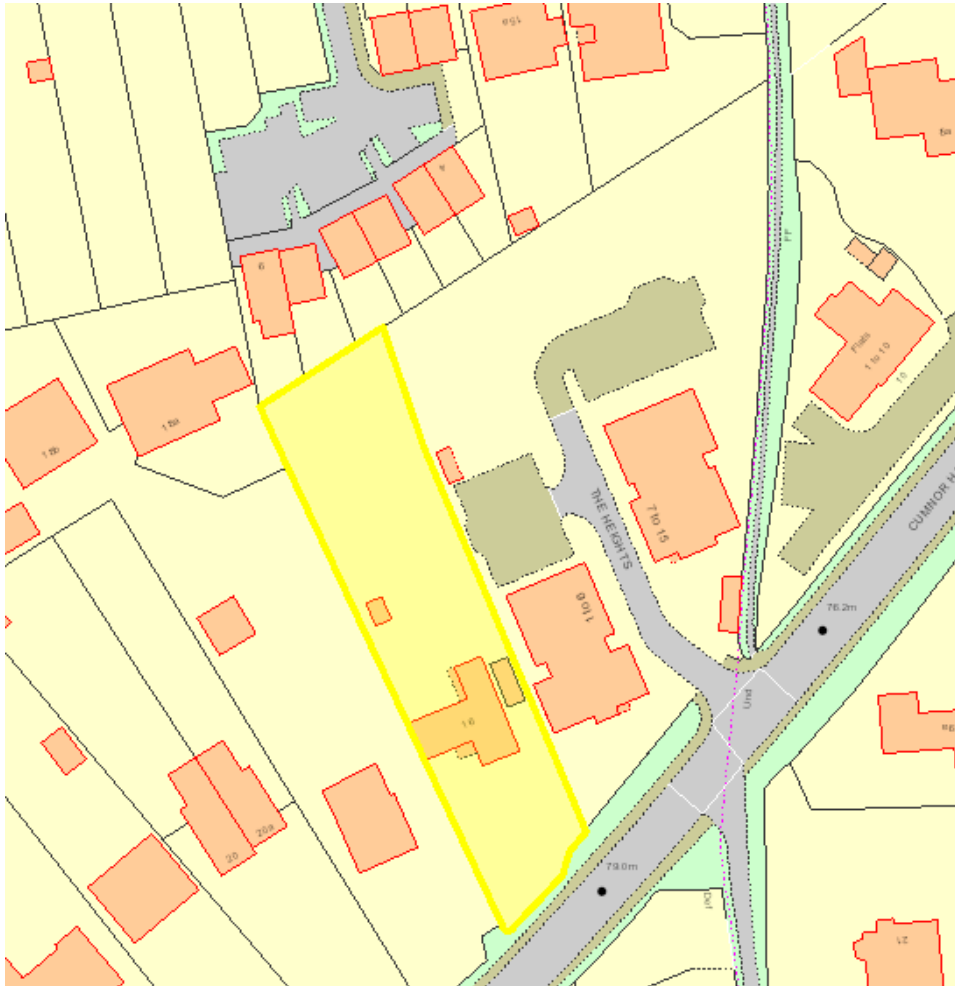


Figure 1. Site Location Plan

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

This application has been publicised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Council's procedures, including the Statement of Community Involvement (SCI), December 2022.

3.2 Statutory Consultee responses

Representation	Comments
Cumnor Parish Council	<p>03/04/2024 – Objection</p> <ul style="list-style-type: none"> • Overshadowing and loss of light • Overlooking • Overdominance and overdevelopment • Contrary to policy DBC1 • Site is at risk of flooding • Insufficient information regarding surface and foul water drainage • Insufficient detail on design elements and access for emergency service vehicles and deliveries <p>08/05/24 – Objection</p> <ul style="list-style-type: none"> • The amended application still states the site is not within an area at risk of flooding. This is incorrect. • Insufficient information regarding surface and foul water drainage • There is no assessment of the impact on groundwater levels on the site and on adjoining properties in Martins Close etc. of digging the 225 sq m proposed ‘storage basin’ in the garden of House 2. <p>06/08/2024 – objection</p> <ul style="list-style-type: none"> • The twice amended application still states the site is not within an area at risk of flooding. This is contradicted by the VWHDC Drainage Officer’s 18th April 2024 response which states that a ‘Flood Risk Assessment must be submitted’ • The Drainage Engineer’s subsequent 2nd July response says ‘I am happy with the information provided by the applicants Consultant addressing this’ no evidence of

