1.0 INTRODUCTION

1.1 The application site lies on the private section of Yarnells Hill and contains a single storey bungalow. A site location plan is attached at appendix 1. Immediately to the west lie four detached houses, the nearest one being Appleton Dene. To the east is a detached house known as Wycliffe Lodge. To the north is the allocated housing site off Lime Road that is currently under construction.

1.2 There is a significant slope on the site, down towards the south-east. There is a drop of three metres from the road to the level of the existing bungalow. The bungalow sits on a platform that is surrounded by a retaining wall that increases in height towards its south-east corner. The garden falls either side of the bungalow, particularly on the east side where there is a fall approximately 2.5 metres, and the south-east corner of the retaining wall is the equivalent amount above the garden at this point. There is a further drop of between four and six metres from the rear wall of the bungalow, and from the retaining wall, across the back garden. This makes a total drop of approximately nine metres from the road to the back of the site. To the south of the application site the land rises steeply once more to the Oxford Brookes Harcourt Hill campus. There are a number of mature trees on and around the site and the boundaries are generally marked by mature shrub and hedge planting. There is a close boarded fence along the west boundary.

1.3 Within the rear garden of Wycliffe Lodge lies an extensive badger sett. Surveys have revealed that active entrances to the sett lie close to the boundary and that tunnels from these entrances appear to run westwards across the boundary with the application site and under the east side of the retaining wall of the existing bungalow. There is a crack in the retaining wall which is considered to be attributable to this excavation.

1.4 The private section of Yarnells Hill is single width and contains detached houses in generous plots with mature landscaping. It is excluded from the Oxford Green Belt.

2.0 PROPOSAL

2.1 The applicant proposes to demolish the bungalow and replace it with a building containing eight two-bedroom flats. The building will have three storeys under a pitched roof and will provide improved access from Yarnell's Hill including a turning area for service vehicles, parking for 12 cars, covered cycle storage and enclosed bin store.
roof, with accommodation in the roof space. The application has been amended from its original form by reducing the height and width of the proposed building.

2.2 The proposal makes use of the existing changes in level. The existing slab level of the bungalow would be lowered by approximately 2.5 metres to provide a slab level for the building. The existing parking area at street level would be expanded towards the rear by building up from the existing level. The parking area would be increased in size from approximately 100sq.m to approximately 400sq.m. A new retaining wall would support the expanded parking area and the front wall of the new building would be set back from this retaining wall. The proposed levels changes are designed so that, when viewed from the road, only the upper two storeys and roof of the new building will be visible. From the rear, the new building would be three storeys under a pitched roof when viewed from within the site. The main ridge height will be approximately two metres lower than the main ridge of Appleton Dene, the detached house to the west. The amended application drawings are attached at appendix 2.

2.3 As amended the proposed building now has a maximum ridge height of 7.5 metres above the level of the front driveway, and 13 metres above the immediately adjacent part of the back garden. The principal element of the building has a width of 15.5 metres, with a main roof span of 7.5 metres. The building also has two gabled elements to the rear, one of which projects approximately five metres and the other approximately six metres.

2.4 The larger parking area will have 12 parking spaces (1.5 spaces per dwelling) and covered parking for 16 bicycles. The parking area has also been designed to allow for the turning of a large vehicle. A pedestrian bridge across the gap between the retaining wall and the building will link the car park to the main front door.

2.5 With regard to the suspected excavation by badgers underneath the existing bungalow a mitigation strategy has been produced. The details of this are attached at appendix 3. The strategy aims to close the tunnels without causing harm to the badgers. A license for closing the badger tunnels was granted by Natural England in June 2014, on the grounds of protecting the badgers from potential tunnel collapse and protecting the structural integrity of the bungalow. The work was not carried out and the license has expired. The strategy also includes measures to minimise disturbance to the badger sett from the construction of the proposed flats.

