

CUM/16152/1 – MD Homes
Demolition of existing dwelling. Outline planning application for residential development creating 13 units.
119 Cumnor Hill, Oxford, OX2 9JA.

1.0 The Proposal

- 1.1 This is a proposal to demolish the existing dwelling and erect a block of 5 flats and 8 new dwellings. It is an outline application with all matters reserved, with accompanying illustrative plans.
- 1.2 The site is located on the eastern side of Cumnor Hill, and is surrounded by detached dwellings in reasonably sized plots. Its access onto the Hill is jointly shared with 119a Cumnor Hill. The site is believed to originally have been an old quarry working which has resulted in no 119 Cumnor Hill being significantly lower than surrounding properties. This is most noticeable with the land to the rear of the site where the changes in level compared to No 121 Cumnor Hill are such that the proposed dwellings would be well below the rear garden level of this property.
- 1.3 A copy of the illustrative plans showing the location of the site, how the site could potentially be developed and extracts of the supporting information are attached at **Appendix 1**. The plans have been amended to correct a minor drafting error.
- 1.4 The application comes to Committee because, whilst the application is recommended for refusal on drainage and financial contribution grounds only, Officers wish to seek Committee's views in respect of all of the issues raised in the report to give Members the opportunity to include other refusal reasons if they consider it appropriate to do so. Members will be aware that grounds for refusal would be material to the consideration of any future proposal, if and when the drainage issue is resolved, so if other concerns are not raised now they could not reasonably be raised in the future on an identical resubmission.

2.0 Planning History

- 2.1 Planning permission was granted in January 2000 for an extension to the existing dwelling.

3.0 Planning Policies

- 3.1 *Vale of White Horse Local Plan 2011*
Policy GS5 (making efficient use of land and buildings) seeks to promote the efficient re-use of previously developed / unused land and buildings within settlements (provided there is no conflict with other policies in the Local Plan).
- 3.2 Policy H10 (development in the five main settlements) enables new housing development within the built-up area of Cumnor Hill, provided it makes efficient use of land, the layout, mass and design of the dwellings would not harm the character of the area and it does not involve the loss of facilities important to the local community (i.e. informal public open space).
- 3.3 Policy H15 (housing densities) seeks net residential densities of at least 40 dwellings per hectare in the five main settlements, provided there would be no harm to the character of the surrounding area or the amenities of adjoining properties.

- 3.4 Policies DC1, DC5, DC6, DC8, DC9, DC13 and DC14 (quality of new development) are relevant and seek to ensure that all new development is of a high standard of design / landscaping; does not cause harm to the amenity of neighbours; suitable social and physical infrastructure exists for the development or can be provided; is acceptable in terms of highway safety; will not exacerbate known flooding problems and will not result in adverse surface water run-off.
- 3.5 *Oxfordshire Structure Plan 2016*
Policy G3 (infrastructure and service provision) states that proposals for development will not be permitted unless necessary infrastructure is available, or will be provided.
- 3.6 Policies EN9 (flood risk and surface water drainage) and EN10 (water resources and waste water infrastructure) seek to ensure that proposals do not worsen flood risk elsewhere and are only permitted where adequate water resources and waste water infrastructure exist or can be provided without risk to existing water quality or the water environment.
- 3.7 PPS3, "Housing", is also relevant and reiterates the key objective of developing previously developed sites within urban areas, where suitable, ahead of greenfield sites and making the most effective and efficient use of land. It also comments on the importance of design, in that proposed development should complement the neighbouring buildings and the local area in general in terms of scale, density, layout and access. Paragraph 12 confirms that good design is fundamental to the development of high quality new housing, whilst Paragraph 13 goes on to state that design which is inappropriate in its context, or which fails to take the opportunities for improving the character and quality of an area and the way it functions, should not be accepted.
- 4.0 **Consultations**
- 4.1 **Cumnor Parish Council** objects to the application, and their comments are attached at **Appendix 2**.
- 4.2 County Engineer – "There are no objections in principle to the proposal. However, the proposed landscaping along the highway frontage should be constrained to be outside the visibility splay defined by a line 2.4m from the kerb at the centre of the access to a point 120m away along the kerb line and maintained such that foliage from any adjacent planting does not impair the visibility in future. The footway and visibility splay along the frontage of the development should be resurfaced prior to occupation."
- 4.3 County Funding Officer – financial contributions are required.
- 4.4 Drainage Engineer – "Insufficient information has been submitted to demonstrate how surface water runoff is to be managed and that the development presents no flood risk to adjoining / downstream properties. To state that a sustainable drainage system is to be used is insufficient. The applicant must demonstrate how surface water is to be managed and show that the proposed system is feasible, will be properly maintained and does not present a flood risk. An ordinary watercourse is shown to run through the site and no information has been provided as to whether this is to be retained, diverted or piped. The Environment Agency's current policy is not to grant consent for piping of watercourses. Furthermore, no report has been submitted in respect to the ecology of the watercourse. In respect of foul water drainage, Thames Water will

need to be consulted about available capacity of the sewerage system. It is therefore recommended that the application be considered for refusal on flood risk grounds.”