	<p>this can be found amongst the documents published by VWHDC</p> <ul style="list-style-type: none"> • The VWHDC Drainage engineer’s 3rd response dated 29/07/24 removes the holding objection and proposes 3 conditions for foul and surface water management during construction only. So, neither the amendments, nor the VWHDC Drainage Engineer’s 3 responses to the applicant have addressed the requirements of Cumnor Neighbourhood Plan flood risk policy RNE2. • There is still no assessment of the impact on groundwater levels on the site and on adjoining properties in Martins Close etc. of digging the 225 sq m proposed ‘storage basin’ in the garden of House 2.
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3.3 **Council - professional officer comments**

Representation	Comments
Ecology Team	No objection, subject to conditions
Drainage Team	Holding objection then following the submission of amendments and additional information no objection, subject to conditions
Forestry Officer	No objection, subject to conditions
Vale - Highways Liaison Officer (Oxfordshire County Council)	No objection, subject to conditions
Env. Protection Team	No observations
Waste Management Officer	No objection

3.4 **Public responses**

Representation	Comments
Neighbours	<p>First consultation</p> <p>Objection (16 households)</p> <ul style="list-style-type: none"> • Out of keeping with the designation of lower Cumnor

	<p>Hill as an Area of Special Local Character (Policy DBC5 in the Neighbourhood Plan). Backland development, with a bulky house in the back garden, will undermine this character</p> <ul style="list-style-type: none"> • Overshadowing • Overlooking • biodiversity net gain requirement not met • Access is widened which is contrary to the Neighbourhood Plan • There is little detail on finished slab and floor heights in the application • Consideration has not been given to the failure of the surface and foul water drainage pumps • Boundary with Martins Close is not in the correct position • Dwellings are not two-storey so contrary to the Neighbourhood Plan • Loss of trees
	<p>Second consultation Objection (4 households)</p> <ul style="list-style-type: none"> • Objections still remain • Additional information regarding drainage is appreciated but remain concerned about the height of the rear dwelling and overlooking and loss of light

4.0 **RELEVANT PLANNING HISTORY**

	Application Number	Description of development	Decision and date
4.1	P23/V2115/O	Demolition of existing dwellinghouse. Erection of 9 no. apartments and associated works including new access and landscaping works.	Withdrawn (08/12/2023)
	P87/V6952	Loft conversion and extensions to provide bedroom. 16 Cumnor Hill, Cumnor Oxford	Approved (10/02/1988)

P86/V1128/COU	Change of use of part of dwelling to bed and breakfast accommodation. 16 Cumnor Hill, Oxford	Approved (27/02/1986)
P76/V0939	Extension to lounge to form bay-window. 16 Cumnor Hill, Cumnor, Oxford	Approved (08/10/1976)

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)

- 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

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

- DP16 - Access
- DP21 - External Lighting
- DP23 - Impact of Development on Amenity
- DP24 - Effect of Neighbouring or Previous Uses on New Developments
- DP28 - Waste Collection and Recycling

6.3 **Emerging Joint Local Plan 2041**

The Council is preparing a Joint Local Plan covering South Oxfordshire and Vale of White Horse, which when adopted will replace the existing local plan. 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 plan.

6.4 **Cumnor Neighbourhood Plan**

DBC1 - General Design Principles in the Parish

DBC3 - Design in the Low-Density Areas

DBC5 - Lower Cumnor Hill/Third Acre Rise Area of Special Local Character

RNE1 - Green Infrastructure

RNE2 - Flood Risk

RES1 - Residential Mix and Standards

TI1 - Sustainable Transport

6.5 **Supplementary Planning Guidance/Documents**

Joint Design Guide SPD 2022: The Joint Design Guide sets out design principles to guide future development and encourage a design-led approach to development.