2.6 The part of the strategy that seeks to carefully seal the existing badger tunnels requires a trench to be hand-dug between the retaining wall of the bungalow and the boundary. This trench is likely to be up to 1.5 metres deep. This has implications for the existing hedge on the boundary with Wycliffe Lodge, alongside the bungalow, which is unlikely to survive. The implications of this are discussed further below.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 North Hinksey Parish Council
Original plans - object for the reasons attached at appendix 4.
Amended plans – comments were not in at the time of writing the report and will be updated verbally at committee.

3.2 Neighbours
Original Plans - 19 letters have been submitted raising objections to the application which can be summarised as follows:-

- The flats are out of keeping with the character of the area
- The proposed building is too large and out of keeping with the area
• Overlooking of adjacent neighbours from balconies, terraces and windows
• The additional traffic will cause danger on the single-width access lane, with tight bends, and at the junction with Lime Road which is shared with a bridleway
• The proposed parking is inadequate and will lead to parking congestion
• There is insufficient space for vehicles to turn safely at the end of the lane and this development will exacerbate these problems – the proposed turning area will not work
• Overdevelopment of the site and loss of green space
• The loss of trees will be greater than shown
• Impact on the badger sett that extends from the neighbouring property, Wycliffe Lodge
• The proposal will set back recent improvements to foul drainage and will likely require new drainage works which will disrupt the lives of neighbours
• It sets a precedent for similar proposals in the future

The following grounds for objection are not material planning matters.

• The occupants will differ from those in the lane and damage the existing community
• The proposal is likely to contravene a covenant

Amended Plans – At the time of writing the report, 11 further letters had been submitted, stating that previous objections had not been addressed and with the following additional objections:

• There has been inadequate consultation over the details of the application
• The information used to assess the trip generation is inaccurate
• Boundary treatments are unclear and future residents may trespass

3.3 County Highways Officer
The county highways officer has carefully assessed the proposal in light of the following. The site is in a relatively sustainable location close to a bus service on Lime Road. This means that, following government guidance, parking levels should be reduced to encourage use of public transport. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the traffic impact is “severe”. When compared to the existing level of traffic using the road, the likely additional traffic generated should not have an impact that is severe. In light of these factors, the county highways officer has no objection to the application. He welcomes the intention to allow large vehicles, including refuse vehicles, the ability to turn as there is no such ability in the lane at present and would require the turning area to be constructed to adoptable standards.

3.4 The Countryside Officer
The countryside officer initially objected to the application due to the impact on the badger sett, but he removed his objection following the submission of the mitigation strategy. His comments are attached at appendix 5.

3.5 Thames Water
It is likely that a new sewer needs to be laid from the site to take the foul drainage from the proposal. A sewer impact study will be required to assess what work needs to be done. This impact study, and the new works identified, can be secured via a Grampian condition that will require the approved new works it to be completed prior to the construction of the flats.
3.6 **Drainage Officer**
Initally raised a holding objection requiring more information on foul drainage and on surface water drainage. Thames Water has stated that a Grampian condition will be acceptable for foul drainage. The drainage engineer has also removed his holding objection on surface water drainage subject to the details of a strategy being submitted, and agreed, prior to the commencement of any development.

3.7 **Forestry Officer**
Based on the works proposed in the submitted arboricultural report there are no trees of public amenity value to be removed and those that are to remain should be protected from harm. No objections subject to conditions requiring the measures in the arboricultural report to be followed.

3.8 **Waste Officer**
Requires that the proposed bin store meets council standards and comments that refuse vehicles would not enter private property to turn. A request of £1360 is made towards the provision of bins.