- 4.5 Arboricultural Officer – “This is a well treed site set down in a hollow. There are 2 concerns – loss of existing trees, and amount of shading for new houses and likely request for pruning / removal of trees from the site.”
- 4.6 Environmental Health – no objections.
- 4.7 Environment Agency – objections to use of on site drainage works (e.g. septic tanks or cesspools).
- 4.8 14 letters of objection have been received from local residents raising the following issues:–
- Proposal is an overdevelopment of the site
 - It will harm the character of the area.
 - The density is too high.
 - There is a drainage ditch on site. There does not appear to be sufficient space to build a house to the north of the ditch. If it is built over, the ditch could cause serious flooding to surrounding properties, and those further afield.
 - The landscaping shown on the illustrative plan is outside the development site.
 - The proposed landscaping is poor and needs substantial additional screening.
 - A proposed on site waste treatment plant is not acceptable.
 - There is no information on how the sustainable drainage system will operate, and the consequences of increased surface water runoff.
 - The proposal will significantly increase traffic onto an already busy road.
 - The existing access is inadequate for both construction vehicles and future residents.
 - The proposed flats will overshadow and overlook neighbouring properties and is over dominant.
 - The access drive will be unneighbourly through noise and disturbance from vehicles.
 - Loss of privacy / outlook / light to neighbours.
 - There is a covenant on the land that prevents development (this is not a material planning consideration).
 - This is an important open space for wildlife.
 - Private amenity space appears inadequate.
 - The proposal will place extra strain on existing social infrastructure.
 - No thought has been given to the structural stability of higher ground that surrounds the site, and the mature trees within the site.
 - Proposal will exacerbate existing drainage problems.

5.0 **Officer Comments**

- 5.1 The main issues in this case are considered to be 1) the principle of the development in this location, 2) the impact of the proposal on the character and appearance of the area, including its scale and layout, 3) the impact of the proposal on neighbouring properties, 4) the safety of the access and parking arrangements, 5) precedent and 6) drainage.
- 5.2 On the first issue, Cumnor Hill is identified in the Local Plan as an area that can accommodate new housing development providing the layout, mass and design would

not harm the character of the area (Policy H10). PPS 3 'Housing' also makes it a priority to use previously developed land in urban areas for new housing (i.e. including gardens), although it does say that not all previously developed land is necessarily suitable for housing development. In addition, PPS3 encourages the use of innovative approaches to achieve higher densities within existing settlements. In this respect, paragraphs 9 and 10 specifically refer to the Government's strategic housing policy goal to create sustainable, inclusive, and mixed communities in all areas, with the planning system delivering a mix of housing to support a wide variety of households at a sufficient quantity to take account of need and demand and so improve choice. The principle of a development of flats, semi-detached and detached dwellings in the manner proposed, therefore, is considered an acceptable and appropriate form of development in this location.

- 5.3 Regarding the second issue, the development in the form proposed is not considered to be harmful to the character of the locality. The illustrative drawings show a layout and scale that could be designed to fit with the grain of the area, and at a density of 36 dwellings per hectare such an approach is not considered to be an overdevelopment of the site. The block of flats is set well back from Cumnor Hill and its impact on the character of the area would be minimal given the varying slope of the site and existing planting on the roadside boundary. The likely heights of the proposed dwellings are also considered acceptable. Other 2 storey dwellings exist in the vicinity, and as such the development in the form proposed is not considered to be out of keeping. The suggested arrangement of dwellings to the rear is also considered by your Officers to be appropriate and work well with the site's varying levels.
- 5.4 Turning to the third issue, the impact on neighbouring properties, the properties most affected will be those that immediately surround the site. Whilst the detailed design of the development is a reserved matter, it is considered that a scheme could be designed to avoid direct overlooking of adjoining dwellings and any harmful impact on light / privacy or security to neighbouring dwellings.
- 5.5 On the issue of parking and access, the proposed arrangements are considered acceptable. Adequate visibility can be achieved at the new access to ensure pedestrian and highway safety and parking and turning arrangements within the site as shown on the illustrative plan are acceptable. Consequently, the County Engineer has no objections to the proposal.
- 5.6 With regard to precedent, whilst this can be material where other sites suitable for similar development can be identified in the locality, each proposal must be considered on its own merits. In this case, there are other potential sites in the vicinity that could be the subject of a similar proposal. However, given the thrust of Government guidance on new housing, particularly in terms of making more efficient use of land within settlements, Officers consider that the issue of precedent is not such as to warrant refusal of this application.
- 5.7 The final issue is drainage. Thames Water acknowledges that the development will exacerbate known flooding problems in the area and they are recommending refusal of schemes which would connect to the public sewerage system. The Environment Agency also objects to the use of on site sewage works. As drainage issues cannot be overcome by imposing conditions, the proposed development would detrimentally exacerbate known flooding problems in the locality.

5.8 An additional reason for refusal is required as the applicants have yet to agree to pay the financial contributions requested by Oxfordshire County Council (i.e. submit a signed Section 106 unilateral undertaking).

6.0 **Recommendation**

6.1 *That planning permission be refused for the following reasons:*

- 1 *On the basis of the information provided with the application it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development can be adequately drained and therefore that it will not exacerbate known surface water flooding and sewage overflow problems in the locality. Investigations into the network capacity issues in the area are underway and until these are complete and any resulting required improvements to the network to alleviate existing capacity constraints have been carried out, the development would be premature and would therefore exacerbate known drainage problems in the locality. As such the proposal is contrary to Policies DC8, DC9 and DC13 of the adopted Vale of White Horse Local Plan 2011, Policies G3, EN9 and EN10 of the adopted Oxfordshire Structure Plan 2016 and advice contained within PPS23 "Planning and Pollution Control" and PPS25 "Development and Flood Risk".*
- 2 *In the absence of financial contributions to meet the need for improved local services and infrastructure generated by the additional housing, the proposal would result in a detrimental impact on existing services and social infrastructure. As such the proposal is contrary to Policy DC8 of the adopted Vale of White Horse Local Plan 2011 and Policy G3 of the adopted Oxfordshire Structure Plan 2016.*