7.0 **PLANNING CONSIDERATIONS**

7.1 **The relevant planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Flooding/drainage**
- **Ecology**
- **Waste and recycling**

7.2 **Principle of development**

The site is within the built-up area of Botley, defined by policy CP3 as a Local Service Centre where policy CP4 gives a presumption in favour of sustainable development. Therefore, the principle of the 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 including maintaining the common one and two-storey character, providing active frontages, including doors and windows, to streets, and retaining mature trees and hedgerows where possible.

- 7.6 Policy DBC3 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 street scene. In addition, 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.
- 7.7 Policy DBC5 of the Neighbourhood Plan identifies an Area of Special Local Character at Lower Cumnor Hill/Third Acre Rise. Development proposals located within this area should demonstrate that they have paid full regard to the characteristics that contribute to the significance of its local architectural and historic interest. The policy also requires a balanced judgement to be taken having regard to the scale of any harm or loss to its character or appearance and the public benefits which may otherwise arise from the proposed development.
- 7.8 The proposed development involves the demolition of the existing dwelling on the site, its replacement (house 1) and the erection of an additional dwelling to the rear (house 2). The demolition of the existing dwelling is acceptable as it is of little architectural or historical importance. The additional dwelling to the rear will represent 'backland' development.
- 7.9 Policy DBC1 of the Neighbourhood Plan seeks to avoid backland development 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' and within the Area of Special Local Character identified by policy DBC5 for its 'local importance in terms of its low-density nature, the character of individual properties, the relationship between the houses and their gardens, the topography of the area and its open spaces'.
- 7.10 In this instance, within the immediate vicinity of the site there is an existing character of backland development with the dwellings in Martin Close immediately to the north, Rose Gardens further to the north east and the dwellings behind no 18 to the west. The hardstanding serving the flats to the east also means there is also development in depth on this side. This established character of backland development within the immediate vicinity of the site means that officers consider that the proposed siting of the house 2 would not be out of keeping with local character and nor would the plot of this dwelling be at odds with its neighbours in terms of its shape, size or orientation. Moreover, the slope of the site meaning the dwelling to the rear of the site sits at a lower level than the dwelling to the front significantly reduces its prominence in the street scene. The context of existing backland development and the low prominence of the dwelling in the street scene are considered to

prevent the siting undermining the local character which policy DBC1 seeks to protect and the dwelling would not appear out of place.

- 7.11 Whilst the siting of the house 2 is not considered to be harmful nor in conflict with the Neighbourhood Plan policies, it must also be established if the development undermines the low-density nature of the area which policies DBC3 and DBC5 seek to protect.
- 7.12 There will remain significant visual gaps between the two dwellings and their neighbours and whilst there will clearly be an increase in building-to-plot ratio this will not be significantly different to other dwellings in the vicinity, particularly those to the north west (who are also within the low-density area identified by policies DBC3 and DBC5). The significant visual gaps to neighbouring properties which will remain are considered to prevent the low-density nature of the area being harmfully undermined.
- 7.13 House 1 at the front of the site sits slightly forward of the existing dwelling but its siting is consistent with neighbouring properties and a significant set back from the highway remains. Originally a garage was proposed to the front of this dwelling, but this was considered to reduce the openness of the property frontage which is a feature of the area and hence its deletion prevents this potential harm. The garage serving the dwelling to the rear is subservient to this dwelling and its simple design and subservient scale prevents harm to visual amenity.
- 7.14 Both dwellings are two-and-a-half storey dwellings but as the second floor is in the roof the buildings have the appearance and scale of a two-storey dwelling and hence they would not undermine the generally one and two-storey character of the area. Moreover, their scale is proportionate to neighbouring buildings which will prevent them being overly prominent in the street scene nor out of scale with their surroundings. The design and appearance of the dwellings is also in keeping with local character with their simple form and the use of traditional gabled roof forms. Both dwellings do feature a section of flat roof but this is a minor element of the roof and this will not be perceived within views of the dwellings. The proposed materials are also acceptable and unarmful.
- 7.15 There are several trees and hedgerows which may be affected by the development. This application is supported by an arboricultural impact assessment and the council's forestry officer has been consulted on the application. There are some trees, shrubs and sections of hedgerow which are proposed to be removed. The council's forestry officer does not consider that these are a constraint to the development as none are of sufficient quality to warrant protection with a tree preservation order. They are also satisfied that the retained trees on the site can be protected during construction subject to a tree protection condition. A condition requiring a landscaping scheme including replacement planting for the vegetation which is to be lost is also requested. Both these conditions are considered necessary and reasonable to ensure retained trees can continue to positively contribute to visual amenity and to

secure replacements for those lost and hence both conditions are recommended.