4.0 **RELEVANT PLANNING HISTORY**
4.1 None

5.0 **POLICY & GUIDANCE**
5.1 **National Planning Policy Framework, 2012**
The NPPF replaced all existing PPG’s and PPS’s. It introduced the presumption in favour of sustainable development. Sustainable development has three inter-related dimensions, economic, social and environmental. The following paragraphs are considered to be relevant to this application:-

17 – core planning principles
49 – relevant housing supply policies are out of date where there is no five-year supply of housing land
50 – the delivery of a wide choice of homes and the creation of sustainable, inclusive and mixed communities
53 – inappropriate development of residential gardens that causes harm to the local area should be resisted
58 – the design of new buildings should be high quality, inclusive and reflect the identity of local surroundings

5.2 **Planning Practise Guidance, 2014**
This provides supplementary advice to the NPPF

5.3 **Adopted Vale of White Horse Local Plan 2011**
The polices of the adopted local plan relevant to the application are:-

DC1 – the design of new development
DC5 – highway and public safety
DC7 – waste collection
DC8 – the impact on local infrastructure
DC9 – the impact of development on neighbours

These polices are considered to be fully consistent with the NPPF and should be given full weight.

5.4 **Residential Design Guide 2009**
This is an supplementary planning document (SPD) adopted in 2009
6.0 PLANNING CONSIDERATIONS

6.1 Following the NPPF the proposal needs to be assessed as to whether or not it is sustainable development. Sustainable development has three mutually dependent dimensions, economic, social and environmental.

6.2 With regard to the economic and social dimensions, the site is located in Botley which, being a suburb of Oxford, has relatively good opportunities to use modes of transport other than the private car, to local access services and facilities, and to use rail connections at Oxford to go further afield. There is a regular bus service along Lime Road and the proposal includes on-site secure cycle parking. These factors have informed the assessment of the county highways officer. In view of the relatively good opportunities to use non-car modes of transport, and in line with national policy, he considers the proposed parking provision to be acceptable.

6.3 The area is comprised of family housing and the proposal represents the introduction of flats into the area. However, the NPPF continues previous national guidance in supporting the creation of mixed communities and, in light of this, officers consider a refusal of planning permission could not be based on this issue. Overall, the development scores relatively well in the economic and social dimensions.

6.4 The environmental dimension also needs to be examined. It includes the impact of the proposed development on the character and appearance of the area, the quality of the environment for future residents, the impact on neighbours, the issue of highway and public safety, waste collection, the issue of foul drainage, and the impact on the local badger population.

6.5 With regard to the impact on the area, the reduction in the height and width of the proposed building means that it is closer in scale and bulk to the larger detached houses in the locality. Objectors argue that the proposed building is completely out of scale with buildings in the area. The applicants argue that, due to the use of level changes, the only public view of the development from the road will be restricted to the upper two floors and that, from adjacent gardens, views will be restricted to some degree by the existing boundary planting and also by the screening provided by new retaining walls that will hide some of the lower elements of the building below garden level. They argue that the building as now amended will look little different to the house to the west, Appleton Dene, which is split-level and three storeys in height when viewed from the much lower back gardens. Objectors argue that a significant proportion of the existing boundary planting will be removed to make way for the increased parking area, retaining walls, the new building, and the works to mitigate the badger tunnels along the east boundary. This will mean the building and its associated development will be more visible than has been alleged.

6.6 Officers acknowledge that the site is relatively unusual in terms of the significant fall in levels and the degree of mature landscaping around it. Members are advised to give this matter particularly careful attention. It needs to be borne in mind that much of the boundary planting is deciduous and will provide less screening in winter. It is also true that the existing boundary planting along the east side of the bungalow is likely to be lost due to the need to hand dig a 1.5 metre deep trench along this part of the boundary to close the badger tunnels. This area of loss coincides with the rear most part of the proposed parking area.

6.7 The applicants have submitted an arboricultural report which indicates some trees on the site will be removed. These are considered to be less significant trees in terms of their quality and the contribution they make to the area. The council’s forestry officer
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agrees with the conclusions of this report and has no objections subject to conditions.