- 7.16 The proposed vehicular access and driveway is not excessively wide and the paving and gravel finishes would complement the rural feel and character of the area as required by policy DBC3. The car parking and bin stores would also not be overly prominent in the street scene due to the set back from the highway and intervening vegetation. Thus, these too will accord with policy DBC3. Elevations of the cycle stores have been provided but not their siting so details of these are recommended to be secured by condition.
- 7.17 To sum up, despite the backland siting of the new dwelling to the rear, the specific context of the site with an established character of backland development and the maintenance of significant visual gaps between the dwellings and their neighbours is considered to prevent the development being out of keeping with local character and the low-density nature of the area which the policies of the Neighbourhood Plan seek to protect. The scale, design and materials of the proposed dwellings are also unharmed to visual amenity and subject to the recommended conditions retained trees will be protected and replacement planting to mitigate those lost will be secured. Therefore, subject to these conditions it is held that the application accords with policies CP37, CP44, DBC1, DBC 3 and DBC5.
- 7.18 **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.
- 7.19 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.
- 7.20 When considering applications for new dwellings it is necessary to assess the impact on existing neighbouring properties and on the intended occupiers.
- 7.21 **Existing neighbours**
House 1 in the front of the site will be erected forward of the existing dwelling. This brings it alongside the flank wall of the western neighbour. The elevation of this neighbour which faces the site has windows, but these are either secondary windows or they serve non-habitable rooms and hence the replacement dwelling is not considered to cause significant harm to this neighbour in terms of loss of outlook nor visual intrusion.
- 7.22 Moving house 1 to the south relative to the existing dwelling prevents any harm to the eastern neighbour(s) through loss of outlook and visual intrusion as the

part of this building which the replacement dwelling will now be alongside has no windows.

- 7.23 The position of house 1 further to the south will prevent significant harm in terms of overshadowing to the eastern neighbour(s) despite the increase in height as the distance to the side facing primary windows are sufficient to prevent a significant increase in shadowing above and beyond the existing situation.
- 7.24 The position of house 1 beside the flank wall of the western neighbour with no primary windows and the fact that an access road sits between the two dwellings is considered to prevent significant harm in terms of overshadowing to this neighbour as the greatest impact will be on the access road and an elevation with no primary windows.
- 7.25 The front and rear first floor windows of house 1 will not cause harmful overlooking to any existing neighbouring property. The small non-habitable room first floor windows in the eastern elevation will not cause overlooking given they will look out onto a blank flank wall. The western first floor windows could allow views into the windows of the neighbour on this side so a condition is recommended requiring these windows to be obscure glazed. This will prevent overlooking from house 1.
- 7.26 House 2 is a significant distance from any neighbouring property which will prevent significant harm in terms of overshadowing, overdominance and visual intrusion to any existing neighbour.
- 7.27 House 2 will have first and second floor windows which face the rear of the dwellings in Martin Close. These windows will be approximately 26m from the rear elevation of the nearest dwelling and approximately 21m from the rear boundary of these properties. This exceeds the recommended minimum of 21m between facing habitable rooms from the Design Guide and the additional distance above this minimum is sufficient to prevent significant harmful overlooking even when the raised position of house 2 relative to these neighbours is considered. The intervening vegetation near the boundary will also help reduce any perceived overlooking but it is not necessary to rely on this to prevent significant harm given the adequate distances between the dwellings.
- 7.28 The access road serving house 2 will run alongside the flats to the east. Given this road will only serve one dwelling it is not considered that this new road will significantly harm neighbours through noise and disturbance. Neighbouring properties have raised concerns about the surface and foul water pumps, but these are underground and covered and this together with the distance to neighbouring properties from the pumps will prevent harm in terms of noise and vibrations.

7.29 **Intended occupiers**

Both dwellings will provide sufficient internal and external space and these spaces will not be harmfully overshadowed and there will be sufficient outlook from habitable rooms.