6.8 Due to the use of changing levels it is likely that an observer from the road will only be aware of the upper two storeys, and that the apparent scale of the new building will be similar to the surrounding houses. Retaining walls will be used both to support the proposed increased parking area, and the garden around the lower parts of the new building. In light of the potential for some of the retaining wall supporting the new parking area to be visible from neighbouring houses, particularly from Wycliffe Lodge due to the works on the badger tunnels, the detailing of the wall, and the screen wall for the parking itself, will be important so that it has the appearance, in effect, of an appropriate boundary wall. This detail can be controlled via a planning condition.

6.9 Overall officers consider the amendments that have been made do mean that, from the viewpoints that are likely to be available from the side and rear, the building will have an apparent scale that is similar to the larger detached houses in the vicinity, particularly those that have a split-level and are three storeys at the rear. Consequently, due to the particular circumstances that pertain to the application site, officers consider that the scale and bulk of the proposed building does not cause harm to the character or appearance of the area. Subject to appropriate detailing, the proposed retaining walls are also considered to be acceptable.

6.10 A further issue to be considered is the impact of the proposed parking area to the front. The discussion in paragraph 6.7 above considers the issue of the potential visibility of retaining and boundary walling to the side of the parking area. A further issue is the view of the parking area from the road. The site has a total frontage of approximately 32 metres, but approximately 20 metres of this is taken up by a mature privet hedge. Currently there is a gravelled parking area at road level, some of which is visible through the existing gate, but the rest of which is screened by the hedge. The proposal retains the existing access and hedge, and increases the parking area. Some of the larger parking area will be screened by the hedge. When viewed from the road, the seven parking spaces proposed on the east side of the parking area will be visible. The remaining five spaces on the west side will be less visible. A number of the detached houses in the vicinity have parking areas in front gardens that are large enough to accommodate four or five cars. In view of this context, officers do not consider that the proportion of the parking area that is likely to be visible as part of the development is sufficient to justify refusal of the application.

6.11 Regarding the quality of environment for future residents, the level of amenity space will far exceed the council’s adopted minimum standard of 15 sq.m. per bedroom. A retaining wall is to be used in front of the lower two floors of the proposed building. This wall will sit in front of the proposed bedroom windows for the flats on the lower two floors. The flats are all designed with bedrooms at the front and lounges at the rear. One bedroom window in each of the two flats on the east side of the building will be approximately three metres from the wall. The six other bedroom windows on the lower two floors will be between 4.5 metres and 7.5 metres from it. In view of the dual aspect of the proposed flats, with all lounges facing the relatively large open communal garden to the rear, officers consider that the overall quality of living environment within the flats for residents will be acceptable.

6.12 Turning to the impact on neighbours, the proposed building is approximately 12 metres from the flank wall of Appleton Dene to the west and approximately 40 metres from Wycliffe Lodge to the north-east. These distances are such that there will be no harm caused to either neighbour by overshadowing. In terms of potential overlooking the proposed building includes side-facing windows serving bathrooms and kitchens. The bathroom windows will be obscure glazed and the kitchen windows can be made high-
level by condition to avoid harm from overlooking. Rear balconies are proposed with integrated privacy screens to prevent direct views to the side across neighbours’ gardens. More oblique views will be possible towards the lower part of neighbours’ back gardens, but this is not unusual within any residential area. With regard to concerns over possible trespass by future occupiers, a condition on boundary treatment is recommended to ensure that boundaries are not permeable. Overall, subject to appropriate conditions, the proposal is not considered to be harmful to the amenities of neighbours.

6.13 The issue of public safety for both future occupants and neighbours has been carefully assessed by the county highways officer. He is very mindful of government guidance on the need to encourage non-car modes of transport in locations that are well served by alternatives, and that transport issues should not lead to the refusal unless the impact is “severe”. Given the amount of additional traffic likely to be generated in a location that has relatively easy access to public transport and that is relatively bicycle friendly, he does not consider the impact to be severe.

6.14 The proposal includes on-site waste storage, the final details of which can be secured via condition, and has been designed to allow a turning space for a refuse vehicle or other larger vehicle within the site. The latter provides an opportunity to significantly improve the existing refuse service for all local residents which is provided by the refuse vehicle reversing along the road. The waste officer has commented that refuse vehicles should not enter private land. However, the existing road is private and refuse vehicles have a right of way over it. The applicant has clearly made this provision for refuse vehicles as an extension to the private road and is prepared to work with the council to enable it to be used by refuse vehicles (which may involve a legal indemnity, or other form of agreement), and the county highways officer has requested that the turning area be designed to adoptable standard. A condition is recommended to obtain a scheme of signage to enable the turning area to be reserved for the turning of large vehicles.

6.15 At the time of the development of the four detached houses to the west of the site, on the site of a former house known as Dene House, the turning area on the site was offered by the applicant for the same purpose, to enable refuse vehicles to turn. This subsequently proved not to be possible when the development became “gated” through the introduction of a mechanised gate which was not shown on the approved plans but which, in itself, was permitted development, and did not require planning permission. Should members be minded to grant planning permission, a condition to require a scheme to ensure access for refuse vehicles would be recommended, as well as one to remove permitted development rights to subsequently erect a gate.

6.16 The proposed foul drainage has been assessed by Thames Water. A new sewer has been recently installed in the road to provide improved foul drainage for the four houses to the west of the site. It has been agreed that this sewer will be upgraded to cater for the drainage from the application site. This can be secured via a Grampian condition.

6.17 The impact of the proposal on the adjacent badger sett is covered in the applicant’s mitigation strategy. The countryside officer has given careful consideration to the strategy and is satisfied, subject to the methods contained within the strategy, including the time at which works are carried out during the year, being followed.

6.18 The environmental considerations of the proposal raise a number of matters. Overall the proposal is considered to have an acceptable impact on the area, and on neighbours. The proposed living environment for future residents is considered to be acceptable, and the public safety element is also considered to be satisfactory. The
The proposal can be adequately drained, has adequate waste storage, and can be designed not to cause harm to the local badger population. In terms of environmental factors the proposal is also considered to be sustainable.

7.0 CONCLUSION
7.1 The proposal is considered to be a sustainable form of development in terms of economic, social and environmental dimensions. It accords with relevant policies of the adopted Vale of White Horse Local Plan 2011 and with the NPPF and the PPG.

8.0 RECOMMENDATION
8.1 It is recommended that authority to grant planning permission is delegated to the head of planning, in consultation with the chairman, subject to:-

The completion of a section 106 agreement to secure a financial contribution towards the provision of refuse and recycling bins.

Conditions as follows:-

1. TL1 – Time limit.
2. Approved plans.
3. MC2 – Samples of materials.
4. CN8 – Submission of details of retaining and boundary walls.
5. RE8 – Boundary treatments.
6. RE17 – Slab levels.
7. RE21 – Kitchen window sill heights 1.7 m above floor level.
8. RE28 – Obscure glazed bathroom windows.
9. CN8 – Submission of details of balcony screening.
10. MC29 – Sustainable drainage strategy in accordance with submitted details.
11. MC26 – Grampian condition for drainage details for foul water.
12. HY6 – Access, parking and turning as shown on plan.
13. HY11 – Turning space in accordance with details to be submitted.
14. CN8 – Details of scheme for refuse vehicles, including signage.
15. RE5 – Restriction on erecting gate on the access.
16. CN8 – Final details of bin storage.
17. CN8 – The development hereby permitted shall be implemented in strict accordance with the Badger Survey Report and Mitigation Strategy Windrush Ecology, (November 2014). Any variation shall be agreed in writing by the local planning authority before it is implemented.
18. No development shall commence, including demolition, until the local planning authority has been provided with either a specific license issued by Natural England pursuant to the Protection of Badgers Act 1992, or a written statement from Natural England stating that a license is not required.
19. LS2 – Landscaping scheme, including tree protection, to be implemented

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