7.30 Neither dwellings will be harmfully overlooked by any existing property. The dwellings are approximately 22m apart which again exceeds the minimum recommended in the Design Guide for back-to-back distances whereas this is a front to back relationship. Given front-to-front distances can be as low as 10m as per the Design Guide it is clear that a front elevation is less vulnerable to harmful overlooking and hence the 22m is sufficient to prevent significant harm to the intended occupiers of house 2 through overlooking from house 1 despite its higher position.

7.31 House 2 is more than 10m from the rear boundary of house 1 and this boundary is more than 10m from the rear elevation of this house which exceed the minimum distances recommended in the Design Guide and hence the rear garden of house 1 will not be harmfully overlooked by house 2.

7.32 Overall, subject to the recommended condition, it is considered that existing neighbours will not be significantly harmed by the proposed development and the intended occupiers will enjoy sufficient living conditions. Therefore, officers consider that the application accords with policies DP23 and DP24.

7.33 **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.

7.34 Policy TI1 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 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.

7.35 The net increase of one dwelling is unlikely to harm the local highway network. The site is in a sustainable location with good access to local services and frequent public transport by foot and bicycle. Therefore, the intended occupiers will not be reliant on the private motorcar for access to their day-to-day needs.

7.36 Both dwellings will be accessed via the existing vehicular access onto Cumnor Hill. This access will be intensified given an additional dwelling will now be using it. The highways engineer has requested that vision splays be provided for this access to ensure this is safe for the two dwellings and because there is vegetation which appears to overhang the highway. This condition is

recommended and subject to this it is held that adequate and safe access to both dwellings from the public highway will be provided.

- 7.37 Each dwelling will have three car parking spaces which accords with adopted standards and there is sufficient turning space provided to allow cars to enter and leave the site in a forward gear. The highways officer has requested conditions requiring the car parking and turning spaces to be provided and retained. This is recommended.
- 7.38 The parish have raised concerns about fire engine access given the long length of the access road. Building regulations requires fire engines to be able to get within 45m of all parts of the dwelling and for a turning area to be provided if the access road is more than 20m long. 20m along the proposed access road is within 45m of all parts of the dwelling and hence the lack of turning space within the site does not mean suitable access for fire fighters cannot be provided.
- 7.39 Despite this, building regulations require that the access road be a minimum of 3.7m wide whereas the part of the access past the bin store is only 3.1m. Nevertheless, the regulations state that gateways must be 3.1m wide so this demonstrates that small sections can be this narrow and the actual clearance between the dwelling and the fence is over 3.7m so the small narrow section does not prevent access and therefore officers consider that it has sufficiently been demonstrated that the adequate access for emergency services can be provided.
- 7.40 Details of cycle parking have been provided but the siting of this is not shown on the plans. Therefore, a condition is recommended requiring details of this to ensure that sustainable modes of travel are encouraged.
- 7.41 There will be no harm to the local highway network, parking which accords with standards is provided, subject to the recommended conditions safe and adequate access will be provided for all users and sustainable modes of travel will be encouraged. Therefore, officers consider that application accords with policies CP33, CP35, CP37, DP16 and TI1.
- 7.42 **Flooding/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. The policy also requires a Flood Risk Assessment (FRA) for all developments of 1 hectare and greater in Flood Zone 1 and, for all proposals for new development, including minor development and change of use in Flood Zone 2 and 3 and, in Critical Drainage Areas in accordance with footnote 59 of the NPPF.
- 7.43 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.

- 7.44 The site is in Flood Zone 1 so it is unlikely to be at risk from fluvial flooding. The drainage engineer initially raised concerns about the risk from surface water flooding but the applicant's agent provided additional information which showed the risk from surface water flooding is low. The site is also outside of the groundwater flooding risk zones from the Neighbourhood Plan's flood risk assessment. Therefore, it is held that the risk from flooding to the site is low and the sequential and exception tests are not applicable.
- 7.45 Despite the risk of flooding from all sources being low it must be ensured that the development does not increase the risk of flooding elsewhere. The site is essentially impermeable due to its geology and hence infiltration is not appropriate. The slope from the highway also presents challenges in terms of discharging surface water as gravity cannot be relied upon and the only discharges at a suitable level would require the laying of pipes on third party land. Therefore, pumping up to Cumnor Hill is proposed. The council's drainage engineer initially raised concerns about this solution but additional information on the system was provided including emergency storage in the event of failure of the pump or a 1 in 100 year storm event. Following the submission of this information the drainage engineer is satisfied that surface water flooding risk will not be increased and the specific facts of the site justify the proposed solution to surface water drainage.
- 7.46 Foul water from the rear dwelling will also need to be pumped up to the public sewer at the top of the site. Following the submission of additional information, the council's drainage engineer is content that the proposed system has sufficient capacity to ensure that foul water is suitably discharged from the site. Conditions are recommended requiring the implementation of the surface and foul water drainage schemes in accordance with the approved details.
- 7.47 The council's drainage engineer has requested conditions requiring the submission of a construction phase surface water drainage management scheme and verification that the surface and foul water drainage schemes have been implemented in accordance with the approved details. Given there are areas of surface water flooding risk in the vicinity of the site and pumping is required to ensure the site is effectively drained these conditions are necessary and reasonable to ensure flood risk is not increased during construction or during the lifetime of the development. Subject to these conditions it is held that the development accords with policies CP42 and RNE2.
- 7.48 **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.

- 7.49 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.
- 7.50 This application was submitted prior to the introduction of mandatory biodiversity net gain (BNG). However, the provisions of policies CP46 and RNE1 are still applicable.
- 7.51 There are unlikely to be impacts on protected habitats or species especially if the mitigation and enhancement recommendations of the ecological impact assessment (EIA) report submitted with this application are implemented and details of a sensitive lighting scheme is agreed. These are recommended to be secured via condition.
- 7.52 As previously stated, mandatory BNG is not applicable to this application but the net loss in biodiversity from the development from the loss of garden and trees and shrubs must be mitigated to prevent a net loss in accordance with policies CP46 and RNE1. The council's ecology officer agrees with the EIA that the opportunities for habitat creation on the site are limited and instead they recommend a condition requiring the submission of evidence that off-site offsetting has been purchased. This condition is necessary and reasonable to ensure that a net loss in biodiversity is avoided and hence it is recommended.
- 7.53 As, subject to the recommended conditions, protected habitats and species will be unharmed and a net loss in biodiversity will be avoided it is held that the application accords with policies CP46 and RNE1.
- 7.54 **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.
- 7.55 Each dwelling is provided with a bin store which demonstrates that there is sufficient space for the storage of waste within the curtilage of the proposed dwellings. A bin lorry will not be able to turn within the site and hence bins will need to be presented at the highway edge. This will require the occupier of house 2 to take the bins approximately 40m. Whilst this is a significant distance it is not so great as to make the presentation of waste impossible nor impractical and the council's waste management officer has no objection. Therefore, it is held that the application accords with policy DP28.

7.56 **Community Infrastructure Levy (CIL)**

The development is liable to pay CIL. The liability for the amount of proposed floor space and the amount which is to be demolished is £205,396.76. Any exemption or relief must be agreed prior to the commencement of development.

7.57 **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.

Pre-commencement conditions are recommended. Agreement to these conditions was received on 5 August 2024.

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 and subject to the recommended conditions officers consider that the development will be unharmed to visual and neighbour amenity, highway safety, ecology and flood risk. Therefore, the application is considered to accord 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 **attached** at Appendix 1.

10.0 **RECOMMENDATION**

Planning permission is granted, subject to the following conditions:

Standard

1. Commencement Date

2. Approved plans

Pre-commencement

- 3. Tree Protection**
- 4. Biodiversity offsetting**
- 5. Construction phase surface water management**

Pre-slab level

- 6. Access details**
- 7. Landscaping (incl hardsurfacing and boundary treatment)**
- 8. Lighting strategy**

Pre-occupation

- 9. Surface and foul water drainage**
- 10. Foul water compliance report**
- 11. Surface water compliance report**
- 12. Cycle parking**
- 13. Car parking**
- 14. Turning space**
- 15. Wildlife Protection (mitigation as approved)**
- 16. Bin storage**

Compliance

- 17. Materials**
- 18. Obscure glazing**
- 19. Retain garage accommodation**

Informatives

- 20. INF17 - Works within the Highway**
- 21. CIL- Planning permission or reserved matters approval (Vale)**

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Appendix

Recommended Conditions (full text):

Sequence	Description	Details
1	Commencement Date	<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, PA108 Rev A, PA107 Rev A, PA104 Rev B, 2414_02 Rev P3, 2414_01 Rev P3, PA 100, PA 105, PA 206, PA 101 and PA 102, 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	Tree Protection	<p>Prior to the commencement of any site works (including demolition or site clearance) a protected area shall be designated for all existing trees which are shown to be retained, and the trees shall be protected in accordance with a scheme which complies with the current edition of BS 5837: "Trees in relation to design, demolition and construction" that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be kept in place during the entire course of development.</p> <p>Reason: To safeguard trees which are visually important (Policies CP37 and CP44 of the adopted Local Plan 2031 Part 1 and policies DBC1 and RNE1 of the Cumnor Neighbourhood Plan).</p>
4	Biodiversity offsetting	<p>No development shall commence unless and until a certificate confirming the agreement of an Offsetting Provider to deliver a Biodiversity Offsetting Scheme, totalling a minimum of 0.44 area biodiversity units, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council</p>

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		<p>shall not be issued before the certificate has been issued by the Offset Provider. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for their records.</p> <p>Reason: To prevent a net loss in biodiversity (Policy CP46 of the of the adopted Local Plan 2031 Part 1 and Policy RNE1 of the Cumnor Neighbourhood Plan).</p>
5	Construction phase surface water management	<p>Prior to the commencement of development, with the exception of any demolition, a construction phase surface water management strategy scheme shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how surface water will be managed throughout the construction phase. The approved scheme shall be implemented in accordance with the approved details prior to the commencement of the post demolition development hereby approved and thereafter remain in place for the duration of the development. The construction phase surface water management strategy scheme shall include:</p> <ol style="list-style-type: none"> 1. A statement explaining and detailing how surface water will be managed during construction. 2. A work breakdown structure demonstrating each step of drainage installation. <p>Reason: To ensure the effective drainage of the site (Policy CP42 of the adopted Local Plan 2031 Part 1 and Policy RNE2 of the Cumnor Neighbourhood Plan).</p>
6	Access details	<p>Prior to the commencement of development above slab level, details of vehicular access to the site shall be submitted to and approved in writing by the Local Planning Authority. Vision splays measuring 2.4 metres by 43m metres shall be provided to each side of the access, within the highway or land in the control of the applicant and the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level. The access and visibility splays shall be provided prior to the occupation or use of the new development and, thereafter,</p>

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		<p>the visibility plays 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 Local Plan 2031 Part 2 and Policy TI1 of the Cumnor Neighbourhood Plan).</p>
7	<p>Landscaping (incl hardsurfacing and boundary treatment)</p>	<p>Prior to the construction of any development above slab level a scheme for the landscaping of the site, including the planting of live trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, and an implementation programme. The scheme shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.</p> <p>Reason: To help to assimilate the development into its surroundings (Policies CP37 and CP44 of the adopted Local Plan 2031 Part 1 and Policy DBC1 of the Cumnor Neighbourhood Plan).</p>
8	<p>Lighting strategy</p>	<p>Prior to the construction of any development above slab level, a sensitive lighting strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their</p>

		<p>breeding sites or resting places or along important routes used to access key areas of their territory, for example for foraging; and</p> <p>b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. No other external lighting be installed without the prior consent from the local planning authority. If no external lighting is proposed, this should be confirmed in writing to the Local Planning Authority before any works start on site.</p> <p>Reason: To protect the important species on the site (Policy CP46 of the of the adopted Local Plan 2031 Part 1 and Policy RNE1 of the Cumnor Neighbourhood Plan).</p>
9	Surface and foul water drainage	<p>The surface and foul water drainage schemes as shown on the approved drawings/documents 2024-05-01 Email from agent, SUDS Report A , Drainage Details drwgno 2414 02 Rev P3 and Drainage Layout drwgno 2414 01 Rev P3 shall be fully implemented prior to the occupation of any new building in accordance with the approved details.</p> <p>Reason: To ensure the effective drainage of the site and to avoid flooding 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>
10	Foul water compliance report	<p>Prior to the occupation of any dwellings, a foul water drainage Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must suitably demonstrate that the foul water drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following;</p>

		<p>1) Inclusion of as-built drawings in DWG or DXF format,</p> <p>2) Inspection details of key foul water drainage features such as the manhole chambers, and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated,</p> <p>3) Details of any remediation works required following the initial inspection,</p> <p>4) Evidence that that remedial works have been completed.</p> <p>5) CCTV survey.</p> <p>Reason: To ensure the effective drainage of the site and to avoid flooding 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>
11	Surface water compliance report	<p>Prior to the occupation of any dwellings, a SUDS Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must suitably demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following;</p> <p>1) Inclusion of as-built drawings in DWG or DXF format,</p> <p>2) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated,</p> <p>3) Details of any remediation works required following the initial inspection,</p> <p>4) Evidence that that remedial works have been completed.</p> <p>5) CCTV survey.</p> <p>Reason: To ensure the effective drainage of the site and to avoid flooding (Policy CP42 of the adopted Local Plan 2031 Part 1 and Policy RNE2 of the Cumnor Neighbourhood Plan).</p>

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12	Cycle parking	<p>Prior to the use or occupation of the new development, provision for parking bicycles on the site shall be made in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved bicycle parking shall be permanently retained.</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 T11 and RES1 of the Cumnor Neighbourhood Plan).</p>
13	Car parking	<p>Prior to the use or occupation of the new development, the car parking spaces shown on approved drawing number PA104 Rev B shall be constructed, surfaced and marked out. The parking spaces shall be constructed to prevent surface water discharging onto the highway. Thereafter, the parking 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 T11 and RNE2 of the Cumnor Neighbourhood Plan).</p>
14	Turning space	<p>Prior to the use or occupation of the new development, the turning space shown on approved drawing number PA104 Rev B shall be constructed to enable motor vehicles to enter the site, turn around and leave in a forward direction. 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 T11 and RNE2 of the Cumnor Neighbourhood Plan).</p>
15	Wildlife Protection	<p>The development hereby approved shall be implemented in full accordance with the method statements for mitigating construction impacts on protected species (bats, nesting</p>

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	(mitigation as approved)	<p>birds and hedgehogs) and with the proposed enhancements for protected species (bats, nesting birds and hedgehogs) set out in Section 6.3 of the Ecological Impact Assessment report submitted with the application (Windrush ecology, dated February 2024). Any variation shall be agreed in writing by the Local Planning Authority before such change is made. All ecological mitigation and enhancement features shall be delivered on site prior to first use and retained as such thereafter.</p> <p>Reason: To protect the important species on the site (Policy CP46 of the of the adopted Local Plan 2031 Part 1 and Policy RNE1 of the Cumnor Neighbourhood Plan).</p>
16	Bin storage	<p>Prior to the occupation of each dwelling, provision shall be made for storing domestic refuse and recycling materials for that dwelling in accordance with the details shown on the approved drawings PA104 Rev B and PA108 Rev A. 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>
17	Materials	<p>The development shall be built using only the external materials specified on the forms and shown on the approved drawings and the 'Schedule of Materials' document 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 Policy DBC1 of the Cumnor Neighbourhood Plan).</p>
18	Obscure glazing	<p>Notwithstanding any details shown on the approved drawings, the new first-floor window(s) on the western elevation of House 1 shall be glazed with obscured glass and shall be fixed shut, apart from a top-hung opening vent only. Thereafter, the window(s) shall</p>

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		<p>remain obscure glazed with top-hung opening vents only.</p> <p>Reason: To protect the privacy of adjacent dwellings (Policy DP23 of the adopted Local Plan 2031 Part 2).</p>
19	Retain garage accommodation	<p>Notwithstanding the provisions of Class E 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 garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose.</p> <p>Reason: To retain adequate on-site parking provision in the interest of highway safety (Policies CP35 and CP37 of the adopted Local Plan 2031 Part 1 and Policy T11 of the Cumnor Neighbourhood Plan).</p>
20	CIL- Planning permission or reserved matters approval (Vale)	<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 http://www.whitehorsedc.gov.uk/cil together with the process for paying CIL.</p>
21	INF17 - Works within the Highway	<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>

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		<p>i. - a Section 184 Notice under the Highways Act 1980, or</p> <p>ii. - a legal agreement between the applicant and Oxfordshire County Council</p>
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